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PROCLAMATION 4364

Law Day, U.S.A., 1975

By the President of the United States of America

A Proclamation

We cannot cherish justice and liberty unless we respect the law.

In order to preserve and strengthen our cherished freedoms, it is appropriate that we reaffirm the fundamental principle of justice through law for all Americans. We can do so in many ways and in many places—in the library and classroom, through grassroots civic and political work, and through a heightened awareness of the American system of law making and law enforcement. Let each of us reaffirm our devotion to and respect for the legal process without which neither life nor liberty would be secure.

Congress has requested that the first day of May of each year be proclaimed Law Day, U.S.A. (75 Stat. 43; 36 U.S.C. 164); and, that the American people be asked to celebrate that day in appreciation for the liberties we have acquired and preserved under the law.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, invite the people of the United States to observe Thursday, May 1, 1975, with appropriate programs and ceremonies, as Law Day, U.S.A. I especially urge that schools, libraries, churches, civic and service organizations, public bodies, the courts, the legal profession and the communications media take the lead in sponsoring, participating in, and publicizing suitable observances throughout the Nation. And I call upon all public officials to display the flag of the United States on all government buildings on that day.

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

Gerald R. Ford

[FR Doc.75-9605 Filed 4-9-75;12:48 pm]

rules and regulations

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

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

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 215—POWER GENERATOR FUEL REGULATION

Revision To Eliminate Prohibitions on the Use of Low Sulfur Petroleum Products

On February 10, 1975, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (40 FR 6787, February 14, 1975) to revise Part 215 to eliminate the prohibitions therein against the use of a petroleum product or blend of petroleum products with a sulfur content lower than that in use on December 7, 1973.

Nine written comments were received in response to the notice of proposed rulemaking and oral presentations were made by six persons at the public hearing, which was held on March 6, 1975. All comments and all presentations at the public hearing have been considered. Several modifications to the proposed regulation have been made, reflecting FEA's consideration of these comments and presentations as well as other information available to FEA.

The FEA stated in the preamble to the proposed revision of Part 215 that current reports indicated that shortages of low sulfur petroleum products are no more critical than is the case for petroleum products generally, and there had been no demonstration of which FEA was aware that disproportionate shortages of low sulfur petroleum products will recur in the foreseeable future. FEA specifically requested comments on this premise. Five of those commenting on the proposed revision disagreed with the conclusion of FEA with regard to low sulfur petroleum product shortages and stated the opinion that the revised Part 215 would have an adverse impact on the availability, price, production, and importation of low sulfur products. However, no written comments or oral presentations at the March 6, 1975 hearing presented information which demonstrated that a disproportionate shortage of low sulfur petroleum products exists presently or is likely to exist in the foreseeable future. Several comments referred to a letter from EPA Administrator Russell E. Train to Senator Jennings Randolph, Chairman of the Committee on Public Works, which stated that "Supplies of low sulfur fuel are not adequate to meet standards nationwide nor is stack gas scrubber equipment available in sufficient quantities." FEA has, however, been advised by the EPA that Mr. Train was referring to supplies of low sulfur coal, not petroleum. This is apparent from the context of the entire letter as well as from the reference to scrubbers contained in the same sentence (in view of the fact that scrubber technology is almost exclusively utilized in coal burning situations).

The FEA concludes, therefore, that its earlier position with regard to low sulfur petroleum shortages is valid. Should low sulfur petroleum product shortages arise in the future which would necessitate distinguishing among petroleum products on the basis of sulfur content, the FEA will propose means of precluding unnecessary end uses of such products at that time.

Having considered the comments and statements received, the proposed regulation, as modified, is adopted. Part 215, as revised, will no longer prohibit conversions among petroleum products by power generators subject to the provisions of Part 215. The use of petroleum products, of course, will continue to be subject to other FEA regulations relating to the mandatory allocation and pricing of petroleum products. For example, conversions from natural gas to petroleum products such as propane and butane may still be undertaken only after assignment of a supplier or an adjustment of base period volume by FEA pursuant to Parts 205 and 211. Initial conversion to petroleum products with sulfur content lower than that in use in a power generator during November, 1973, and each subsequent conversion to petroleum products having sulfur content lower than that resulting from the initial conversion may be undertaken only after notice of such action to FEA. Similarly, notice is required prior to an increase in the direct or indirect use of middle distillate in relation to other petroleum products over that consumed in the corresponding month of 1972 or in July 1973, as well as prior to any subsequent increase in the direct or indirect use of middle distillate over that resulting from the initial increase in direct or indirect use.

However, power generators subject to the provisions of Part 215 will continue to be precluded from converting from non-petroleum fuels to petroleum fuels except where such actions are certified by the appropriate state agency to be essential to meet primary ambient air quality standards and suitable non-petroleum fuels are not available; where conversion is necessary to avoid special hardship, inequity, or unfair distribution of burdens; where fuels necessary for compliance are not available; or where the conversion is from natural gas and alternative fuels cannot practically be utilized. The retention of that portion of Part 215, as part of FEA's allocation program, is necessary to address general petroleum product supply difficulties, as well as encourage the continued use of coal.

Specifically, § 215.3(a), which addresses the use of non-petroleum products as fuel for power generators, seeks to reduce the demand for petroleum products by prohibiting the allocation or sale of such products for use in power generators which were not burning petroleum products on December 7, 1973, except under specified circumstances. Similarly, § 215.3(b) precludes a disproportionate increase in the use of petroleum products over coal in power generators which burn both types of fuel. These allocation restrictions on the use of petroleum products vis-a-vis non-petroleum products will remain as part of FEA's effort to minimize the effects of shortages of petroleum products.

Section 215.2 has heretofore defined "petroleum products" in a fashion consistent with Part 211 of the FEA regulations. The FEA has modified that definition for the purposes of Part 215 by including petroleum coke within the definition. This change was made in recognition of the fact that the purpose of Part 215, as amended herein, is to prevent certain conversions from coal to petroleum products, and not to prevent conversions between two different petroleum products, regardless of whether or not they are subject to other FEA regulations relating to the mandatory allocation and pricing of crude oil, residual fuel oil, and refined petroleum products.

The proposed revision of Part 215 has also been modified with regard to the notice requirements. Since the purpose of the notice provisions is to provide the FEA with information as to permanently increased uses of petroleum products, temporary increases in the use of low sulfur petroleum products for peaking or substitution for normal base load production fuel are not useful to the FEA for the purposes of Part 215. Therefore, increases in use of petroleum products which would otherwise require prior notice to FEA are not required where the increased use of petroleum products is for the purpose of meeting peak generation capacity requirements or emergency generation requirements for 30 days or less.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 215 of Chapter II, Title 10 of the Code of

Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C. April 3, 1975.

DAVID G. WILSON,
Acting General Counsel,
Federal Energy Administration.

Part 215 is revised to read as follows:

Sec.

215.1 Purpose and intent.
215.2 Definitions.
215.3 Power generators burning non-petroleum products.
215.4 Power generators currently burning petroleum products.
215.5 New power generators.
215.6 Exceptions.
215.7 Notice to FEA.

AUTHORITY: (Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, as amended by Pub. L. 93-511; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185).

§ 215.1 Purpose and intent.

The purpose of this part is to assure the optimum use of limited supplies of petroleum products in a manner consistent with the provisions of the Clean Air Act, as amended, section 4(a) of the Energy Supply and Environmental Coordination Act of 1974 (Pub. L. 93-319), and the Clean Fuels Policy of the EPA. This part is not intended to affect or preempt the development of individual source compliance schedules or other actions associated with implementation of the Clean Air Act, except with regard to the timing of actual shifts to burning petroleum products during the period this part is in effect.

§ 215.2 Definitions.

For the purpose of this part—

"Clean Air Act" means the Clean Air Act as amended, 42 U.S.C. 1857 et seq. (1970), as amended by Pub L 93-319, 88 Stat. 246.

"EPA" means Environmental Protection Agency.

"FEA" means Federal Energy Administration.

"Petroleum product" means crude oil, residual fuel oil, refined petroleum products and petroleum coke as defined in § 211.51 of Part 211 of this chapter.

"Power generator" means any boiler, burner, or other combustor of fuel or any combination of boilers at a single site in any electric power generating plant or industrial or commercial plant having a total firing rate of 50 million B.T.U./hour or greater in commercial operation and includes combustion turbines used in the generation of electrical energy.

"Primary ambient air quality standards" means the national primary ambient air quality standards provided for in the Clean Air Act.

§ 215.3 Power generators burning non-petroleum products.

(a) No petroleum product shall be sold or otherwise provided to or accepted by any firm for burning under power generators that were not using a petroleum product on December 7, 1973.

(b) A firm using petroleum products in power generators on December 7, 1973, shall not utilize for burning under power generators an aggregate quantity of such products in any month subsequent to April, 1974, in any power generator that was burning petroleum products on December 7, 1973, and that is capable of burning coal and petroleum products, which quantity exceeds the larger of the aggregate quantity of petroleum products consumed in the corresponding month of 1972 or in July 1973, except that the quantity of petroleum products burned may be increased in proportion to the increased output of energy or increased need for startups.

§ 215.4 Power generators currently burning petroleum products.

(a) Petroleum products may continue to be sold to and purchased and utilized by firms using them in power generators burning petroleum products on December 7, 1973, except that 30 days prior notice pursuant to § 215.7 shall be provided the FEA by such firms where:

(1) There is conversion to petroleum products having a lower specified sulfur content, by weight, than the average content of the petroleum products in use in such a power generator during November, 1973 or during the last month in which the power generator consumed such products. Notice required by this section is applicable to initial conversion referred to by this paragraph and to any subsequent conversion to petroleum products of lower sulfur content than that resulting from the initial conversion.

(2) The quantity of middle distillate utilized by such firm in any month subsequent to April, 1974 in any such power generator exceeds the larger of the quantity of middle distillate consumed in the corresponding month of 1972 or in July 1973. Such notice is not required where the quantity of middle distillate burned is increased in proportion to the increased output of energy, or increased need for startups. Notice required by this section is applicable to initial increases referred to by this paragraph and to any subsequent increase in the use of middle distillate above that resulting from the initial conversion.

(3) Increased indirect use of middle distillate and residual fuel oil occurs due to:

(i) The blending of more middle distillate into residual fuel oil than the greater of the quantities blended in the corresponding month of 1972, or in July 1973.

(ii) The use under a power generator of a blended fuel containing a greater proportion of middle distillate from the larger of:

(A) The proportion included in the corresponding month of 1972, or

(B) The proportion included in July 1973.

(iii) Notice required by this section is applicable to initial increases referred to by this paragraph and to any subsequent increase in the proportion of middle distillate to other petroleum products above that resulting from the initial conversion.

(b) Notice pursuant to this section is not required where the increased use of petroleum products is for the purpose of meeting peak generation capacity requirements, or emergency generation requirements for 30 days or less.

§ 215.5 New power generators.

Any firm with power generators which commenced commercial operations after December 7, 1973 shall not utilize any petroleum products with sulfur content by weight lower than that needed to meet Primary Ambient Air Quality Standards or to comply with EPA new source performance standards (40 CFR Part 60) or for startup until 30 days prior notice of such intended use had been provided the FEA pursuant to § 215.7.

§ 215.6 Exceptions.

(a) Upon application in accordance with Subpart D of Part 205 of this chapter, the FEA shall automatically grant exception to the provisions of § 215.3 when the use of petroleum products is properly certified by the appropriate State air pollution control agency to be essential to meeting the Primary Ambient Air Quality Standard. Such exception shall be granted, however, only where suitable alternative non-petroleum product fuels are not available.

(b) The FEA may also grant exceptions from the provisions of § 215.3 in accordance with Subpart D of Part 205 of this chapter if:

(1) Any firm subject to this part can demonstrate that compliance with the provisions of § 215.3 would cause special hardship, inequity, or unfair distribution of burdens; or

(2) Fuels necessary for compliance with this part are not available.

(c) Upon application in accordance with Subpart D of Part 205 of this chapter, the FEA shall automatically grant exceptions to the provisions of § 215.3 for power generators subject to this section converting from natural gas to petroleum products provided that alternative fuels, such as coal, cannot practically be utilized.

§ 215.7 Notice to FEA.

(a) Notice required by this part shall be filed with the FEA National Office and shall be addressed as follows:

Federal Energy Administration
Box 90
Washington, D.C. 20461

(b) Such notice shall contain:

(1) Description of petroleum product, including sulfur content, currently used.

(2) Description of petroleum product, including sulfur content, to which conversion is intended, or description of increase in use of middle distillate that is intended.

(3) Quantity used prior to intended conversion and quantity proposed for each of the next 12 months.

(4) Reason for conversion or increased use for direct fuel or blending.

(5) Location of power generators.

(6) Source of supply including geographical location and the supplier.

[FR Doc.75-9146 Filed 4-3-75;4:26 pm]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 75-CE-7-AD; Amdt. 39-2168]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 65-90, 65-A90 and B90 Airplanes

There have been reports of fuel contamination in the aft fuselage area of Beech Models 65-90, 65-A90 and B90 airplanes resulting from malfunction of the cabin heater. This contamination is caused by unburned fuel draining from the heater exhaust stack and/or the combustion chamber vent. This fuel runs back along the fuselage bottom and enters the aft fuselage through drainage holes and access door joints. The contaminated area contains components which may be a source of ignition. The manufacturer has issued service instructions recommending (1) modifications involving aft fuselage drainage and sealing; and (2) modifications improving heater operation and reliability in these model airplanes. Since the condition described herein is likely to exist or develop in other aircraft of the same type design, an Airworthiness Directive (AD) is being issued applicable to Beech Models 65-90, 65-A90 and B90 airplanes, which requires incorporation of the aforementioned modifications within one calendar year. In addition, the AD will require the installation of a temporary heater operation placard and modifications to improve aft fuselage drainage.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (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 Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models 65-90, 65-A90 and B90 (Serial Numbers LJ-1 through LJ-484) Airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude fuel contamination in the aft fuselage area, accomplish the following:

(A) On airplanes (Serial Numbers LJ-1 through LJ-395) not modified per Beechcraft Service Instruction 0230-412, Rev. I, or later approved revision, including optional Cabin Heat Out light, within 50 hours' time in service after the effective date of this AD, install a temporary placard on the heater control panel stating:

"IF HEATER FAILS TO HEAT, TURN OFF IMMEDIATELY"

and operate the aircraft in accordance with this limitation.

NOTE: This placard may be fabricated from embossed tape or typed or printed on paper of a contrasting background.

(B) On airplanes (Serial Numbers LJ-1 through LJ-484) not modified in accordance with Beechcraft Service Instruction 0268-103, Rev. I, or later approved revision, within 50 hours' time in service after the effective date of this AD, modify the drainage and sealing of the aft fuselage area as follows:

1. Remove the tail cone and the aft fuselage access door.

2. Drill out the 5 holes in the fuselage skin just aft of the aft pressure bulkhead (station 298.0), the 2 holes just aft of the station 364.0 bulkhead, the hole just aft of the 380.0 bulkhead and the hole in the lower surface of the tail cone to .191 to .196 inch.

NOTE: In some cases some of these holes may not exist. If this is the case, do not drill new holes.

3. Fill these holes with MS20470B6 rivets of appropriate length. Seal the rivet butts with EC1239 or equivalent sealant.

4. Drill a .250 inch hole at the lower fuselage centerline .20 inch aft of the aft pressure bulkhead (fuselage station 298.20).

5. Drill a .250 inch hole in the fuselage skin at the lower fuselage centerline .44 inch aft of the fuselage station 380.0 bulkhead (just forward of the tail cone).

NOTE: Steps 4 and 5 will allow moisture to drain through the ventral fin.

6. Drill 4 .12 inch diameter drain holes in the lower edge of the ventral fin. These holes should be spaced as follows:

a. 1 hole 24.0 inches aft of the forward end of the ventral fin,

b. 1 hole 1.6 inches forward of the station 380.0 bulkhead,

c. 1 hole 22.0 inches forward of the station 380.0 bulkead,

d. 1 hole 52.0 inches forward of the station 380.0 bulkhead.

7. On airplanes having a hinged aft fuselage access door, open this door, drill out the 2 drain holes in the door and 3 holes in the forward edge of the door frame.

NOTE: In some cases some of these holes may not exist. If this is the case, do not drill new holes.

a. Place tape over the 3 holes in the forward edge of the door frame. Fill these holes with EC1239 or equivalent sealant. Do not remove the tape until the sealant cures.

b. Fill the remainder of the holes with MS20470B6 rivets of appropriate length. Seal the rivet butts with EC1239 or equivalent sealant.

c. Using PPP-T-60 two (2) inch wide tape, or equivalent, temporarily seal the closed aft fuselage access door in a manner that will cover both the door opening edges and fastening screws.

(C) On or before May 1, 1976, on airplanes (Serial Numbers LJ-1 through LJ-484), modify the aft fuselage in accordance with Beechcraft Service Instructions No. 0268-103, Rev. I, or later approved revisions, and on airplanes (Serial Numbers LJ-1 through LJ-395) modify the heater installation, including installation of cabin heat out light, in accordance with Beechcraft Service Instructions 0230-412, Rev. II, or later approved revisions.

(D) When Paragraph C is accomplished the temporary placard specified in Paragraph A and temporary sealing of aft fuselage door specified in Paragraph (B)7.c. may be removed.

(E) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective April 17, 1975.

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

Issued in Kansas City, Missouri, on April 2, 1975.

C. R. MELUGIN, JR.,
Director, Central Region.

[FR Doc.75-9449 Filed 4-10-75;8:45 am]

[Airworthiness Docket No. 74-WE-45-AD; Amdt. 39-2169]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Aircraft Service Company Model 209, Digital Flight Data Recorder

A proposal to amend Part 39 of the Federal Aviation Regulations to add an airworthiness directive requiring installation of vibration isolators under the Lockheed Aircraft Service Company (LAS) Model 209 Digital Flight Data Recorder (DFDR) on all civil aircraft in which it is installed was published in 39 FR 40305.

Interested persons have been afforded an opportunity to participate in the making of this amendment. A discussion of the comments received follows.

The Air Transport Association of America (ATA) commented that perhaps later revisions of the DFDR (this refers to revisions which together will be designated by LAS as the Revision E change) may provide adequate data intelligibility without the use of vibration isolators, and that time should be allowed to determine whether or not this is true. The FAA does not agree, because: (1) None of these modifications concern vibration, per se; (2) LAS states that vibration isolators will still be required with the Revision E change; and (3) There is as yet no mandatory requirement for any operators to update their DFDRs to the Revision E level.

The ATA also stated their opinion that issuance of the proposed AD would be premature in that there is no assurance that the vibration isolators will be completely effective. The FAA does not agree. The vibration isolators are necessary for the DFDR to comply with the vibration requirements of TSO C51a. In this connection, an FAA Air Carrier District Office reported that installations of the DFDR using the vibration isolators on an operator's Hawker-Siddeley HS-748 airplanes improved the data readability from "insufficient" (for data reduction) to a condition of "minimal" data dropouts. This service experience provides a verification that the isolators should be effective with respect to data dropouts due to vibration.

The ATA commented that some installations have the Built-In-Test-Equipment (BITE) circuitry connected into the crew's DFDR status monitor indicator, and that this fault monitor provision assures that if data are not being properly recorded in respect to frequency and amplitude the crew will be alerted; therefore, the AD should exempt aircraft having this provision. The FAA does not agree. LAS has advised that this monitor

provision is not satisfactory in respect to determination of subframe data content, and that the amplitude monitoring will respond to any signal irregardless of its format or noise content. This monitoring is clearly inadequate to assure readability of the data.

Douglas Aircraft Company (DAC) commented that the vibration isolators should be specified as Type MS91527 (5–10 pound range) instead of the specific requirement for Barry Wright Corp. P/N L44–BA–10. The FAA agrees. LAS has issued a later revision to Installation Drawing No. 10077J500, which specifies three models of vibration isolators. This revision of the Installation Drawing is specified in the airworthiness directive. The AD also provides for later FAA-approved revisions of this drawing, which may include additional equivalent vibration isolators.

One commentator stated that no standard exists for allowable data loss. The FAA agrees that no such standard has been published in the TSO or any other rule. However, the standard of a maximum of 0.3 percent data loss on a 3600 subframe basis (one hour) is anticipated for inclusion in the forthcoming DFDR TSO, and LAS concurs that this is a reasonable standard for the TSO vibration tests. The industry is generally aware of this standard, and no adverse comments have been received by the Western Region to the incorporation of this standard in the TSO. Furthermore, LAS tested for TSO compliance to the 0.3 percent standard, using the Barry vibration isolators, and the data were acceptable on this basis. Therefore, we consider this standard adequate for purposes of this AD. The National Transportation Safety Board (NTSB) also concurs with this standard.

One commentator stated that vibration is not the sole cause of "unacceptable performance" of the LAS 209 DFDR, and that other actions, including mandatory revisions to the recorder and periodic data readouts, should also be taken. The FAA has these matters under consideration; however, lack of vibration isolators has been determined to be a primary cause of data unintelligibility when the DFDR is otherwise working properly. It is proper for the proposed AD to be adopted.

The NTSB recommended to the Administrator and another commentator stated that the demonstrated mean-time-between-failure (MTBF) of the LAS 209 recorder indicates that periodic data readouts (every 500±25 hours) should be instituted after installation of the vibration isolators, until such time as the MTBF is increased. However, since the low reliability (in general) of the recorder is a separate issue, not having to do with vibration, per se, mandatory installations of modified equipment and/or monitoring provisions, are considered to be outside the scope of the NPRM. LAS has been contacted in this matter and has agreed to provide a Service Bulletin describing maintenance practices for FAA approval. Further AD action will be considered after issuance of the service bulletin for required periodic data readouts and other maintenance requirements after installation of the vibration isolators. The FAA will also consider mandatory incorporation of redesigned equipment intended to substantially improve reliability. The service experience of the fleet will be evaluated to determine additional rulemaking actions. LAS is studying the feasibility of a device that will provide an accurate failure annunciation based on actual subframe data content measurements. If the device is provided and determined satisfactory by FAA, such installations may be required in future rulemaking actions. The FAA believes that the reliability of the recorder must be improved, and concurs with the commentators in this regard.

DAC commented that further details for the installation should be included on LAS Installation Drawing No. 10077J500. The FAA agrees. LAS has issued a later revision to Installation Drawing No. 10077J500, which specifies all required information. This revision of the Installation Drawing is specified in the airworthiness directive.

One commentator stated that an AD requirement for the installation of vibration isolators is inappropriate, alleging that the DFDR does not directly affect the airworthiness of the aircraft in which it is installed; i.e., a faulty DFDR does not, in itself, create an unsafe condition. The FAA does not agree. While faulty data recording does not constitute an immediate hazard to the aircraft in which such recording occurs, flight data recorders are required equipment in Air Transportation operations under Part 121 of the Federal Aviation Regulations and certain other operations. The data provided by flight data recorders have been demonstrated to be extremely useful as an accident and incident investigation tool, which ultimately enhance the safety of each aircraft in which one is installed, as well as other aircraft of the same and other type designs. In this view, the FAA considers a faulty flight data recorder to be an airworthiness degradation.

ATA, DAC, and LAS commented that the proposed compliance time of 90 calendar days is unreasonably short to allow for design changes to specific aircraft installations requiring slight relocations of the DFDR or other changes, for procuring the vibration isolators, for documenting the installations, and for orderly accomplishment of the AD without disruption of airline schedules. Specifically, ATA requests twelve months, LAS suggests 180 to 270 calendar days, and DAC does not suggest a specific compliance time, saying only that 90 calendar days are insufficient. The FAA has considered these comments. A specific deadline for AD compliance is provided for in the adopted rule.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

Lockheed Aircraft Service Company. Applies to Lockheed Aircraft Service Company Model 209 Digital Flight Data Recorders installed in, but not limited to, Boeing 727, 737, and 747, Douglas DC–8, DC–9, and DC–10, Lockheed L–1011, Dassault/Sud Fan Jet Falcon, Hawker-Siddeley DH–125 and 748, and Fokker F–28 airplanes, and Boeing-Vertol 114A (U.S. Army CH–47A) helicopters, certificated in all categories.

Compliance required on or before January 1, 1976, unless already accomplished.

To provide satisfactory recording of the required flight data parameters, install four identical vibration isolators under the ARINC 1/2 ATR rack supporting the Model 209 Digital Flight Data Recorder in accordance with Lockheed Aircraft Service Company Drawing No. 10077J500, Revision P, dated March 14, 1975, or later FAA-approved revisions.

Equivalent vibration isolators and/or installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment is effective May 20, 1975.

(Secs. 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 Los Angeles, California on April 3, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75–9450 Filed 4–10–75;8:45 am]

[Airworthiness Docket No. 75–WE–24–AD; Amdt. 39–2167]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L–1011–385–1 Series Airplanes

There have been instances of rudder pedal hangups on Lockheed-California Company Model L–1011–385–1 series airplanes due to a lack of sufficient clearance in the side panel kickshield splice areas that could result in a jam of the rudder flight control system. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require an inspection of the rudder pedal freedom of travel relative to the left and right side consoles kickshields and the left and right side center console forward trim panels; to incorporate an interim fix, if necessary; otherwise to incorporate a permanent total modification, on Lockheed-California Company Model L–1011–385–1 series airplanes.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697),

§ 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockhead-California Company Model L-1011-385-1 Series Airplanes, Certificated in All Categories.

To prevent possible hangups of the rudder pedals due to insufficient clearance in the side panel kickshield splice areas, accomplish the following:

(A) Within 200 hours additional time in service, and at intervals not to exceed 200 hours time in service thereafter, after the effective date of this AD, perform a visual inspection of the flight station side panel kickshield joint areas to determine potential rudder pedal interference with the sidewall trim and center-console trim, per the instructions of Part I Lockheed Service Bulletin 093-25-155, dated June 15, 1973, or later FAA-approved revisions.

(1) If adequate clearance exists, repeat the inspections at intervals not to exceed 200 hours time in service thereafter until the modifications described in (B), below, is accomplished.

(2) If inadequate clearance is found as a result of any of the inspections, either

(i) Perform the interim modifications described in Part I, paragraphs (2) or (3), Lockheed Service Bulletin, 093-25-155, dated June 15, 1973, or later FAA-approved revisions, and repeat the inspections of (A), above; or

(ii) Perform the modifications described in Part II of the referenced Service Bulletin.

(B) On or before July 1, 1975, perform the modification to the side and center/kickshield described in Part II of the referenced Service Bulletin. This modification, when accomplished, constitutes terminating action for this AD.

(C) Equivalent inspections and modifications and replacement may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(D) Airplanes may be flown to a base for the accomplishment of the inspections and replacements required by this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective April 17, 1975.

(Secs. 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 Los Angeles, California on April 2, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-9448 Filed 4-10-75;8:45 am]

[Airworthiness Docket No. 75-WE-3-AD; Amdt. 39-2161]

PART 39—AIRWORTHINESS DIRECTIVES

Rockwell International NA-265 Series Airplanes

There have been reported instances of loss of all electrical power in NA-265 series airplanes; one each in Models NA-265-40, NA-265-60 and NA-265-70. In one case the failure was a result of loose terminal connections of electrical cables on Essential Bus circuit breakers. In the remaining cases circuit breakers were found to be defective; some did not conform to current-time trip design specifications, and two circuit breakers were cracked, apparently due to excessive torque used in attaching the electrical cables. Lack of preflight inspection is considered to be a contributing factor. The undetected failure, for any reason, of any circuit breaker reduces the margin of capacity designed into the parallel cable electrical power transmission system. Since this condition is likely to exist or develop in other airplanes of the same design, an airworthiness directive is being issued to require: (1) an inspection of the cable connection torque on the circuit breakers, (2) a test or replacement of circuit breakers on certain serial numbered airplanes and for spare circuit breakers, and (3) a preflight inspection in Rockwell International NA-265 series airplanes, with appropriate AFM revision and placards.

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the new airworthiness directive:

ROCKWELL INTERNATIONAL. Applies to NA-265, T-39A, NA-265-20, T-39B, NA-265-30, T-39D, NA-265-40, NA-265-60 and NA-265-70 Airplanes, certificated in all categories.

Compliance required within the next 50 hours time in service or 30 days, whichever is sooner, after the effective date of this AD, unless already accomplished.

To prevent loss of electrical power in flight, accomplish the following:

(a) Perform an inspection of the electrical cable system at fuselage stations #143 and #333 as follows:

(1) Examine cable lugs for looseness on cable or Essential Bus circuit breakers; if readily movable by hand applied force, replace that particular circuit breaker, and cable terminal, if applicable.

(2) Examine circuit breakers for cracked cases. Application of exeess torque on lug attaching bolt may cause cracks emanating from area adjacent to breaker terminal. Replace units having such cracks.

(3) Determine by inspection that the cable lug is attached to the circuit breaker by not less than 50 inch-pounds torque; if below 50 inch-pounds, adjust to 50-60 inch-pounds.

(b) For airplane Model NA-265-40 Serial Numbers 282-98 through 282-137 and Model NA-265-60 Serial Numbers 306-64 through 306-93:

(1) Test the circuit breakers and replace, if necessary, as specified in Sabreliner Service Bulletin 74-28, as issued on September 20, 1974, or as revised January 15, 1975, or later FAA-approved revisions; or

(2) Replace the 10 Essential Bus circuit breakers with Rockwell International supplied replacements which have been tested. (These are date stamped with black ink by Rockwell International, and must be dated either prior to January 1, 1970, or after July 7, 1974. During the interval between these dates, tests were conducted only on selected samples, and such units must not be used, unless tested as specified in Service Bulletin 74-28).

(c) Revise AFM Limitations section as follows:

Essential Bus Circuit Breakers. All 28V DC, 100 Amp Essential Bus circuit breakers (cockpit and cabin) must be checked and engaged (pushed in) during the pre-flight (prior to first flight of the day) inspection.

(d) Install a placard in full view of the crew:

"PRIOR TO FIRST FLIGHT OF DAY—DETERMINE THAT COCKPIT AND CABIN ESSENTIAL BUS CIRCUIT BREAKERS ARE PUSHED IN."

(e) Install a placard on or immediately adjacent to the aft cabin circuit breaker panel:

"CIRCUIT BREAKERS ON THIS PANEL ARE ESSENTIAL TO SAFETY AND MUST BE READILY ACCESSIBLE TO THE CREW IN FLIGHT—DO NOT OBSTRUCT."

(f) Examine circuit breakers in spares stock. Either remove those date stamped by Rockwell International during interval of January 1, 1970, through July 7, 1974, and identify in a manner to preclude installation in NA-265 series airplanes, or perform the one hour functional test specified in Service Bulletin 74-28 prior to returning to spares.

Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

Aircraft may be flown to a base for performance of work required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective April 14, 1975.

(Secs. 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 Los Angeles, California on March 31, 1975.

LYNN L. HINK,
Acting Director,
FAA Western Region.

[FR Doc.75-9447 Filed 4-10-75;8:45 am]

[Airspace Docket No. 75-GL-3]

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

Designation of Transition Area

On page 5793 of the FEDERAL REGISTER dated February 7, 1975, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Middlefield, Ohio.

Interested persons were given 30 days to submit written comments, objections and arguments concerning the proposed amendments. The Air Transport Association had no objections to the proposed designation of transition area; however, the owner of the Gates Airport advised he would like to remain out of the controlled airspace if possible. The area can be reduced to a six-mile radius with an extension which will keep the Gates Airport out of the area without derogation of the procedure. Accordingly, the proposed amendment is hereby adopted subject to the minor change as set forth below:

This amendment shall be effective May 22, 1975.

In § 71.181 (40 FR 441), the following transition area is added:

MIDDLEFIELD, OHIO

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the Geauga County Airport (Latitude 41°27'00" N., Longitude 81°03'48" W.); within 1½ miles each side of the Chardon VORTAC 132° radial extending from the 6-mile radius area to the VORTAC excluding the portion which overlies the Cleveland transition area.

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

Issued in Des Plaines, Illinois, on March 24, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-9451 Filed 4-10-75;8:45 am]

[Docket No. 14459; Amdt. No. 963]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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 SIAP's 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 rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's 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 May 22, 1975:

Beverly, Mass.—Beverly Municipal Arpt., VOR Rwy 16, Amdt. 1.
Bismarck, N. Dak.—Bismarck Municipal Arpt., VOR-A, Amdt. 15.
Cody, Wyo.—Cody Municipal Arpt., VOR-A, Amdt. 3.
Devils Lake, N. Dak.—Devils Lake Municipal Arpt., VOR Rwy 13, Amdt. 4.
Devils Lake, N. Dak.—Devils Lake Municipal Arpt., VOR Rwy 31, Amdt. 1.
Hopedale, Mass.—Hopedale-Draper Arpt., VOR-A, Orig.
Kalamazoo, Mich.—Kalamazoo Municipal Arpt., VOR Rwy 17, Amdt. 7.
Kalamazoo, Mich.—Kalamazoo Municipal Arpt., VOR Rwy 23, Amdt. 8.
Kalamazoo, Mich.—Kalamazoo Municipal Arpt., VOR Rwy 35, Amdt. 6.
Marion, S.C.—Marion County Arpt., VOR/DME-A, Amdt. 2.
Park Rapids, Minn.—Park Rapids Municipal Arpt., VOR Rwy 13, Orig.
Park Rapids, Minn.—Park Rapids Municipal Arpt., VOR Rwy 31, Amdt. 5.
Toccoa, Ga.—Toccoa Arpt., VOR Rwy 20, Amdt. 4.

* * * effective March 31, 1975:

Amarillo, Tex.—Amarillo Air Terminal, VOR Rwy 21, Amdt. 20.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, effective May 22, 1975:

Beverly, Mass.—Beverly Municipal Arpt., SDF Rwy 16, Amdt. 1.
Gary, Ind.—Gary Municipal Arpt., LOC Rwy 30, Amdt. 1.
Kalamazoo, Mich.—Kalamazoo Municipal Arpt., LOC (BC) Rwy 17, Amdt. 8.

* * * effective March 31, 1975:

Amarillo, Tex.—Amarillo Air Terminal, LOC (BC) Rwy 21, Amdt. 10.

* * * effective March 26, 1975:

Shreveport, La.—Shreveport Regional Arpt., LOC (BC) Rwy 31, Amdt. 11.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective May 22, 1975:

Beverly, Mass.—Beverly Municipal Arpt., NDB-A, Amdt. 6.
Gary, Ind.—Gary Municipal Arpt., NDB Rwy 30, Amdt. 1.
Kalamazoo, Mich.—Kalamazoo Municipal Arpt., NDB Rwy 35, Amdt. 8.
Tampa, Fla.—Peter O. Knight Arpt., NDB Rwy 3, Amdt. 5.
York, Pa.—York Arpt., NDB-A, Amdt. 5.

* * * effective March 31, 1975:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l Arpt., NDB Rwy 33, Amdt. 17.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAP's, effective May 22, 1975:

Kalamazoo, Mich.—Kalamazoo Municipal Arpt., ILS Rwy 35, Amdt. 10.
Shreveport, La.—Shreveport Regional Arpt., ILS Rwy 13, Amdt. 17.

* * * effective April 2, 1975:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., ILS Rwy 33, Orig., cancelled.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAP's, effective May 22, 1975.

Shreveport, La.—Shreveport Regional Arpt., RADAR-1, Orig.
Tampa, Fla.—Peter O. Knight Arpt., RADAR-1, 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 April 3, 1975.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.75-9452 Filed 4-10-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2623]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Insurance Budgeting, Inc., et al., Correction

In FR Doc. 75-8231 appearing on page 14301 of the issue for Monday, March 31, 1975, in the right-hand column, the 16th line of the first ordering paragraph "Pub. L. 90-231" is corrected to "Pub. L. 90-321."

CHARLES A. TOBIN,
Secretary.

[FR Doc.75-9484 Filed 4-10-75;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. RM75-26; Order No. 528]

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

Clearance of Public Use Forms

Section 409 of Pub. L. No. 93-153, 87 Stat. 593, added section 3512 to chapter 35 of title 44, United States Code, known as the Federal Reports Act of 1942, as amended. Among other things, section 3512 transfers to the General Accounting Office the function of clearing, in advance, new or revised proposals by independent Federal regulatory agencies to conduct the collection of information from 10 or more persons. Accordingly, the Commission's rule requiring submission of FPC public use forms to the Bureau of the Budget for clearance will be revised to require submission to GAO.

The Commission finds. (1) In view of the minor clarifying nature of this revision, compliance with the notice, public procedure and effective date provisions of 5 U.S.C. 553 are unnecessary.

(2) Good cause exists that the revision adopted herein becomes effective upon issuance of this order.

(3) The revision prescribed herein is necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309 (49 Stat. 858–859; 16 U.S.C. 825h) and the provisions of the Natural Gas Act, as amended, particularly section 16 (52 Stat. 830; 15 U.S.C. 717o), *orders:*

(A) Section 3.108 in Part 3, Subchapter A of Chapter I, Title 18 of the Code of Federal Regulations is revised to read as follows:

§ 3.108 Reports to the Commission.

The reports and forms prescribed by the Commission pursuant to the Federal Power Act are listed in § 3.142; those prescribed under the Natural Gas Act are listed in § 3.169. Rules prescribing public use forms are submitted to the General Accounting Office for clearance as required by the Federal Reports Act of 1942, as amended.

(B) The revision adopted herein shall be effective upon issuance of this order.

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

By the Commission.

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

[FR Doc.75-9471 Filed 4-10-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION

SUBCHAPTER I—PUBLIC TRANSPORTATION

PART 820—RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

Guidelines

These regulations provide guidelines for administering the Rural Highway Public Transportation Demonstration Program. Section 147 of the Federal-Aid Highway Act of 1973 as amended by section 103 of the Federal-Aid Highway Amendments of 1974 permits the Federal Highway and Urban Mass Transportation Administration, by delegation of the Secretary of Transportation, to carry out demonstration projects for public mass transportation in rural areas and small urban areas.

On November 6, 1974, administrative guidelines were issued to implement the Rural Highway Public Transportation Demonstration Program. The November guidelines were revoked on February 11, 1975. The guidelines in this issuance incorporate changes necessary to implement the Federal-Aid Highway Amendments of 1974. Applicants should assure themselves that any proposals submitted under the November guidelines comply with this issuance.

Changes from the original guidelines include the addition in § 820.3 of definitions for a small urban area and operating expenses, a change in geographic scope in § 820.5, a provision in § 820.7 (b) regarding operating expenses, a provision in § 820.7(c) to give preferences to certain private bus operators, the addition of public notice and hearing requirements in § 820.9(b)(2), provisions in § 820.9(d) for the Washington office to make final selections after considering the results of public hearings, the addition of a new § 820.15, which requires that projects allow effective utilization of services by elderly and handicapped persons, and a new § 820.17, which provides that proposals shall be submitted by 60 days from the date this issuance is published.

Section 147 now limits the participation of Federal funds for operating expenses to monies available from the General Fund. For FY 1975, General Fund monies account for $2.895 million, or 30 percent of the total FY 1975 appropriation of $9.65 million. Applicants should be aware that consideration of proposals requesting project participation in excess of 30 percent for operating expenditures must necessarily be minimal.

Project selection criteria are contained in this issuance. Emphasis will be on selection of a range of innovative projects of different sizes, types, and geographical locations.

The funding commitment of local, State, or other Federal agencies to participate in the program and to continue it after the expiration of the demonstration period will be critical to project selection.

Since these regulations relate to a grant program, notice and public procedure thereon are unnecessary and they may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

Additional information not contained here may be obtained from the Federal Highway Administration division office in each State, the Urban Mass Transportation Administration regional office, or the State transportation agency.

In consideration of the foregoing, Subchapter I of Chapter I of Title 23, Code of Federal Regulations, is amended by adding a new Part 820, to read as set forth below.

Sec.

820.1 Purpose.
820.3 Definitions.
820.5 Geographic scope.
820.7 Eligible project expenditures.
820.9 Responsibilities.
820.11 Content of applications.
820.13 Project selection criteria.
820.15 Effective utilization by Elderly and Handicapped persons.
820.17 Submission date.

AUTHORITY: Pub. L. 93-87, § 147; Pub. L. 93-643, § 103; 49 CFR 1.48(c) and 1.50(g).

§ 820.1 Purpose.

(a) The purpose of this part is to prescribe policies and procedures for administering the Rural Highway Public Transportation Demonstration Program. Section 147 of the Federal-Aid Highway Act of 1973, as amended, through delegation of authority by the Secretary of Transportation, authorizes the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) to carry out demonstration projects to encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas and small urban areas, and between such areas and urbanized areas, in order to enhance access of rural populations to employment, health care, retail centers, education, and public services.

(b) The program is intended to:

(1) Increase the mobility of those persons in rural areas who do not have reasonable access to alternate forms of transportation and are often deprived of mobility where public transportation is inadequate or nonexistent,

(2) Encourage the various programs or agencies which provide transportation or social services to develop a coordinated approach to the organization and financing of public transportation,

(3) Develop the results of the demonstration into a useful guide for rural areas needing public transportation, and

(4) Develop the technical, organizational, and economic information needed for future decisions regarding national programs for rural transportation.

§ 820.3 Definitions.

As used herein—

"Applicant" means a public agency or nonprofit public purpose organization, preferably with State or areawide responsibilities, or an Indian tribe on a Federal or State reservation.

"Operating expenses" means costs directly related to system operations and shall include expenses for driver salaries, fuel, and maintenance.

"Program" means the Rural Highway Public Transportation Demonstration Program authorized by section 147 of the Federal-Aid Highway Act of 1973, Pub. L. 93-87, August 13, 1973, as amended.

"Rural areas" means all areas of a State not included in either an urbanized area designated by the Bureau of the Census or an urban place designated by the Bureau of the Census as having a population of 5,000 or more.

"Small urban area" means an urban place as designated by the Bureau of the Census, having a population between 5,000 and 50,000 and not within any urbanized area.

"State agency" means the State department of transportation, or State highway department if a State department of transportation is not established, except that some other agency designated by the Governor may be approved by the FHWA and UMTA to be the State agency.

§ 820.5 Geographic scope.

Projects approved under this part must serve rural residents and may include

service by which passengers are transported to small urban areas, within small urban areas, and between these areas and urbanized areas when such service will enhance the mobility of rural populations.

§ 820.7 Eligible project expenditures.

(a) Projects eligible for Federal funds under this part include, but are not limited to: (1) Highway traffic control devices; (2) the construction of passenger loading areas and facilities, including shelters; (3) fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers; (4) the purchase of passenger equipment other than rolling stock for fixed rail; and (5) the payment from the General Fund for operating expenses.

(b) Program funds shall not be used to provide operating subsidies for existing operations, nor for overhead and administrative costs incurred by State agencies. Reasonable expenses for operating costs that are an integral part of new demonstration projects, as well as project supervision, monitoring, and evaluation costs, are eligible items of expense, if properly distributed as project costs. Payments for operating expenses shall not exceed 30 percent of the program funds requested for the project. Exception to the 30 percent requirement may be made if excess general funds are available and good cause is shown.

(c) Nothing herein shall be interpreted to prohibit participation by private transportation companies in demonstration projects through contractual arrangements with the applicant. To the extent intercity bus service is provided under the program, preference shall be given to private bus operators who lawfully have provided rural highway passenger transportation over the routes or within the general area of the demonstration project.

(d) Nothing herein shall be interpreted to prohibit the demonstration period from extending beyond the two fiscal years for which program funds are authorized.

(e) Each proposal and the associated funding request shall present a fully developed demonstration that does not depend on future program funds for completion.

§ 820.9 Responsibilities.

(a) Each applicant:

(1) Shall submit a proposal to the appropriate State agency except that Indian tribes on Federal or State reservations may submit proposals directly to the FHWA division office in the State. Twelve (12) copies are requested, and

(2) May implement projects under contractual agreements with the State agency.

(b) The State agency or Indian tribe shall:

(1) Forward each proposal received by it with comments and recommendations, through the FHWA Division Engineer to the FHWA regional office. Ten (10) copies are requested,

(2) For each project selected pursuant to paragraph (d)(1) of this section and prior to the obligation of any funds, publish a public notice which shall include the name of the applicant, the area to be served by the proposed undertaking, and adequate description of the proposal, and the time, date, and place of a public hearing which shall be held within 60 days after publication of the notice within the proposed service area. The public notice shall be published at least two times, one of which shall be at least 30 days prior to the hearing, in a newspaper having general circulation in the vicinity of the proposed undertaking. The hearing shall be held at a place and time generally convenient for persons affected by the proposed undertaking. Provision shall be made at the hearing for submission of written statements, exhibits, and oral statements. A verbatim written transcript of the oral proceedings at the hearing shall be made and such transcript together with copies of exhibits, copies of the published notice, and written statements, shall be forwarded to the Washington office through the FHWA division office and the FHWA regional office,

(3) Administer projects approved under this part within the State or reservation, respectively,

(4) Enter into an agreement with the FHWA governing each project, and

(5) Make program funds available either directly for State- or tribal implemented projects or through individual contracts with local applicants.

(c) Regional representatives of the FHWA, UMTA, and the Secretary of Transportation will:

(1) Review the applications, recommend not more than ten (10) proposals worthy of demonstration for each region, and transmit seven (7) copies of each recommended proposal to the FHWA Washington office,

(2) Forward one copy of all proposals not recommended to the Washington office, and

(3) Seek the advice and comment of regional representatives of other Federal agencies, including the Departments of Health, Education and Welfare; Labor; Agriculture; and Commerce; and the Office of Economic Opportunity, as appropriate.

(d) The Washington office of the FHWA and UMTA will:

(1) Make a preliminary selection of projects to be funded for FY 1975 from the first-year appropriation of $9.65 million and any additional amount should a supplemental appropriation be enacted, and from applications to be submitted in FY 1976, based upon the program appropriation for FY 1976, and

(2) Make a final selection of projects to be funded after considering the results of public hearings held for preliminarily selected projects.

§ 820.11 Content of applications.

Each application should include as appropriate:

(a) A concise statement of what the project is designed to demonstrate and the expected results and benefits including system provisions to accommodate the elderly and handicapped,

(b) A summary of project activities, including how and where the demonstration will be conducted, changes to be made in existing services, and new services to be provided,

(c) Identification of organizations participating,

(d) Description of the area, available transportation facilities, and proposed transportation improvements,

(e) Data establishing need for the proposed project,

(f) Statements of commitment by agencies or organizations providing or needing transportation to use one areawide service funded by the demonstration,

(g) Commitment of other Federal, State, or local funds or programs to share in the costs of the system,

(h) Summary of project costs and breakdown of funding sources,

(i) Description of how service provided will be monitored and evaluated and how service may be changed as a result of that evaluation, and

(j) Demonstration time schedule and plans for continuation of the service past the demonstration period.

§ 820.13 Project selection criteria.

(a) Emphasis will be on the selection of a range of projects—different sizes, types, and geographical locations.

(b) The following criteria, not necessarily in order of importance, will be applied by the FHWA and UMTA in selecting demonstration projects for implementation.

(1) Innovative features that have potential for nationwide application.

(2) The commitment of local, State, or other Federal programs to participate in the demonstration.

(3) The likelihood of continuation of the project after the expiration of the demonstration.

(4) Provision for the local transportation needs in a realistic and prudent manner.

(5) Quality of proposed monitoring and evaluation along with the ability to modify operations as a result of that evaluation.

(6) Commitment of other local agencies providing or needing transportation services to purchase, share, or use the one areawide service funded for demonstration.

(7) Reasonableness and justification of estimated demand.

(8) Extent to which the proposal recognizes the transportation needs of economically deprived rural people.

(9) Appropriateness of proposed equipment needs, costs, and level of service.

(10) Provisions for service to elderly and handicapped persons.

(11) Compatibility of system with possible existing supplemental operations, e.g., taxicabs, where the vehicles, drivers, radios, and organization are already available and can provide feeder service,

(12) Extent to which currently operating rural transportation services, manpower, and equipment are utilized.

(13) Degree of management capability to administer the grant and to operate a transportation system.

(14) Suitability of proposed promotion techniques to reach potential riders.

§ 820.15 Effective utilization by elderly and handicapped persons.

All projects must be planned, designed, constructed, and operated to allow effective utilization by elderly or handicapped persons who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, including those who are nonambulatory wheelchair-users and those with semiambulatory capabilities, are unable without special facilities or special planning or design to utilize such facilities and services effectively. Except for compelling reasons shown, in no case may a project including rolling stock fail to include at least one vehicle which can be effectively utilized by wheelchair-users.

§ 820.17 Submission date.

Proposals shall be sent to the appropriate agency in each State by June 10, 1975.

Effective date: April 11, 1975.

J. E. HIRTEN,
Acting Urban Mass Transportation Administrator.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.75-9503 Filed 4-10-75;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On April 16, 1971, in 36 FR 7239, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Garland, Texas, as an eligible community and included Map No. H 485471 05 which indicates that Gatewood Addition No. 2, Second Section, Garland, Texas, as recorded among the land records of the Clerk of Dallas County, Texas, on November 10, 1972, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional recently acquired flood information, that the above property is within Zone C, and not within the Special Flood Hazard Area. Accordingly, effective August 11, 1970, Map No. H 485471 05 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 26, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9524 Filed 4-10-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia, as an eligible community and included Map No. H 515525 19 which indicates that Cardinal Forest Subdivision, Section 2, Springfield, Virginia, as recorded in Deed Book 2598, page 681, in the office of the Clerk of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further review of the above map in light of additional, recently acquired flood information, that the structures on above property are within Zone C, and not within the Special Flood Hazard Area. Accordingly, effective June 17, 1970, Map No. H 515525 19 is hereby corrected to reflect that the structures on the above property are not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9525 Filed 4-10-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On April 16, 1971, in 36 FR 7239, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Garland, Texas, as an eligible community and included Map No. H 485471 03 which indicates that property located at 2437 Creekdale, which is Lot No. 20, Block C of Park North Estates, Garland, Texas, as recorded in Volume 73001, at Page 1048 in the Office of the County Clerk of Dallas County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone B, and not within the Special Flood Hazard Area. Accordingly, effective August 11, 1970, Map No. H 485471 03 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9526 Filed 4-10-75;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On June 5, 1970, in 35 FR 8734, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Friendswood, Texas, as an eligible community and included Map No. H 485468 02 which indicates that Lot No. 20, except the Northeasterly 8 feet thereof, Block No. 15 Annalea Kingspark, Section "B", a Subdivision in Galveston County, Texas, as recorded in Volume 1616, Page 100 in the office of the County Clerk of Galveston County, Texas, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map in light of additional, recently acquired flood information, that the above property is within Zone B, and not within the Special Flood Hazard Area. Accordingly, effective June 5, 1970, Map No. H 485468 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended, (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 1, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9527 Filed 4-10-75;8:45 am]

[Docket No. FI-321]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On August 6, 1974, in 39 FR 28258, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Township of West Bloomfield, Michigan, as an eligible community and included Map. No. H 260182 06 which indicates that Lot No. 27, Upper Long Woods No. 1, West Bloomfield Township, Oakland County, Michigan, subject to Site Plan No. 3180 prepared on October 6, 1973, by Giffels-Webster Engineers, Inc., and recorded in Liber 64, Page 16 of the records of the Register of Deeds of Oakland County, Michigan, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, Map No. H 260182 06 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001–4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: April 2, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9528 Filed 4-10-75;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY

PART 91—ADJUSTMENT ASSISTANCE FOR WORKERS AFTER CERTIFICATION

PART 92—ADJUSTMENT ASSISTANCE FOR WORKERS AFTER CERTIFICATION UNDER AUTOMOTIVE PRODUCTS TRADE ACT OF 1965

Worker Adjustment Assistance

On March 13, 1975, a document was published in the FEDERAL REGISTER (40 FR 11740) proposing to revise 29 CFR Part 91, Adjustment Assistance for Workers After Certification, and delete Part 92, Adjustment Assistance for Workers after Certification under Automotive Products Trade Act of 1965. The proposed revision of Part 91 implements the new worker adjustment assistance program under Chapter 2, Title II, Trade Act of 1974, Pub. L. 93-618, 88 Stat. 1978, 2020-2030, (19 U.S.C. 2291-2322), for workers adversely affected by lack of work to which increased imports have contributed importantly. Current 29 CFR Part 91 implements the worker adjustment assistance program established by Chapter 3, Title III, Trade Expansion Act of 1962, Pub. L. 87-794, 76 Stat. 872, (19 U.S.C. 1931-1978), which is repealed by the Trade Act of 1974, effective April 3, 1975.

All comments with respect to the proposed revision of Part 91 were given due consideration; no comments were received with respect to the proposed deletion of Part 92.

A. As a result of comments received, and further review, the following changes in revised Part 91 are made in addition to language changes for clarification:

1. The phrase "(excluding overtime wages)" is deleted from the definition of "average weekly wage in adversely affected employment" in § 91.3(a)(9). Overtime wages therefore will be taken into account in determining whether an adversely affected worker has had a partial separation from adversely affected employment.

2. Provisions are added to § 91.23 for transportation allowances other than at the beginning and end of the training program. The language concerning subsistence payments in § 91.22 is changed to conform.

3. The proposed revisions for §§ 91.19 and 91.20 have been changed to emphasize the preference for referrals to training under the Comprehensive Employment and Training Act of 1973. The table of section headings is also amended to reflect these changes. For clarification, the paragraphs originally proposed as paragraphs (b) and (c) of § 91.19 have been adopted as paragraphs (e) and (f), respectively, of § 91.17.

4. On further review of the transitional provisions of the Trade Act of 1974 it is considered that the qualifying requirements in section 231 of the Act apply to workers covered by a certification issued under section 223 of the Act. Accordingly, § 91.65 is amended to reflect this view.

B. Certain other recommendations have been carefully considered but have not been accepted. The following suggestions were not adopted for the reasons assigned:

1. The order of (i), (ii), and (iii) in § 91.3(a)(16), has been criticized as not emphasizing the broad scope of the definition of the term "family". A change in substance is not suggested, and the broad scope of the introductory language in § 91.3(a)(16) gives sufficient emphasis to meet the criticism.

2. The provision on the application of State law disqualifications in § 91.10 was criticized because of the severity of the disqualifications in some State laws. The application of State law disqualifications is, however, mandated by section 234, except where the result achieved would be inconsistent with the Trade Act of 1974, and as to those exceptions the regulations provide that the Act shall be followed.

Accordingly, 29 CFR Part 91 is revised as set forth below, and 29 CFR Part 92 is deleted.

Since the new program for worker adjustment assistance will become effective on April 3, 1975, it is essential that Part 91 as revised herein be made effective as soon as possible in order to assure the availability of program benefits to workers. For this reason I, as Secretary of Labor, find that it is in the public interest to make revised Part 91 effective April 11, 1975.

Although revised Part 91 is being published in final form and is made effective as stated above, it is the policy of the Department of Labor that all comments concerning its regulations will be fully considered. Because certain persons have stated that they could not adequately comment on the proposal before March 26, 1975, further comments will be received, just as though revised Part 91 were presently a proposal, until May 9, 1975, after which time the comments received will be evaluated and, if warranted, the regulations will be further revised. Meanwhile, in the interest of making Part 91, as revised in this document, effective as soon as possible, it shall remain in force until further revised.

Interested persons are invited to submit written data, views, or arguments on revised Part 91, to the U.S. Department of Labor, Manpower Administration, Room 7000, Patrick Henry Building, 601 "D" Street, NW., Washington, D.C. 20210, on or before May 5, 1975. All material received in response to this invitation will be available for public inspection during normal business hours at that address.

Effective date. 29 CFR Part 91 is revised effective April 11, 1975; 29 CFR Part 92 is deleted effective May 11, 1975.

Signed at Washington, D.C. this 9th day of April, 1975.

JOHN T. DUNLOP,
Secretary of Labor.

1. Part 91 is revised as follows:

Subpart A—General

Sec.
91.1 Scope.
91.2 Purpose.
91.3 Definitions.

Subpart B—Trade Readjustment Allowances

91.6 Applications.
91.7 Qualifying requirements.
91.8 Evidence of qualification.
91.9 Availability for work.
91.10 Disqualifications.
91.11 Weekly amounts.
91.12 Duration.
91.13 Workers on vacation.
91.14 Applicable State law.

Subpart C—Training and Employability Services

91.17 Employment service functions.
91.18 Worker retraining plans.
91.19 Preferred training.
91.20 Purchased training.
91.21 Approval of other training.
91.22 Subsistence payments.
91.23 Transportation payments.
91.24 Refusal of training.

Subpart D—Relocation Allowances

91.28 General.
91.29 Eligibility.

Sec.
91.30 Time of relocation.
91.31 Findings required.
91.32 Amount.
91.33 Travel allowance.
91.34 Moving allowance.
91.35 Time and method of payment.
91.36 Overpayment of relocation allowance.

Subpart E—Job Search Allowances

91.40 General.
91.41 Applications.
91.42 Eligibility.
91.43 Findings required.
91.44 Amount.
91.45 Time and method of payment.
91.46 Worker evidence.
91.47 Overpayment of job search allowance.

Subpart F—Administration

91.51 Determinations.
91.52 Appeals.
91.53 Promptness.
91.54 Uniform interpretation.
91.55 Subpenas.
91.56 Reports.
91.57 State agency rulemaking.
91.58 Overpayments.
91.59 Waiver of rights void.
91.60 Exemption.
91.61 Disclosure of information.
91.62 Unemployment insurance.
91.63 Agreements with States.
91.64 Administration absent State agreement.
91.65 Transitional procedures.
91.66 Savings clause.
91.67 Effective date.
91.68 Termination date.

AUTHORITY: Sec. 248, Pub. L. 93-618, 88 Stat. 2029 (19 U.S.C. 2320).

Subpart A—General

§ 91.1 Scope.

The regulations in this Part 91 pertain to applications by individuals to State agencies for adjustment assistance, such as trade readjustment allowances, training and training allowances, relocation allowances, job search allowances, and administrative requirements applicable to States agencies. Regulations as to certifications of groups of workers as eligible to apply for adjustment assistance appear in Part 90 of this title.

§ 91.2 Purpose.

The purpose of this Part 91 is to provide for prompt payment of trade readjustment allowances and other adjustment assistance to individuals covered by certifications, to provide for prompt and effective assistance to such individuals in securing suitable employment, and to implement the provisions of the Act uniformly and effectively throughout the United States. The regulations in this Part 91 shall be interpreted and applied to achieve such purpose.

§ 91.3 Definitions.

(a) As used in this Part 91—

(1) "Act" means Chapter 2 of Title II of the Trade Act of 1974, Pub. L. 93-618, 88 Stat. 1978, 2019-2030 (19 U.S.C. 2271-2322).

(2) "Adjustment assistance" means trade readjustment allowances, training and training allowances, job search allowances, relocation allowances, employment services, and any other right or benefit provided for adversely affected workers by the Act.

(3) "Adversely affected employment" means employment in a firm or appropriate subdivision of a firm if workers of such firm or subdivision are certified under § 90.16 of this title as eligible to apply for adjustment assistance.

(4) "Adversely affected worker" means an individual who, because of lack of work in adversely affected employment:

(i) Has been totally or partially separated from such employment, or

(ii) Has been totally separated from employment with the firm in a subdivision of which such adversely affected employment exists.

(5) "Appropriate week" means:

(i) As to a totally separated worker the week in which the individual's most recent total separation occurred; and

(ii) As to a partially separated worker the week for which the individual first receives a trade readjustment allowance following the individual's most recent partial separation.

(6) "Average weekly hours" means a figure obtained by dividing (i) total hours worked (excluding overtime) by an individual in adversely affected employment in the 52 calendar weeks (excluding weeks in such period during which the individual was sick or on vacation) preceding the week in which the individual claims to be partially separated by (ii) the number of weeks in such 52 calendar weeks (excluding weeks in such period during which the individual was sick or on vacation) in which the individual actually worked in adversely affected employment.

(7) "Average weekly manufacturing wage" means the national gross average weekly earnings of production workers in manufacturing industries for the latest calendar year as officially published by the Bureau of Labor Statistics, United States Department of Labor, most recently prior to a week for which adjustment assistance is payable to an individual.

(8) "Average weekly wage" means one-thirteenth of an individual's high quarter wages. The high quarter is the quarter in which the individual's total wages were highest among the first four of the last five completed calendar quarters preceding the individual's appropriate week.

(9) "Average weekly wage in adversely affected employment" means a figure obtained by dividing (i) total wages (delete "(excluding overtime wages)") earned in adversely affected employment in the 52 calendar weeks (excluding weeks in such period during which the individual was sick or on vacation) preceding the week in which the individual claims to be partially separated by (ii) the number of weeks in such 52 calendar weeks (excluding weeks in such period during which the individual was sick or on vacation) in which the individual actually worked in adversely affected employment.

(10) "Benefit period" means a 2 year period commencing with and following an individual's appropriate week, except that for purposes of paying additional trade readjustment allowances under § 91.12(b) the benefit period shall be extended one year.

(11) "Certification" means a certification of eligibility to apply for adjustment assistance issued under § 90.16 of this title with respect to a group of workers.

(12) "Commuting area" means an area in commuting distance of an individual's place of residence.

(13) "Date of separation" means, as to a totally separated individual, the date on which the individual was laid off or otherwise totally separated from employment.

(14) "Employer" means any individual or type of organization, including the Federal government, a State government, or a political subdivision or instrumentality of either, which had one or more individuals performing service for it within the United States.

(15) "Employment" means any service performed for an employer by an individual for wages or by an officer of a corporation.

(16) "Family" means the following members of an individual's household whose principal place of abode is with the individual in a home the individual maintains or would maintain but for unemployment:

(i) A spouse;

(ii) An unmarried child, including a stepchild or adopted child, under age 21 or of any age if incapable of self-support because of mental or physical incapacity; and

(iii) Any other person for whom the individual would be entitled to a deduction for income tax under the Internal Revenue Code of 1954.

(17) "Good cause" means (except as used in an applicable State law) such reasons as would justify an individual's conduct when measured by conduct expected of a reasonable individual in like circumstances, including but not limited to reasons beyond the individual's control and reasons related to the individual's capability to make satisfactory progress in or continue training.

(18) "Head of family" means an individual who maintains a home for a family. An individual maintains a home if over half the cost of maintenance is furnished by the individual or would be furnished but for unemployment.

(19) "Impact date" means the impact date stated in a certification.

(20) "Last separation" means the total or partial separation from adversely affected employment most recently preceding an individual's application for trade readjustment allowances as to which it is determined that the individual qualifies under § 91.7.

(21) "Layoff" means a suspension from pay status for lack of work initiated by an employer and expected to be for a definite or indefinite period of not less than 7 consecutive days.

(22) "Partial separation" means that during a week beginning on or after the impact date stated in an applicable certification an adversely affected worker who has not been totally separated had:

(i) Hours of work reduced to 80 percent or less of the individual's average weekly hours, and

(ii) Wages reduced to 80 percent or less of the individual's average weekly wages in adversely affected employment.

(23) "Qualifying period" means the 52 calendar weeks preceding an individual's appropriate week.

(24) "Remuneration" means wages and net earnings derived from service performed as a self-employed individual.

(25) "Secretary" means the Secretary of Labor of the United States.

(26) "State" includes the District of Columbia and Commonwealth of Puerto Rico, and the term "United States" when used in a geographical sense includes such Commonwealth.

(27) "State agency" means an agency administering a State law.

(28) "State law" means the unemployment insurance law of a State approved under section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304).

(29) "Total separation" means a layoff or severance of an individual from employment with a firm in which, or in a subdivision of which, adversely affected employment exists.

(30) "Trade readjustment allowance" means a weekly allowance payable to an adversely affected worker under Subpart B of this Part 91.

(31) "Trainee" means an individual undergoing a planned and systematic sequence of instruction to which the individual is referred under § 91.20 or which is approved for the individual under § 91.21 given under competent supervision designed to impart skills, knowledge, or abilities as to a specific occupation and which may include, as necessary, instruction in basic subjects given specially in relation to such occupation.

(32) "Training allowance" means a weekly cash allowance payable to a trainee under any Federal law for the training of workers, but does not include a payment under §§ 91.22 or 91.23.

(33) "Unemployment insurance" means cash benefits payable to an individual with respect to the individual's unemployment under any State law or Federal unemployment insurance law.

(34) "Vacation or holiday pay" means wages paid in connection with leave for vacation or holiday purposes and not representing remuneration for services performed during a week for which application is made for a trade readjustment allowance.

(35) "Wages" means all compensation for employment for an employer including commissions, bonuses, and the cash value of all compensation in a medium other than cash.

(36) "Week" means a week as defined in an applicable State law.

(37) "Week of unemployment" means as to an individual a week in which the individual's remuneration for services performed in such week is less than 80 percent of the individual's average weekly wage and in which, because of lack of work:

(i) If totally separated, the individual worked less than the full-time week (excluding overtime) in his or her current occupation, or

(ii) If partially separated, the individual worked 80 percent or less of his or her average weekly hours.

Subpart B—Trade Readjustment Allowances

§ 91.6 Applications.

(a) An individual covered by a certification or petition for certification under § 90.16 of this title may apply at any time to a State agency for a trade readjustment allowance. Applications shall be in accordance with instructions and on forms approved by the Secretary which shall be furnished to the individual by the State agency. Determinations with respect to an application shall be made at any time to the extent necessary to establish or protect an individual's entitlement to a trade readjustment allowance or other adjustment assistance, but no payment of a trade readjustment allowance or other adjustment assistance may be made by a State agency until a certification is made under § 90.16 of this title and the State agency determines that the individual is covered thereby.

(b) The procedure for reporting and filing applications for trade readjustment allowances shall be consistent with this Part 91 and the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services ("Employment Security Manual," Part V, Section 5000 et seq.).

§ 91.7 Qualifying requirements.

To qualify for a trade readjustment allowance an individual must meet each of the following requirements.

(a) *Certification.* The individual must be an adversely affected worker covered by a certification.

(b) *Separation.* The individual's last separation must occur:

(1) On or after the impact date;

(2) Before expiration of the 2 year period following the date of the certification;

(3) Before the termination date, if any, of the certification;

(4) Not more than one year before the date of the petition on which certification was granted, except as provided in section 246(b) of the Act; and

(5) Not before October 3, 1974, except as provided in section 246(b) of the Act.

(c) *Wages and employment.* In the 52 weeks preceding the individual's last separation the individual must have at least 26 weeks of employment at wages of $30 or more a week in adversely affected employment with a single firm or subdivision of a firm. Evidence that an individual meets this requirement shall be obtained as stated in § 91.8.

§ 91.8 Evidence of qualification.

(a) *State agency action.* When an individual applies for a trade readjustment allowance the State agency having jurisdiction under § 91.51(a) shall obtain information necessary to establish:

(1) Whether the individual meets the requirements of § 91.7; and

(2) The individual's average weekly wage, and for an individual claiming to be partially separated the average weekly hours and average weekly wage in adversely affected employment.

(b) *Wages and employment.* Wages and employment creditable under § 91.7 (c) in determining whether an individual meets the requirements of § 91.7 shall not include employment or wages earned or paid for employment which is contrary to or prohibited by any Federal law.

(c) *Insufficient data.* If information specified in paragraph (a) of this section is not available from State agency records or from an employer, the State agency shall ask the individual to submit a statement setting forth, for an employer in the individual's qualifying period as to whom adequate information necessary to any determination is unavailable, such of the following information as it may request:

(1) Name and address of the employer.

(2) Beginning and ending dates of period of employment with such employer.

(3) Total wages earned from such employer.

(4) Number of weeks in the individual's qualifying period in each of which the individual earned $30 or more from a firm as to which a certification has been made under § 90.16 of this title.

(5) The individual's wages in each of the first 4 of the last 5 completed calendar quarters preceding the individual's appropriate week or, if partial separation is claimed, preceding the week in which the individual claims to be partially separated.

(6) If the individual claims to be partially separated:

(i) Total hours (excluding overtime) worked by the individual in adversely affected employment; and

(ii) Total wages (excluding overtime wages) earned by the individual in the period of 52 calendar weeks (excluding any week in such period during which the individual was sick, on vacation, or otherwise not working) preceding the week in which the individual claims to be partially separated.

(7) Any other pertinent information.

(d) *Verification.* A statement made under paragraph (c) of this section shall be certified by the individual to be true to the best of the individual's knowledge and belief and shall be supported by evidence such as Forms W–2, paycheck stubs, union records, income tax returns, or statements of fellow workers.

(e) *Determinations.* The State agency shall make the necessary determinations on the basis of information obtained pursuant to this section, except that if, after reviewing information obtained under paragraph (c) of this section against other available data, including agency records, it concludes that such information is not reasonably correct, it shall make appropriate adjustments and shall make the determination on the basis of the adjusted data.

§ 91.9 Availability for work.

An individual shall not be paid a trade readjustment allowance for a week of

unemployment in which the individual is not able to work or is unavailable for work under an applicable State law. This section does not apply to an individual for a week in which the individual is undergoing training under Subpart C of this Part unless the individual is determined to be ineligible for such week under § 91.24.

§ 91.10 Disqualifications.

(a) *State law applies.* Except as stated in paragraphs (b) and (c) of this section, an individual shall not be paid a trade readjustment allowance for a week of unemployment for which the individual is or would be disqualified to receive unemployment insurance under an applicable State law.

(b) *Trainees.* A State law shall not be applied to disqualify an individual undergoing training under Subpart C of this Part for:

(1) Undergoing training; or

(2) Refusal to accept or continue or failure to make satisfactory progress in training, and in lieu of such State law § 91.24 shall apply to the individual; or

(3) Refusal of work or referral to work if such work would require the individual to discontinue training or, if added to hours of training, would occupy the individual more than 8 hours a day or 40 hours a week, except that this subparagraph does not apply to an individual who has been given notice of a determination of ineligibility under § 91.24 unless and until the individual again makes satisfactory progress in training; or

(4) Quitting work if the individual was underemployed and it reasonably was necessary for the individual to quit work to begin or continue training, except that this subparagraph does not apply to an individual who has been given notice of a determination of ineligibility under § 91.24 unless and until the individual again makes satisfactory progress in training. For purposes of this subparagraph an individual is underemployed if:

(i) Working regularly below the individual's skill capacity, or

(ii) Working regularly less than full time in the individual's occupation, or

(iii) The individual has received notice that he or she will be laid off within 60 days.

(c) *Cancellation of wage credits.* No State law requiring cancellation of wage credits or reduction of benefit amounts or duration shall be applied to reduce the amount or duration of a trade readjustment allowance or allowances payable to an individual. Such a State law shall be given effect as follows:

(1) If the State law requires, together with a reduction in either the number of weeks for which unemployment insurance may be paid or in the total amount of unemployment insurance payable, postponement of the payment of unemployment insurance for a specified number of weeks or for the duration of an individual's unemployment, payment of trade readjustment allowances to the individual shall be similarly postponed.

(2) If the State law does not require postponement but requires cancellation of all wage credits earned prior to the filing of a claim for unemployment insurance, payment of trade readjustment allowances to the individual shall be postponed for 20 weeks from the week in which the disqualifying act occurred. This subparagraph does not apply to an individual who has made a fraudulent application and paragraph (e) of this section shall apply in lieu thereof.

(d) *"Duration plus" disqualifications.* A State law disqualifying an individual for unemployment insurance until the individual has earned a specified amount in employment covered under the State law or an amount expressed as a multiple of the individual's weekly benefit amount shall be applied to an individual applying for a trade readjustment allowance by postponing payment of such allowance until the individual has earned the specified amount or amount expressed as a multiple of the weekly benefit amount (computed on the basis of the weekly benefit amount payable under the State law if the individual was claiming unemployment insurance, entitled thereto, and not disqualified) in any employment, whether or not covered under the State law.

(e) *Fraud.* If a State law disqualification provision for fraud requires denial of unemployment insurance for the remainder of an individual's benefit year and the individual has no current benefit year when determined to have filed a fraudulent application for adjustment assistance, the individual shall not receive trade readjustment allowances or other payments of adjustment assistance for 20 weeks from the week in which the determination of fraud was made. If a State law disqualification provision for fraud requires denial of unemployment insurance for the remainder of an individual's benefit year and one or more subsequent benefit years, the individual shall not receive trade readjustment allowances or other payments of adjustment assistance for 40 weeks from the week in which the determination of fraud was made, whether or not the individual has a current unemployment insurance benefit year when determined to have filed a fraudulent application.

§ 91.11 Weekly amounts.

(a) *Regular allowance.* The amount of trade readjustment allowance payable to an individual for a week of unemployment (including a week of training) occurring after the impact date shall be 70 percent of the individual's average weekly wage, except that if the amount payable exceeds the average weekly manufacturing wage the amount payable shall be the average weekly manufacturing wage. The amount determined under the preceding sentence shall be adjusted as provided in this section.

(b) *Increased allowance.* An individual in training under Subpart C of this Part 91 entitled for a week to a training allowance under any Federal law in a greater amount than the amount provided in paragraph (a) of this section (whether or not the individual filed a claim for such training allowance) shall receive the greater amount as a trade readjustment allowance. A payment under this paragraph shall be in lieu of any other training allowances to which the individual is entitled under such Federal law.

(c) *Reduction of amount.* An amount payable under paragraph (a) or (b) of this section shall be reduced by:

(1) 50 percent of the individual's remuneration for services performed in such week (including wages for on-the-job training), and

(2) The amount of unemployment insurance the individual receives or would receive for such week if a claim for unemployment insurance was filed, except that if the appropriate State or Federal agency finally determines that an individual was not entitled to unemployment insurance for such week no reduction shall be made under this paragraph, and

(3) The amount of a training allowance (other than a training allowance referred to in paragraph (b) of this section) under any Federal law which the individual receives or would receive if a claim were filed for such week, except that if it is finally determined that an individual was not entitled to a training allowance for such week no reduction shall be made under this subparagraph, and

(4) For each day of absence without good cause from training by an amount computed by dividing the trade readjustment allowance to which the individual otherwise would be entitled by the number of days of training normally scheduled in the week. Holidays which otherwise would be days of training shall be deemed days of training normally scheduled for purposes of this subparagraph.

(d) *General limitation.* The amount otherwise payable under paragraph (a) or (b) of this section after adjustment pursuant to paragraph (c) of this section shall be reduced by deducting therefrom a general limitation amount. A general limitation amount is the amount remaining after:

(1) Determining the total amount payable to an individual for a week for which a trade readjustment allowance is sought as:

(i) Remuneration for services performed in such week, and

(ii) Unemployment insurance for such week, and

(iii) Training allowance under any Federal law for such week, and

(iv) The amount otherwise payable under paragraph (a) or (b) of this section after adjustment under paragraph (c) of this section for such week, and

(2) Deducting from the total amount determined under subparagraph (1) of this paragraph the lesser of:

(i) 80 percent of the individual's average weekly wage, or

(ii) 130 percent of the average weekly manufacturing wage.

(e) *Rounding.* An amount payable under this section which is not a multiple of a dollar shall be rounded to the next higher multiple of a dollar.

§ 91.12 Duration.

(a) *General rule.* Except as stated in paragraph (b) of this section an individual may not receive a trade readjustment allowance for—

(1) More than 52 weeks of unemployment beginning on or after an impact date, or

(2) A week of unemployment beginning more than 2 years after the beginning of the individual's appropriate week.

(b) *Additional weeks.* An individual ineligible to receive a trade readjustment allowance because of paragraph (a) of this section may receive trade readjustment allowances for not more than 26 additional weeks of unemployment in the following cases:

(1) *Trainees.* To assist the individual to complete training begun prior to ineligibility under paragraph (a) of this section in which the individual is making satisfactory progress and for which a bona fide application was made at least 180 days after the end of the appropriate week or date of the certification, whichever is later. In determining whether additional trade readjustment allowances shall be paid under this subparagraph, consideration shall be given to, when, and under what circumstances the training was initiated, the length of the normal course for similar training, the number of hours a day and days a week in which the individual is undergoing training, and any other pertinent factors.

(2) *Workers age 60.* If an individual became 60 years old on or before the individual's last separation. Weeks of unemployment for which the individual received a trade readjustment allowance under subparagraph (1) of this paragraph shall be deducted from the 26 additional weeks for which an individual aged 60 or more may receive trade readjustment allowances under this subparagraph.

(c) *Maximums.* In no case may an individual receive a trade readjustment allowance for more than 78 weeks beginning on or after an impact date or for a week of unemployment beginning more than 3 years after the beginning of the individual's appropriate week.

(d) *Computation.* If unemployment insurance or a training allowance is paid to an individual for any week of unemployment as to which the individual would be entitled, determined without regard to paragraphs (c) or (d) of § 91.11 or any disqualification under § 91.24, to a trade readjustment allowance if the individual applied for such trade readjustment allowance, each such week shall be deducted from the total number of weeks for which a trade readjustment allowance may be paid under this section when the individual applies for and is determined to be entitled to a trade readjustment allowance.

§ 91.13 Workers on vacation.

(a) *Ineligibility.* An individual is not unemployed because of lack of work for purposes of § 91.3(a)(37) in a week for which the individual applies for a trade readjustment allowance if the individual:

(1) Was on leave for vacation or holiday purposes during all or part of such week, and

(2) Received vacation or holiday pay as defined in § 91.3(a)(34) which, when allocated to all or part of such week under paragraph (b) of this section, equalled or exceeded the amount of a trade readjustment allowance which, but for this paragraph, would be payable for such week.

(b) *Allocation.* Vacation or holiday pay shall be allocated in equal amounts to each day on which an individual was on leave for vacation or holiday purposes.

(c) *Accrued leave.* Vacation or holiday pay which is paid in connection with a total separation (including a layoff without a definite date of return to work) shall be disregarded in determining whether an individual has experienced a week of unemployment, whether paid before or after separation.

§ 91.14 Applicable State law.

(a) *What law governs.* With respect to each last separation of an individual, the applicable State law for purposes of §§ 91.9 and 91.10 is:

(1) The State law under which the individual is entitled to unemployment insurance, regardless of whether the individual has claimed unemployment insurance; or

(2) If the individual is not entitled to unemployment insurance, the State law of the State in which the individual's last separation occurred.

(b) *Change of law.* (1) A State law determined under paragraph (a) of this section shall remain applicable to an individual until:

(i) The individual becomes entitled to unemployment insurance under another State law; or

(ii) If the individual does not become entitled to unemployment insurance, the individual has a total or partial separation in another State.

(2) If a State law ceases to apply to an individual, the applicable State law thereafter shall be the law of the State in which the individual became entitled to unemployment insurance, whether or not the individual has filed a claim for unemployment insurance.

(c) *UCFE–UCX claimants.* If an individual is entitled to unemployment insurance under title 5, chapter 85, United States Code, the applicable State law for purposes of paragraphs (a) and (b) of this section is the law of the State to which the individual's Federal service and wages were assigned under 20 CFR 609.15 or 614.3.

Subpart C—Training and Employability Services

§ 91.17 Employment service functions.

To assure readjustment as promptly and effectively as possible, an adversely affected worker totally separated from employment shall be referred by the State agency to an appropriate office of the State employment service. Unless the worker submits to the State agency a written statement of reasons why employment services are not desired and such statement is approved by the State agency, a worker so referred shall:

(a) Register for work;

(b) Be informed of potential entitlement to job search allowances under Subpart E of this Part 91 and to relocation allowances under Subpart D of this Part 91;

(c) Be afforded, as appropriate, testing, counseling, job referral, and other placement services provided by any Federal law, including supportive and other services such as work orientation, basic education, communication skills, employment skills, and minor health services necessary to prepare the worker for full employment in accordance with the worker's capabilities and job opportunities; and

(d) If suitable employment is not otherwise available and the worker's employability would be improved thereby, the worker may be selected or referred to training as provided in §§ 91.18, 91.19, 91.20, or 91.21.

(e) Applications: Applications for selection for, approval of, or referral to training shall be in accordance with instructions and on forms approved by the Secretary, which shall be furnished to an individual by a State agency or State employment service.

(f) Determinations: Selection for, approval of, or referral of an individual to training under this Subpart C, or a decision with respect to any specific training of nonselection, non-approval, or nonreferral for any reason shall be a determination to which §§ 91.51 through 91.54 apply.

§ 91.18 Worker retraining plans.

(a) *Establishment.* To the extent practicable before referring adversely affected workers to training or approving training for such workers the Secretary, or at his request a State employment service, shall consult with such workers' firm and their certified or recognized union or other authorized representative for the purpose of developing a worker retraining plan to meet the manpower needs of such firm and to preserve or restore the employment relationship between the workers and such firm. The fact there is not otherwise a need in the area to train workers in a specific occupation shall not preclude development of a worker retraining plan as to such occupation for workers of the firm.

(b) *Methods.* Worker retraining plans may provide for either or a combination of the following methods of training:

(1) On-the-job training in the facilities of the firm or elsewhere pursuant to §§ 91.19, 91.20, and 91.21, including training for which the firm pays the costs; and

(2) Vocational training other than on-the-job training pursuant to §§ 91.19, 91.20, and 91.21.

(c) *Selection and referral.* To the extent consistent with this section, selection and referral of individuals designated in a worker retraining plan shall be in accordance with § 91.19.

(d) *On-the-job training.* When a worker retraining plan provides for on-

the-job training described in paragraph (b)(1) of this section, 29 CFR 95.33(d)(2) shall apply.

§ 91.19 Preferred training.

(a) *Suitable training.* A State employment service shall refer an adversely affected worker selected for training which is provided at no cost to the worker or to the Adjustment Assistance Trust Fund under:

(1) The Comprehensive Employment and Training Act of 1973, as amended, as implemented by Parts 94 through 98 of this title, offered by a prime sponsor; or

(2) If suitable training under subparagraph (1) of this paragraph cannot be provided or is not available, under any other applicable law.

(b) *Applicable standards.* The standards, procedures, and requirements of the training program to which a worker is referred under this section shall apply to the worker.

(c) *Fees prohibited.* In no case shall a worker be referred to training under this section for which the worker is required to pay a fee or tuition.

§ 91.20 Purchased training.

If the State employment service determines that placement of an adversely affected worker in suitable training under § 91.19 cannot otherwise be accomplished, the State employment service shall reimburse the agency or prime sponsor operating the training program for the cost of such training. The State employment service may make arrangements or agreements for such reimbursement, and such arrangements or agreements may include provision for placement of such workers in such training although such workers do not meet the generally applicable eligibility requirements for such programs.

§ 91.21 Approval of other training.

A State employment service may approve and purchase for an adversely affected worker any other training, including on-the-job training or institutional training, the individual may wish to undertake if:

(a) Circumstances preclude referral to training under § 91.19 or § 91.20; and

(b) If institutional vocational training, the training has been approved by the State vocational education agency as meeting the standards of adequacy required by the applicable law.

§ 91.22 Subsistence payments.

(a) *Eligibility.* A trainee under this Subpart C may be afforded supplemental assistance necessary to pay costs of separate maintenance when the training facility is located outside the commuting area, but may not receive such supplemental assistance for any period for which the trainee receives such a payment under the Comprehensive Employment and Training Act of 1973, as amended, or any other law, or for any day referred to in § 91.23(c)(3) pursuant to which a transportation allowance is payable to the worker.

(b) *Amount.* Subsistence payments shall be not more than $15 a day, except that if a training facility furnishes or makes available lodging and meals to trainees at a rate of $12 or less a day the subsistence payment shall not exceed the amount charged for those accommodations plus $3 a day for incidentals. In determining the amount of a subsistence payment the exact days, including the days of departure and return, which elapse between the day the trainee departs for the training facility to the day the trainee returns shall be taken into account.

(c) *Applications.* Applications for payment of subsistence shall be in accordance with instructions and on forms approved by the Secretary and furnished to the trainee by a State agency or State employment service. Such payments shall be made on completion of a week of training, except that at the beginning of a training project a State agency may advance a payment for a week if it determines that such advance is necessary to enable a trainee to accept training. An adjustment shall be made if the amount of an advance exceeds the amount to which the trainee is entitled under paragraph (b) of this section. A determination as to an application made under this section shall be subject to §§ 91.51 through 91.54.

§ 91.23 Transportation payments.

(a) *Eligibility.* A trainee under this Subpart C shall be afforded supplemental assistance necessary to pay transportation expenses if the training is outside the commuting area, but may not receive such assistance if transportation is arranged for the trainee as part of a group and paid for by the State agency or to the extent the trainee receives a payment of transportation expenses under another Federal law.

(b) *Amount.* A transportation allowance shall not exceed 12 cents a mile for travel by the least expensive means of transportation reasonably available between the trainee's home and the training facility.

(c) *Travel included.* Travel for which a transportation allowance may be paid shall include travel: (1) At the beginning and end of the training program; (2) when the trainee fails to complete the training program for any reason; and (3) for daily commuting, in lieu of subsistence, but not exceeding the amount otherwise payable as subsistence for each day of commuting.

(d) *Applications.* Applications for transportation payments shall be made in accordance with instructions and on forms approved by the Secretary and furnished to trainees by a State agency or State employment service. Payment may be made in advance. A determination as to an application made under this section shall be subject to §§ 91.51 through 91.54.

§ 91.24 Refusal of training.

A trainee under this Subpart C who, without good cause, refuses to accept or continue or fails to make satisfactory progress in such training shall not be paid a trade readjustment allowance for any week of unemployment thereafter until the week in which the trainee enters, resumes, or makes satisfactory progress in such training. Any disqualification under §§ 91.10(b)(3) or (4) imposed on a trainee for or during a period of ineligibility under this section shall cease to apply as of the week in which the trainee enters, resumes, or makes satisfactory progress in such training.

Subpart D—Relocation Allowances

§ 91.28 General.

A relocation allowance shall be granted an adversely affected worker to assist the individual and the individual's family, if any, to relocate within the United States as stated in this Subpart D. A relocation allowance shall not be granted an individual more than once in a benefit period. A relocation allowance shall not be granted to more than one member of a family with respect to the same relocation. If applications for a relocation allowance are made by more than one member of a family as to the same relocation the allowance shall be paid to the head of the family if otherwise eligible.

§ 91.29 Eligibility.

(a) *Conditions.* To be eligible for a relocation allowance a worker must:

(1) Apply for such allowance, before relocating and regardless of whether a certification covering the worker has been made under Part 90 of this title, in accordance with instructions and on forms approved by the Secretary which shall be furnished to the individual by the State agency;

(2) Be entitled to a trade readjustment allowance for the week in which the application for such allowance is filed, unless the individual is not entitled to a trade readjustment allowance for such week solely because:

(i) The individual has obtained the employment referred to in subparagraph (7) of this paragraph, or

(ii) The amount of the trade readjustment allowance has been adjusted to zero under § 91.11, or

(iii) The individual is not yet covered by a certification;

(3) Have been totally separated from adversely affected employment;

(4) Not previously have received a relocation allowance during the applicable benefit period;

(5) Intend to relocate within the United States;

(6) Be found under § 91.31 to have no reasonable expectation of securing suitable employment in the commuting area;

(7) Be found under § 91.31 to have obtained suitable employment or a bona fide offer of suitable employment in the area of intended relocation; and

(8) Relocate within a reasonable period, as determined under § 91.30, after applying for the relocation allowance or, if undergoing training, after the conclusion of training.

(b) *Job search.* Applications for a relocation allowance and a job search allowance may not be approved concurrently, but payment of a job search al-

lowance shall not otherwise prevent payment of a relocation allowance.

(c) *Relocation before application.* An application for a relocation allowance made after relocation takes place cannot be granted.

§ 91.30 Time of relocation.

(a) *Applicable considerations.* In determining an individual's eligibility under § 91.29(a)(8) a State agency, among other factors, shall consider whether:

(1) Suitable housing is available in the area of relocation;

(2) The individual can dispose of the individual's residence;

(3) The individual or a family member is ill; and

(4) A member of the individual's family is attending school and when the member best can be transferred to a school in the area of relocation.

(b) *Time limits.* The reasonable period for relocation under § 91.29(a)(8) shall expire 6 months from the date of application for a relocation allowance or after the conclusion of training, as the case may be, unless the individual has good cause for extension of the period. In no event may such period extend beyond 12 months from the date of application or conclusion of training.

§ 91.31 Findings required.

The following findings must be made before a relocation allowance may be granted.

(a) *Intrastate relocations.* If the area of relocation is in the State where the individual resides, the Director of the employment service of the State must find that the individual is eligible under §§ 91.29(a) (6) and (7).

(b) *Interstate relocations.* If the area of relocation is not in the State where the individual resides:

(1) The Director of the employment service of the State where the individual resides must find that the worker is eligible under § 91.29(a)(6); and

(2) The Director of the employment service of the State of intended relocation must find that the individual is eligible under § 91.29(a)(7).

§ 91.32 Amount.

The amount payable as a relocation allowance shall be:

(a) 80 percent, computed under § 91.33, of reasonable and necessary travel expenses from the individual's place of residence to the intended area of relocation, plus

(b) 80 percent, computed under § 91.34, of the expense of moving household goods and personal effects, not to exceed 11,000 pounds net weight, between such locations, plus

(c) A lump sum, not exceeding $500, equal to 3 times the individual's average weekly wage.

§ 91.33 Travel allowance.

(a) *Computation.* The amount of travel allowance payable under § 91.32(a) shall be computed as follows.

(1) *Commercial carrier.* For travel by commercial carrier an individual shall receive 80 percent of the expenses of such travel for the individual and family, if any, by the most economical public transportation the individual and family reasonably can be expected to take from the individual's residence to the individual's new residence in the area of relocation.

(2) *Automobile.* For travel by private automobile an individual shall receive 9.6 cents a mile over the usually traveled route from the individual's residence to the worker's new residence in the area of relocation. No additional mileage shall be payable for family members traveling on the same trip in the same automobile. An individual claiming mileage under this subparagraph may not claim also a travel allowance under subparagraph (1) of this paragraph, either for the individual or a family member, except as stated in subparagraph (3) of this paragraph.

(3) *Separate travel.* If for good cause a member or members of an individual's family must travel separately to the individual's new residence the individual shall be paid:

(i) If travel is by private automobile, the lesser of 9.6 cents a mile for the usual route or 80 percent of the cost of transporting all such family members who travel in the same automobile by the most economical public transportation that reasonably can be taken; or

(ii) If travel is by commercial carrier, 80 percent of the cost of transportation by the most economical public transportation that reasonably can be taken.

(b) *Limitation.* In no case may the individual be paid a travel allowance for the individual or a member of the individual's family more than once in connection with a single relocation.

§ 91.34 Moving allowance.

(a) *Computation.* The amount of a moving allowance payable under § 91.32 (b) shall be computed as follows.

(1) *Commercial carrier.* For transportation of household goods and personal effects, not exceeding 11,000 pounds net weight, of an individual and family, if any, by commercial carrier from the individual's residence to the individual's new residence in the area of relocation, the individual shall be paid 80 percent of the cost of such transportation, including accessorial charges found reasonable and necessary by the State agency, by the most economical commercial carrier the individual reasonably can be expected to use. Before undertaking such transportation the individual must submit to the State agency an estimate from a commercial carrier as to the cost thereof. Accessorial charges shall include the cost of insuring such goods and effects for their actual value or $10,000, whichever is least, against loss or damage in transit, if a bid from a licensed insurer is obtained by the individual and approved by the State agency before departure. If a State agency finds it is more economical to pay a carrier an extra charge to assume the responsibility of a common carrier for such goods and effects, 80 percent of such extra charge, but not exceeding $50, shall be paid in lieu of the cost of insurance.

(2) *Trailer.* If household goods and personal effects are moved by trailer or house trailer used as a home the individual shall be paid:

(i) 9.6 cents a mile if the trailer or house trailer is hauled by private automobile, or

(ii) 80 percent of the charge, not exceeding 20 cents a mile, if hauling is by commercial carrier; and

(iii) If the trailer is rented and of the type customarily used for transporting household goods and personal effects, 80 percent of the rental fee, not exceeding 20 cents a mile, for each day reasonably required to complete the transportation.

(b) *Travel.* Payments under this section shall be in addition to payments under § 91.32(a). Mileage computations under this section shall be made on the basis of the most usual route between points of departure and destination.

§ 91.35 Time and method of payment.

(a) *Determinations.* A State agency shall promptly make and record determinations necessary to assure an individual's entitlement to a relocation allowance at any time, whether before or after a certification covering the individual is made. No relocation allowance may be paid an individual until the State agency determines that the individual is covered by a certification. If delay in payment occurs under the preceding sentence a State agency shall make payment as promptly as possible upon determining that the individual is covered by a certification and otherwise eligible.

(b) *Travel and moving allowances.* Allowances computed under §§ 91.33 and 91.34 shall be paid as follows.

(1) *Travel.* Unless paragraph (a) of this section applies, the amount computed under § 91.33 shall be paid at the time an individual departs from the individual's residence to begin relocation or within 10 days prior thereto. An amount payable for a family member traveling separately may be paid to the individual at the time of such family member's departure or within 10 days prior thereto.

(2) *Moving.* Unless paragraph (a) of this section applies, the amount computed under § 91.34 shall be paid:

(i) *Auto with trailer.* If travel is by private automobile and trailer, at the time payment is made under subparagraph (1) of this paragraph.

(ii) *Rented trailer.* If travel is by private automobile and rented trailer:

(A) The individual shall submit an estimate of the rental cost from the rental agency, and

(B) 80 percent of such estimated rental cost, not exceeding 20 cents a mile, shall be advanced by check payable to the order of the rental agency at the time of departure or within 10 days prior thereto, and

(C) On completion of travel the individual shall submit promptly to the State agency a receipted bill itemizing and evidencing payment of 80 percent of

the rental charges for the trailer and shall reimburse the State agency for the amount, if any, by which the advance made for trailer rental exceeded 80 percent of the rental charges approved by the State agency. If the amount of an advance was less than 80 percent of rental charges or less than 80 percent of mileage at 20 cents a mile, whichever is less, the individual shall be paid the difference.

(iii) *Commercial carrier.* (A) If household goods and personal effects are moved by commercial carrier, 80 percent of the amount of the estimate submitted by the individual under § 91.34(a)(1) as approved by the State agency covering the cost of such transportation and 80 percent of insurance costs approved by the State agency under § 91.34(a)(1) shall be advanced by checks payable to the carrier and insurer delivered to the individual at the time of the scheduled shipment or within 10 days prior thereto. On completion of transportation the individual promptly shall submit to the State agency a copy of the bill of lading prepared by the carrier, including a receipt evidencing payment of transportation costs. The individual shall with such submittal reimburse the State agency the amount, if any, by which the advance made to him exceeds 80 percent of transportation costs. The individual shall be paid the difference, if any, if the amount advanced was less than 80 percent of the transportation costs approved by the State agency.

(B) If economy of administration will result a State agency may make direct arrangements for transportation and insurance of an individual's household goods and personal effects with a carrier and insurer selected by the individual and may make payment of 80 percent of transportation and insurance costs directly to the carrier and insurer. No such arrangement shall release a carrier from liability otherwise provided by law for loss or damage to an individual's goods and effects.

(iv) *Trailer commercially hauled.* If household goods and personal effects are transported by trailer hauled by a commercial carrier the individual shall submit to the State agency an estimate of the cost of the hauling from a commercial carrier. A check for 80 percent of the amount of the estimate, if approved, but not exceeding 20 cents a mile, payable to the carrier, may be delivered to the individual at the time of the scheduled transportation or within 10 days prior thereto.

(c) *Lump sum allowance.* The lump sum allowance provided in § 91.32(c) shall be paid when arrangements are completed for relocation of the individual and family, if any, but not more than 10 days before the anticipated date of shipment of the individual's household goods and personal effects.

§ 91.36 Overpayment of relocation allowance.

(a) *Repayment required.* If an individual fails without good cause to complete a relocation, any payment under § 91.32 constitutes an overpayment.

(b) *Relocation completed.* A relocation is completed when an individual and family, if any, and their household goods and personal effects arrive at the individual's home in the area of relocation. If no household goods are transported a relocation is completed when the individual and family, if any, actually move to the area of relocation and establish a new residence. Failure of a member of an individual's family to move does not mean a relocation was not completed if there was good cause for the failure, unless the member is the only member of the individual's family.

(c) *Collection.* An overpayment determined under this section shall be collected as stated in § 91.58.

Subpart E—Job Search Allowances

§ 91.40 General.

A job search allowance shall be granted an adversely affected worker to assist the individual in securing a job within the United States as stated in this Subpart E.

§ 91.41 Applications.

(a) *Forms.* An application for a job search allowance shall be made in accordance with instructions and on forms approved by the Secretary which shall be furnished to an individual by a State agency or State employment service.

(b) *Submittal.* An application may be submitted to a State agency at any time regardless of whether a certification covering the individual has been made.

(c) *Time limits.* Notwithstanding paragraph (b) of this section, an application for a job search allowance may not be granted if submitted more than one year after the date of an individual's last total separation or later than 6 months after completion of training under Subpart C of this Part 91.

§ 91.42 Eligibility.

(a) *Conditions.* To be eligible for a job search allowance an individual must:

(1) File a timely application;

(2) Have been totally separated from adversely affected employment;

(3) Be referred to the State employment service which shall furnish the individual such employment services as are appropriate as provided in § 91.17;

(4) Have no reasonable expectancy of securing suitable employment in the commuting area;

(5) Have received a bona fide referral to suitable employment outside the commuting area or have a reasonable expectancy of obtaining suitable employment of long term duration in the area where the job search will be conducted; and

(6) Complete the job search within a reasonable period, not exceeding 30 days, after the day on which the job search began.

(b) *Completion of search.* A job search is deemed completed when the individual either secures employment or has contacted each employer to whom referred by the employment service in connection with a job search.

§ 91.43 Findings required.

Before an application under § 91.41 may be approved the following findings must be made.

(a) The State agency having jurisdiction under § 91.51(a) must find that the individual meets the requirements of § 91.42(a)(2).

(b) The Director of the employment service of the State where the individual resides must find that:

(1) The application was submitted within the time stated in § 91.41(c);

(2) The worker meets the requirements of § 90.42(a) (4) and (5), and such finding shall state the basis thereof;

(3) There is reasonable expectancy the individual can obtain the employment sought; and

(4) The beginning date and date on or before which the job search should be completed.

§ 91.44 Amount.

(a) *Computation.* The amount of a job search allowance shall be 80 percent of the total of the following items:

(1) *Commercial carrier.* If travel is by commercial carrier, the cost of such travel by the most economical public transportation the individual reasonably can be expected to take from the individual's residence to the area of job search.

(2) *Automobile.* If travel is by private automobile, 12 cents a mile for travel by the usual route from the individual's residence to the area of job search.

(3) *Lodging.* The individual's cost of lodging while engaged in job search, not exceeding $12 a day.

(4) *Meals.* The cost of the individual's meals while engaged in job search, not exceeding $5 a day.

(b) *Limit.* The total job search allowance paid an individual in a benefit period may not exceed $500.

§ 91.45 Time and method of payment.

(a) *Determinations.* A State agency promptly shall make determinations necessary to assure entitlement of an individual to a job search allowance at any time, whether before or after a certification covering the individual is made. No job search allowance may be paid or advanced to an individual until the State agency determines that the individual is covered by a certification. If delay in payment occurs under the preceding sentence a State agency shall make payment as promptly as possible on determining that the individual is covered by a certification and otherwise eligible.

(b) *Payment.* Unless paragraph (a) of this section applies, a job search allowance shall be paid promptly after an individual completes a job search and complies with § 91.46.

(c) *Advances.* A State agency may advance to an individual (except an individual not yet covered by a certification) within 5 days prior to commencement of a job search 60 percent of the estimated amount of the job search allowance payable on completion of job search, but not exceeding $300. Such ad-

vance shall be deducted from a payment under paragraph (b) of this section.

§ 91.46 Worker evidence.

On completing a job search an individual shall certify on forms furnished by the State agency as to employer contacts made and amounts expended daily for food and lodging.

§ 91.47 Overpayment of job search allowance.

If an individual fails without good cause to complete a job search any payment under § 91.45 constitutes an overpayment. Such overpayment shall be collected as stated in § 91.58.

Subpart F—Administration

§ 91.51 Determinations.

(a) *Jurisdiction.* The State agency whose State law is the applicable State law under § 91.14 shall determine an individual's entitlement to adjustment assistance under this Part 91, and make necessary payments, and may accept for such purpose information and findings supplied by another State agency under this Part 91.

(b) *Redeterminations.* A determination under paragraph (a) of this section may be reconsidered by a State agency under the same terms and conditions as a determination on a claim for unemployment insurance under the State law.

(c) *Use of State law.* In making determinations or redeterminations under this section, or in reviewing such determinations or redeterminations under § 91.52 a State agency, a hearing officer, or a court shall apply the regulations in this Part 91 and the substantive provisions of the Act. As to matters not otherwise specifically provided for in these regulations or the Act, a State agency, a hearing officer, or a court may apply the applicable State law and regulations thereunder, including procedural requirements of such State law or regulations, except so far as such State law or regulations are inconsistent with this Part 91 or the Act or the purposes of this Part 91 or the Act.

(d) *Agent of United States.* In making determinations, redeterminations, and in connection with proceedings for review thereof a State agency which has executed an agreement as provided in § 91.63 shall be an agent of the United States and shall carry out fully the purpose stated in § 91.2.

(e) *Notice.* The State agency shall notify the individual in writing of any determination or redetermination as to entitlement to adjustment assistance. Each determination or redetermination shall inform the individual of the right to reconsideration or appeal in the same manner as a determination under the State law.

(f) *Procedure.* Except where otherwise required by the Act or this Part 91, the procedures for making and furnishing determinations and written notices of determinations to individuals, shall be consistent with the Secretary's "Standard for Claim Determinations-Separation Information," ("Employment Security Manual," Part V, section 6010 et seq.)

§ 91.52 Appeals.

A determination or redetermination under this Part 91 shall be subject to review in the same manner and to the same extent as determinations under the applicable State law and only in that manner and to that extent. Proceedings for review of a determination or redetermination may be consolidated or joined with proceedings for review of a determination or redetermination under the State law where convenient or necessary. Procedures as to the right of appeal and opportunity for fair hearing shall be consistent with sections 303(a) (1) and (3) of the Social Security Act (42 U.S.C. 503(a) (1) and (3)).

§ 91.53 Promptness.

A State agency shall make full payment of adjustment assistance when due with the greatest promptness administratively feasible. Appeals under § 91.52 shall be decided with a degree of promptness meeting 20 CFR Part 650. Any provision of an applicable State law for advancement or priority of unemployment insurance cases on judicial calendars, or otherwise intended to provide for prompt payment of unemployment insurance when due, shall apply to proceedings involving entitlement to adjustment assistance under this Part 91.

§ 91.54 Uniform interpretation.

To assure uniform interpretation and application of this Part 91 throughout the United States a State agency shall submit, not later than 10 days after issuance, to the Manpower Administration of the United States Department of Labor a copy of any judicial or administrative decision reviewing a determination or redetermination under this Part 91. The material submitted shall be certified as accurate by a responsible official, employee, or counsel of a State agency on a form prescribed by the Secretary. If the Secretary believes a determination or decision inconsistent with this Part 91 or the Act, the Secretary may at any time inform the State agency that the United States Department of Labor does not acquiesce therein. Thereafter the State agency shall appeal if possible, shall not follow such determination or decision as a precedent, and in any subsequent proceedings which involve such determination or decision, or wherein such determination or decision is cited as precedent or otherwise relied upon, the State agency shall inform the hearing officer or court of the reason for its nonacquiescence and shall make all reasonable efforts, including appeal or other proceedings before any court having jurisdiction, to obtain modification, limitation, or overruling of such precedent. A State agency may request reconsideration of a notice of nonacquiescence and shall be given opportunity to present views and argument if desired. Acquiescence of the United States Department of Labor in a determination or decision shall not be presumed from absence of comment. If the highest State court having jurisdiction renders by a decision which becomes final a precedent in which the United States Department of Labor does not acquiesce, a decision shall be made by the Secretary as to whether § 91.63(e) shall be applied.

§ 91.55 Subpenas.

A State agency may issue subpenas for attendance of witnesses and production of records on the same terms and conditions as under the State law. Compliance may be enforced on the same terms and conditions as under the State law, or, if a State court declines to enforce a subpena issued under this section, the State agency may petition for an order requiring compliance with such subpena to the United States district court within the jurisdiction of which the relevant proceeding under this Part 91 is conducted.

§ 91.56 Reports.

A State agency shall furnish to the Secretary such information and reports and make such studies as the Secretary decides are necessary or appropriate for carrying out the purposes of the Act and this Part 91.

§ 91.57 State agency rulemaking.

A State agency may establish supplemental procedures not inconsistent with the Act or this Part 91 or procedures prescribed by the Secretary to further effective administration of this Part 91. The exact text of such supplemental procedure or procedures, certified as accurate by a responsible official, employee, or counsel of the State agency, shall be submitted to the Manpower Administration, United States Department of Labor, on a form supplied by the Secretary. No supplemental procedure shall be effective unless and until approved by the Secretary. Approval may be granted on a temporary basis, not to exceed 90 days, in cases of administrative necessity. On reasonable notice to a State agency approval of a supplemental procedure may be withdrawn at any time. If public notice and opportunity for hearing would be required under a State law for adoption of a similar or analogous procedure involving unemployment insurance, such public notice and opportunity for hearing shall be afforded by the State agency as to the supplemental procedure.

§ 91.58 Overpayments.

(a) *Fraud.* If a cooperating State agency or the Secretary, or a court of competent jurisdiction finds that any person—

(1) Has made or caused to be made by another, a false statement or representation of a material fact knowing it to be false, or has knowingly failed or caused another to fail to disclose a material fact; and

(2) As a result of such action has received any payment under this Part 91 to which the person was not entitled,

such person shall be liable to repay such amount to the State agency or the Secretary, as the case may be, or either may recover such amount by deductions from any sums payable to such person under this Part 91.

(b) *Absence of fraud.* Except as provided in §§ 91.36 and 91.47, if there has been an overpayment to any person but no finding by a State agency, the Secretary, or a court of competent jurisdiction has been made that there was an intent to defraud, the determinations specified below shall be made on the same basis as similar determinations as to overpayments of unemployment insurance are made under the applicable State law:

(1) Whether the person shall be liable to repay such overpayment in cash, or

(2) Whether the person shall be permitted to offset any future amounts payable to such person under the Act, or

(3) Whether a waiver of such overpayment may be permitted.

(c) *Deposit.* Any amount repaid to a State agency under this section shall be deposited into the fund from which payment was made. Any amount repaid to the Secretary under this paragraph shall be returned to the Secretary of the Treasury and credited to the Adjustment Assistance Trust Fund.

(d) *Procedures.* Procedures for determination of overpayment, and opportunity for hearing thereon, shall accord with procedures under the State law for determinations and hearings with respect to overpayments under the State law, and shall be consistent with sections 303(a) (1) and (3) of the Social Security Act (42 U.S.C. 503(a) (1) and (3)).

(e) *Detection.* Procedures of a State agency as to detection and prevention of fraudulent overpayments of adjustment assistance shall be consistent, at a minimum, with the procedures adopted by a State with respect to unemployment insurance which are consistent with the Secretary's "Standard for Fraud and Overpayment Detection," ("Employment Security Manual," Part V, section 7510 et seq.).

§ 91.59 Waiver of rights void.

An agreement by an individual to waive, release, or commute any right to adjustment assistance or other right under the Act or this Part 91 shall be void. No employer shall discriminate in regard to the hiring or tenure of work or any term or condition of work of an individual on account of an application for adjustment assistance under this Part 91, or in any manner obstruct or impede an application for adjustment assistance.

§ 91.60 Exemption.

Any assignment, pledge, or encumbrance of any right to adjustment assistance which is or may become due and payable under this Part 91 shall be void; and such right to adjustment assistance shall be exempt from levy, execution, attachment, garnishment, order for the payment of attorney fees, offset or recovery of overpayments under any law other than the Act, or any other remedy whatsoever provided for the collection of debt whether owed to the United States, a State, or a person; and adjustment assistance received by an individual shall be exempt from any remedy whatsoever for the collection of all debts, except necessaries furnished to such individual or the individual's family during the time when such individual was unemployed. Any waiver of the exemption provided for in this section shall be void.

§ 91.61 Disclosure of information.

Except where a public hearing has been held under § 91.52 with respect to such individual, the identity of an individual who has applied for adjustment assistance shall be held confidential by a State agency and determinations as to such individual shall not be disclosed or open to public inspection in any manner revealing the individual's identity. This section does not prohibit disclosure of information from the records of a State agency:

(a) To individuals applying for adjustment assistance and other interested parties to an appeal under § 91.52 to the extent necessary to adequately prepare for and participate in a hearing under § 91.52;

(b) To other State agencies in connection with the administration of State laws or this Part 91;

(c) To public assistance agencies for purposes not inconsistent with the purposes of the Act or this Part 91;

(d) To public officials (including law-enforcement officials) for purposes of proceedings under section 244 of the Act, 88 Stat. 2026 (19 U.S.C. 2316), or other purposes found by the Secretary to be not inconsistent with the purposes of the Act and this Part 91; or

(e) To the Secretary and the Manpower Administration of the United States Department of Labor as provided in §§ 91.54 and 91.56.

§ 91.62 Unemployment insurance.

(a) *No denial or reduction.* Unemployment insurance payable to an adversely affected worker shall not be denied or reduced for any week by reason of any right to payment of adjustment assistance under this Part 91.

(b) *No waiting week.* No provision of a State law requiring an individual to serve a week of uncompensated unemployment (waiting week) as a condition to payment of unemployment insurance shall be applied to an adversely affected worker for a week which is a week of unemployment as defined in § 91.3(a) (37) so as to deny the individual a payment of adjustment assistance for such week.

§ 91.63 Agreements with State agencies.

(a) *Authority.* Before performing any function or exercising any jurisdiction under this Part 91 a State or a cooperating State agency shall execute an agreement with the Secretary meeting the requirements of the Act.

(b) *Execution.* An agreement under paragraph (a) of this section shall be signed on behalf of a State by an authorized official of the State and the signature shall be dated. The authority of the official shall be certified by the Attorney General of the State or counsel for the State agency. An agreement will be executed on behalf of the United States by the Secretary.

(c) *Public inspection.* An agreement with a State or cooperating State agency shall be made available by the State agency to any individual or organization wishing to inspect or copy the agreement. As to the United States Department of Labor 29 CFR Part 70 shall apply.

(d) *When effective.* An agreement under this section must be executed prior to July 1, 1975, by a State agency to meet the requirement of section 3302(c)(4)(A) of the Internal Revenue Code of 1954 (26 U.S.C. 3302(c)(4)(A)), as added by section 239(e) of the Act, 88 Stat. 2025 (19 U.S.C. 2311(e)), and when so executed shall be effective as of April 3, 1975.

(e) *Breach.* If the Secretary finds that a State or State agency has not executed an agreement under this section before July 1, 1975, or that a State or State agency has not fulfilled its commitments under such agreement, section 3302(c)(4) of the Internal Revenue Code of 1954, as added by section 239 of the Act, shall apply. A State agency or State shall receive reasonable notice and opportunity for hearing before a finding is made under this paragraph that it has not fulfilled its commitments under its agreement.

§ 91.64 Administration absent State agreement.

In any State in which no agreement under § 91.63 is in force the Secretary shall administer this Part 91 and pay adjustment assistance hereunder through appropriate arrangements made through the Manpower Administration of the United States Department of Labor. Such arrangements shall include provision for a fair hearing for any individual whose application for adjustment assistance is denied. A final determination by the Secretary under this section as to the entitlement to adjustment assistance of an individual shall be subject to review by the courts in the same manner and to the same extent as is provided by section 205(g) of the Social Security Act (42 U.S.S. 405(g)).

§ 91.65 Transitional procedures.

(a) *Law applicable.* Except as provided in paragraph (b) of this section—

(1) An individual covered by a certification issued under the Act shall be entitled to adjustment assistance provided for in the Act, in the amounts and under the conditions prescribed in the Act; and

(2) An individual covered by a certification issued under the Trade Expansion Act of 1962 who has not had an application for trade readjustment allowances denied under section 322 of that Act for any week of unemployment (as

defined in section 338(14) of the Trade Expansion Act of 1962, 19 U.S.C. 1978 (14)) beginning prior to April 3, 1975, may apply for a trade readjustment allowance under this Part 91 for a week of unemployment (as defined in section 247 (14) of the Act) beginning on or after April 3, 1975, as if such certification was issued under the Act.

(b) *Weeks before and after April 3, 1975.* An individual applying for a trade readjustment allowance, regardless of whether the certification covering the individual was issued under the Trade Expansion Act of 1962 or the Act, shall receive, if otherwise eligible:

(1) For a week of unemployment as defined by section 338(14) of the Trade Expansion Act of 1962, beginning before April 3, 1975, a trade readjustment allowance in the amount and under the conditions prescribed by section 323 of the Trade Expansion Act of 1962; and

(2) for a week of unemployment as defined by § 91.3(a)(37), beginning on or after April 3, 1975, a trade readjustment allowance in the amount and under the conditions prescribed by Subpart B of this Part 91.

(c) *Tacking.* Weeks of unemployment described in paragraph (b)(1) of this section for which trade readjustment allowances are payable to an individual shall be deducted from the total weeks of unemployment for which the individual is eligible for trade readjustment allowances under § 91.12.

§ 91.66 Savings clause.

The repeal of sections 321 through 328 of the Trade Expansion Act of 1962 shall not abate or otherwise affect entitlement to adjustment assistance under such Act or any appeal which was pending on April 3, 1975, or prevent any appeal from any determination thereunder which did not become final prior to April 3, 1975, if appeal or petition is filed within the time allowed for appeal or petition.

§ 91.67 Termination date.

The regulations in this Part 91 shall cease to be effective on September 30, 1982.

2. Part 92 is deleted.

[FR Doc.75-9589 Filed 4-10-75;8:45 am]

Title 32—National Defense

CHAPTER VI—DEPARTMENT OF THE NAVY

PART 765—RULES APPLICABLE TO THE PUBLIC

Revocation of Certain Regulations

By virtue of the authority vested in it by 5 U.S.C. 301, the Department of the Navy hereby amends title 32, chapter VI, part 765 of the Code of Federal Regulations. It is determined that the regulations contained in §§ 765.1, 765.14, and 765.15 are obsolete and should be revoked. These sections were derived from U.S. Navy Regulations, 1948, which has been superseded by U.S. Navy Regulations, 1973. By virtue of the provisions of 5 U.S.C. section 553(a)(1), §§ 765.1, 765.14, and 765.15 are exempt from statutory requirements for notice of proposed rule making, and, for reasons stated above, such notice is determined to be unnecessary under Department of Defense Directive 5400.9 dated December 23, 1974. Accordingly, this revocation shall be effective upon filing in the Office of the Federal Register.

§§ 765.1, 765.14, 765.15 [Revoked]

Sections 765.1, 765.14, and 765.15 of part 765 of title 32 of the Code of Federal Regulations are hereby revoked.

Dated: April 4, 1975.

WILLIAM O. MILLER,
Rear Admiral, JAGC, U.S. Navy,
Deputy Judge Advocate General.

[FR Doc.75-9483 Filed 4-10-75;8:45 am]

CHAPTER XVIII—DEFENSE CIVIL PREPAREDNESS AGENCY

PART 1803—PROCEDURE FOR WITHHOLDING PAYMENTS FOR FINANCIAL CONTRIBUTIONS UNDER THE FEDERAL CIVIL DEFENSE ACT

Organization and Scope

This revision updates the existing Defense Civil Preparedness Agency regulation to reflect organizational changes, and to extend the scope of the procedure to withholding of payments for financial contributions under section 205 of the Federal Civil Defense Act as well as under subsection 201(i) of the Act.

As this regulation relates to agency procedure, and is not a substantive rule, public comment and recommendations have not been invited, and it shall be effective upon the date set out below.

Chapter XVIII of Title 32 of the Code of Federal Regulations is amended by revising Part 1803 to read as follows:

Sec.
1803.1 Purpose.
1803.2 Definitions.
1803.3 Scope.
1803.4 Notice of intention to withhold payments.
1803.5 Notice of hearing.
1803.6 Hearings.
1803.7 Withholding of payments.

AUTHORITY: 50 U.S.C. App. 2253; 72 Stat. 1799; 23 FR 4991; E.O. 10952, 26 FR 6577; Order of the Secretary of Defense, 37 FR 18636.

§ 1803.1 Purpose.

The purpose of the regulation in this part is to establish, pursuant to section 401(h) of the Act, a procedure by which the Director may withhold payments of financial contributions to States or persons, or may limit such payments to specified programs or projects.

§ 1803.2 Definitions.

As used herein the following terms shall have the following meanings:

(a) **Act.** The Federal Civil Defense Act of 1950, as amended (50 U.S.C. App. 2251–2297).

(b) DCPA. Defense Civil Preparedness Agency.

(c) Director. Director, DCPA.

(d) State. The several States, the District of Columbia, Puerto Rico, and the Territories and possessions of the United States.

(e) Person. A political subdivision of any State, or combination or group thereof; any interstate civil defense authority established pursuant to section 201(g) of the Act, or any person, corporation, association or other entity of any nature whatsoever, including but not limited to, instrumentalities of States and political subdivisions.

§ 1803.3 Scope.

(a) Section 401(h) of the Act authorizes the Director to withhold payment of any financial contribution under section 201 or section 205 of the Act to a State or a person, or to limit payments to specified programs or projects upon (1) a finding by the Director of failure by a State or person to expend funds in accordance with the regulations, terms, and conditions established under the Act for approved civil defense plans, programs or projects; and (2) notification to the State or person that certain payments for approved financial contributions will not be made until the Director is satisfied that there will no longer be failure by a State or person to expend funds in accordance with such regulations, terms, and conditions. Prior to the making of such finding and issuance of the notification, the State or person must have been given reasonable notice and opportunity for hearing.

(b) The regulations in this part specify (1) the notice which must be given to a State or person, (2) the procedures for obtaining a hearing, and (3) the terms of the notification to the State or person that further payments will not be made if the Director determines, after notice and hearing that there has been a failure to expend funds in accordance with regulations, terms, and conditions established pursuant to the Act.

§ 1803.4 Notice of intention to withhold payments.

(a) Whenever the Director has reason to believe that a State or person has failed to expend funds in accordance with the regulations, terms, or conditions governing a Federal financial contribution established pursuant to the Act, he shall notify the State and person, where applicable, of such fact and of his intention to withhold any further contributions or payments, or contributions or payments for specific programs or projects, unless the alleged failure is satisfactorily explained, or until he is satisfied that there is no longer such failure to comply.

(b) The notice shall specify (1) the date on which he will stop or withhold further payments; (2) the regulations, terms, or conditions which he believes have not been complied with in the expenditure of funds; and (3) the contributions or payments which he intends to withhold; and shall inform the State and person, where applicable, of the right to obtain a hearing.

(c) This notice shall be delivered by certified mail, return receipt requested.

§ 1803.5 Notice of hearing.

If, within 15 days after receipt of the notice described in § 1803.4, the State or person requests the Director to hold a hearing, the Director will set the matter for hearing. The Director will give the State (and person, where applicable) reasonable notice of the time and place of the hearing.

§ 1803.6 Hearings.

(a) Any hearing under this part shall be held before the Director provided that, in his discretion, the Director may designate a hearing officer who will take evidence and certify, to the Director, the entire record, including recommended findings, and a proposed decision.

(b) The State and person, where applicable, shall be given full opportunity to present their position, orally and in writing.

§ 1803.7 Withholding of payments.

(a) If after the hearing, or after opportunity therefor, the Director finds that there has been a failure to expend funds in accordance with the regulations, terms, and conditions established pursuant to the Act, the Director will withhold such contributions and payments as he may consider advisable until the failure to expend funds in accordance with the regulations, terms, and conditions has been corrected or he is satisfied that there will no longer be any such failure.

(b) If, upon the expiration of the 15 day period stated in § 1803.5, a hearing has not been requested, the Diractor may issue the finding described in paragraph (a) of this section, and thereupon withhold contributions and payments until he is satisfied that there will no longer be any failure to expend funds in accordance with regulations, terms, and conditions governing a Federal contribution for an approved program or project.

Effective Date: March 31, 1975.

JOHN E. DAVIS,
Director, Defense Civil Preparedness Agency.

[FR Doc.75-9482 Filed 4-10-75;8:45 am]

Title 36—Parks, Forests and Memorials

CHAPTER 1—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Great Smoky Mountains National Park, Tennessee-North Carolina; Fishing

Pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535 (16 U.S.C. 3)), the Act of April 29, 1942 (56 Stat. 258 (16 U.S.C. 403h-3)), 245 DM-1 (27 FR 6395), as amended, National Park Service Order No. 77 (38 FR 7478), as amended, Southeast Region Order No. 5 (37 FR 7721), § 7.14 of Title 36 of the Code of Federal Regulations is revised as set forth below.

The major purpose of this revision is to reorganize the section for clarity and to simplify the interpretation of these regulations. Certain substantive changes have been made, most of which lessen existing restrictions. For example, the regular summer season has been extended by one month, the size limit in sport fishing waters has been reduced from a minimum of 16 to a minimum of 12 inches, resident as well as nonresident licenses issued by either Tennessee or North Carolina are good throughout the park area, and additional waters have been opened to fishing in accordance with state regulations. The size limit in general waters has been increased from a minimum of 7 to a minimum of 9 inches, and the possession limit for trout and bass has been decreased from a maximum of 5 to a maximum of 4 fish. These latter two changes, while more restrictive in themselves, are at least partially offset by the lengthening of the regular summer season and the substantial decrease in the minimum size limit for sport fishing waters, and are being adopted as a result of fishery research and management studies conducted by Fishery Biologists of the Fish and Wildlife Service in order to facilitate the natural reproduction of the fish in the park and to temporarily protect the Southern Appalachian strain of the Brook trout, which has been identified as a subject of concern by the above studies.

This revision will result in no adverse effects upon the environment of the park.

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rulemaking process prior to final promulgation of rules. However, the regular general waters fishing season is due to commence on April 15, 1975, under the current regulations (38 FR 5244, Feb. 27, 1973). Delaying final promulgation of these revised rules until after April 15 would cause considerable confusion to fishermen and difficulties in enforcement of the changes embodied in these revised rules. Furthermore, the changes do not impose significant additional restrictions on public use and enjoyment of the park, but rather relieve several restrictions and are necessary to proper management and protection of the park fisheries. Therefore, notice and public procedure prior to final rulemaking would be impracticable, unnecessary and contrary to the public interest; and this revision will become effective April 11, 1975. However, the National Park Service invites interested persons to comment on these final regulations on or before May 12, 1975. Such comments will be received and considered for the purpose of determining the desirability or need for making further amendments to these regulations. Such comments should be addressed to the Superintendent, Great Smoky Mountains National Park, Gatlinburg, Tennessee 37738.

Paragraph (a), Fishing, of § 7.14, Part 7, Title 36 of the Code of Federal Regulations is revised to read as follows:

§ 7.14 Great Smoky Mountains National Park.

(a) *Fishing.*—(1) *License.* A person fishing within the park must have in possession the proper state fishing license issued by either Tennessee or North Carolina. A holder of a valid resident or nonresident license issued by either state may fish throughout the park irrespective of state boundaries, except in *Closed and Excluded Waters.*

(2) *Closed and Excluded Waters.* All waters of Mingus Creek, Lands Creek, Chestnut Branch and that portion of LeConte Creek as posted through the park residential area of Twin Creeks, are closed to and excluded from fishing.

(3) *Open Waters.* (i) Abrams Creek and Chilogatee embayments and the West Prong of Little Pigeon River downstream from the Gatlinburg City limits to Pigeon Forge City limits are open to fishing in accordance with the laws of Tennessee.

(ii) All of the waters of the Oconaluftee River downstream from where it joins with Raven Fork to the park boundary and that portion of Raven Fork from its junction with the Oconaluftee River upstream and paralleling the Big Cove Road to the park boundary are open to fishing in accordance with the Cherokee Fish and Game Management regulations.

(iii) All other park waters are open to fishing in accordance with National Park Service regulations.

(4) *Seasons.* (i) General Waters. (Those open waters regulated by the National Park Service which are not hereinafter designated as Sport Fishing Streams or Children's Fishing Areas). April 15 to October 15, inclusive.

(ii) Sport Fishing Streams: (Designated in Subsection 10 hereof). Open year round. Those portions of waters designated as Children's Fishing Areas during the general season may be fished according to Sport Fishing Stream regulations October 16 to April 14, inclusive.

(iii) Children's Fishing Areas: (Designated in Subsection 9 hereof). April 15 to October 15, inclusive for children under the age of 12 only.

(5) *Time.* Fishing is permitted from sunrise to sunset only.

(6) *Fishing Equipment and Bait.* (i) Fishing is permitted only by use of one (1) hand-held rod and line.

(ii) General Waters and Sport Fishing Streams: (A) Only artificial flies or lures having one single hook may be used.

(B) The use or possession of any form of fish bait, other than artificial flies or lures, on or along any park stream while in possession of fishing tackle, is prohibited.

(iii) Children's Fishing Areas: The use of flies, lures or bait, except fish eggs, minnows, fish or parts thereof, on a single hook is permissible.

(7) *Size Limits.* All trout or bass caught less than the legal length shall be immediately returned unharmed to the water from which taken.

(i) General Waters: No trout or bass less than 9 inches in length may be retained.

(ii) Sport Fishing Streams: No trout or bass less than 12 inches in length may be retained.

(iii) Children's Fishing Areas: No size limit.

(8) *Possession Limit.* Possession limit shall mean and include the numbers of trout or bass caught in park waters, which may be in possession, regardless of whether they are fresh, stored in ice chests, or otherwise preserved. A person must stop and desist from fishing for the remainder of the day upon retaining the possession limit.

(i) General Waters and Sport Fishing Streams: Four (4) trout or bass, or combination of both is the maximum number which a person may retain in one (1) day or be in possession of at any time. Limits apply only to trout and bass.

(ii) Children's Fishing Areas: The first two (2) fish caught regardless of size.

(9) *Children's Fishing Areas.* The following portions of park waters are reserved for fishing by children under the age of 12 only.

(i) Bradley Fork: That portion between its junction with the Oconaluftee River upstream to a point posted at the upper end of Smokemont campground.

(ii) Little River: That portion between the stone bridge above Elkmont campground downstream to the bridge below Elkmont Ranger Station.

(iii) Little River: That portion between the upper and lower ends of Metcalf Bottoms picnic area.

(iv) West Prong of Little Pigeon River: That portion adjacent to Chimneys picnic area between the Newfound Gap Road bridge and the upper limits of that picnic area.

(v) Deep Creek: That portion adjacent to Deep Creek campground between the park boundary and the second automobile bridge upstream.

(10) *Sport Fishing Streams:* The following waters are designated Sport Fishing Streams, except for portions of these waters designated Children's Fishing Areas during the period from April 15 to October 15, inclusive.

(i) Bradley Fork and its tributaries.

(ii) Oconaluftee River and all tributaries lying downstream from the Kephart Bridge to where it joins with Raven Fork.

(iii) West Prong of Little Pigeon River and its tributaries that enter the stream within the park boundary.

(iv) Little River and its tributaries, lying downstream from the stone bridge above Elkmont campground to the park boundary.

(11) The Superintendent may designate certain waters as Experimental Fish Management Waters and issue temporary and special rules regulating fishing use by the posting of signs and issuance of official public notification. All persons shall observe and abide by such officially posted rules pertaining to these specially designated waters.

* * * * *

VINCENT ELLIS,
Superintendent, Great Smoky Mountains National Park.

[FR Doc.75-9446 Filed 4-10-75;8:45 am]

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 214—GRANTS TO STATES FOR ESTABLISHING YOUTH CONSERVATION CORPS PROGRAMS

Part 214, Chapter II of Title 36 of the Code of Federal Regulations is revised as final regulations. The Interim Regulations for implementing the pilot grant program were published on December 27, 1973 (38 FR 35307). The Interim Regulations invited comments or recommendations from interested persons to be submitted by November 1, 1974. No substantive comments or recommendations were received except for three letters from States, each of which took exception to the administrative determination that a maximum of 50 percent of total cost of State projects is to be financed by Federal grant. This administrative constraint has now been removed. Pursuant to Pub. L. 93-408, States may receive grants up to but not to exceed 80 percent of the cost of funding a project from the Federal government.

These regulations were developed jointly by the Department of Agriculture and the Department of the Interior. The Department of the Interior will publish the same regulations under Title 43 of the Code of Federal Regulations, Subtitle A, Part 26.

Findings and determinations. These regulations merely reflect terms and conditions of the program now being carried out. It is important that they be made effective as soon as possible. It has been determined that additional notice and public procedure is impractical, unnecessary, and contrary to the public interest. Accordingly, they shall be effective on April 11, 1975.

In consideration of the above, the Interim Regulations, issued in Part 214 of Title 36 of the Code of Federal Regulations are superseded, and final regulations issued to read as follows:

Sec.
214.1 Introduction.
214.2 Definitions.
214.3 Program purpose and objectives.
214.4 Legislation.
214.5 Administrative requirements.
214.6 Request for grant.
214.7 Application format and instructions.
214.8 Program reporting requirements.
214.9 Consideration and criteria for awarding grants.

AUTHORITY: Sec. 4, 86 Stat. 1320, as amended, 88 Stat. 1067.

§ 214.1 Introduction.

(a) The Youth Conservation Corps (YCC) is a program of summer employment for young men and women, aged 15 through 18, who work, earn, and learn together by doing projects which further the development and conservation of the natural resources of the United States. The Corps is open to youth of both sexes, and youth of all social, economic, and racial classifications who are permanent residents of the United States, its territories, possession, or trust territories.

(b) The Youth Conservation Corps Act of 1970 (Pub. L. 91-378) provided for a 3-year pilot program to be carried out on lands and waters under the jurisdiction of the Secretary of Agriculture or the Secretary of the Interior. Pub. L. 92-597 amended the 1970 act to include a pilot program (beginning in FY 1974) under which grants shall be made to States, to assist them in meeting the cost of Youth Conservation Corps projects on non-Federal public lands and waters within the States. Pub. L. 93-408 made the State grant program permanent.

§ 214.2 Definitions.

(a) Terms used in these regulations are defined as follows:

(1) *Act.* The Youth Conservation Corps Act of 1970. Pub. L. 91-378 as amended.

(2) *Secretaries.* The Secretaries of Agriculture and the Interior, or their designated representatives, who jointly administer the grant program. Within the Department of Agriculture, the YCC program is administered by the Forest Service; within the Department of the Interior, it is administered by the Office of Manpower Training and Youth Activities.

(3) *States.* Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(4) *Grant.* Money, or property provided in lieu of money, paid or furnished by the Secretaries pursuant to the Act to a State to carry out YCC programs on non-Federal public lands and waters. The amount of any grant shall be determined jointly by the Secretaries, except that no grant for any project may exceed 80 per centum of the cost (as determined by the Secretaries) of said project.

(5) *Grantee.* Any State which receives a Federal grant for the operation of a YCC grant program.

(6) *Sub-Grantee.* Any public organization, municipality or agency which administers non-Federal public lands and waters which successfully applied through a State for the operation of a Youth Conservation Corps project within that State.

(7) *Contractor.* Any public agency or organization or any private non-profit agency or organization which has been in existence for at least 5 years which operates a YCC project for a grantee or subgrantee.

(8) *Program Agent.* Agent designated by the State to have program responsibility for all aspects of YCC operations in that State except for those projects conducted under Federal auspices.

(9) *Grant Program.* The YCC program which consists of one or more projects operated by the State with State funds and Federal grant funds.

(10) *Project.* The operating unit or camp of the State YCC grant program, either of residential or nonresidential program type, as follows:

(i) *Residential Project.* One in which youths reside either seven or five days per week at a camp on or adjacent to the public lands where they conduct their work-education program.

(ii) *Nonresidential Project.* One in which youths reside at home and daily commute to the public lands to conduct their work-education program.

(11) *Operating Year.* January 1 to December 31.

(12) *Non-Federal public lands and waters.* Any lands or waters within the territorial limits of a State owned either in fee simple by a State or political subdivision thereof or over which a State or political subdivision thereof has, as determined by the Secretaries, sufficient long-term jurisdiction so that improvements made as the result of a grant will accrue primarily to the benefit of the public as a whole. Federally-owned public lands and waters administered by a State or political subdivision thereof under agreement with a Department or Agency of the Federal Government are eligible under such definition if the Secretaries determine that the State or political subdivision thereof is entitled to or is likely to retain administrative responsibility for an extended period of time sufficient to justify classification as non-Federal public lands or waters.

§ 214.3 Program purpose and objectives.

(a) The purpose of the Act is to further the development and maintenance of the natural resources of the United States, by American youth and in so doing prepare them for the ultimate responsibility of maintaining and managing these resources for the American people. The Departments of Agriculture and the Interior have stressed the following three equally important objectives of the Youth Conservation Corps as reflected in the law:

(1) Accomplish needed conservation work on public lands.

(2) Provide gainful employment for 15 through 18 year-old males and females from all social, economic, ethnic, and racial backgrounds.

(3) Develop an understanding and appreciation, in participating youths, of the Nation's natural environment and heritage.

(b) These objectives will be accomplished in a manner that will provide the youth with an opportunity to acquire increased self-dignity and self-discipline, better work with and relate with peers and supervisors, and build lasting cultural bridges betwen youth from various social, ethnic, racial, and economic background.

§ 214.4 Legislation.

State programs must meet all of the requirements of section 4 of the Act. Section 4 of the Act which applies to the grant program reads in part as follows:

Sec. 4(a) The Secretary of the Interior and the Secretary of Agriculture shall jointly establish a program under which grants shall be made to States to assist them in meeting the cost of projects for the employment of young men and women to develop, preserve, and maintain non-Federal public lands and waters within the States. For purposes of this section, the term "States" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(b)(1) No grant may be made under this section unless an application therefor has been submitted to, and approved by, the Secretary of the Interior and the Secretary of Agriculture. Such application shall be in such form, and submitted in such manner, as the Secretaries shall jointly by regulation prescribe, and shall contain—

(A) assurances satisfactory to the Secretaries that individuals employed under the project for which the application is submitted shall: (i) Have attained the age of fifteen but not attained the age of nineteen, (ii) be permanent residents of the United States or its territories, possessions, or Trust Territory of the Pacific Islands, (iii) be employed without regard to the personnel laws, rules, and regulations applicable to full-time employees of the applicant, (iv) be employed for a period of not more than ninety days in any calendar year, and (v) be employed without regard to their sex or social, economic, or racial classification; and

(B) such other information as the Secretaries may jointly by regulation prescribe.

(2) The Secretaries may approve applications which they determine (A) meet the requirements of paragraph (1) and (B) are for projects which will further the development, preservation, or maintenance of the non-Federal public lands or waters within the jurisdiction of the applicant.

(c)(1) The amount of any grant under this section shall be determined jointly by the Secretaries, except that no grant for any project may exceed 80 per centum of the cost (as determined by the Secretaries) of such project.

(2) Payments under grants under this section may be made in advance or by way of reimbursements and at such intervals and on such conditions as the Secretaries find necessary.

(d) Thirty per centum of the sums appropriated under Section 6 for any fiscal year shall be made available for grants under this section for such fiscal year.

§ 214.5 Administrative requirements.

The following administrative requirements must be met:

(a) Recruitment and selection will be conducted in a manner designed to assure a full opportunity for American youth to participate in the Youth Conservation Corps. The grantee and subgrantee will assure that the YCC program is open to all eligible youth from all parts of the country, including urban and rural youth of both sexes and youth of all social, economic, racial, and ethnic classifications. A well-balanced YCC camp enrollment should also include representation of non-public school youth, the disadvantaged, and youth having quit school before graduation.

(b) To the maximum extent practicable, enrollees should be selected from an area within one day's surface travel from their residence to a YCC Camp.

(c) Capital outlays for facilities should be kept at a minimum. No grant is to be made for construction of residential facilities other than to provide temporary facilities and their necessary basic infrastructure and necessary renovation or modification of existing facilities.

(d) YCC projects may be conducted during periods other than summer months: *Provided*, That enrollees will not leave school in order to participate.

(e) The enrollee is an employee of the grantee or sub-grantee. The Enrollee Pay Plan should comply with Federal or State Minimum Wage Laws whichever may be higher. To the maximum extent practicable, State YCC enrollees should receive the same rate of pay as Federal YCC enrollees.

(f) Grantees must provide for an effective accident control, health, and safety program. As a minimum, grantees should follow U.S. Department of Labor Bulletin 158, "State Child Labor Standards."

(g) Grantees will have a financial management system which will provide the information called for in Attachment G of Federal Management Circular (FMC) 74–7.

(h) "Request for advance or Reimbursement" as outlined in FMC 74–7 will be used to obtain an advance to start and/or maintain the program. It can also be used to obtain a reimbursement during or at the end of a project. An advance, not to exceed one month's needs may be made after approval of the grant application.

(i) "Financial Status Report" as outlined in FMC 74–7 will be submitted to either of the Secretaries' Representatives within 90 days upon completion of the project funded under the grant program. The same functional headings used in preparing Part II of the application should be used in preparing the Financial Status Report. Instructions and forms will be supplied to the grantee at time of grant award.

(j) Allowable costs under the grant program are defined in FMC 74–7 and FMC 74–4.

(k) Records retention and custodial requirements for records are prescribed by Attachment C to FMC 74–7.

(l) Because of the short duration of each project, budget revisions normally should be unnecessary; however, if a budget revision becomes necessary, the grantee will be governed by Attachment K of FMC 74–7.

(m) Grantees shall comply with the provisions of Attachments O and N of FMC 74–7 in regard to nonexpendable personal property and procurement standards.

(n) Grantees shall permit the Secretaries to periodically inspect the conduct of the program by the State.

(o) Grantees will supervise those projects in the State being administered by sub-grantees and contractors. Subgrantees and contractors will be required to operate in accordance with the procedures outlined in these regulations and the grant agreement with the State. Periodic inspection of sub-grantee projects will be made by the grantee under the direction of the Program Agent or his designee. Grantees or sub-grantees may contract with a qualified non-profit agency or organization for the operation of their YCC project.

(p) If the grantee fails to comply with the grant award stipulations, standards, or conditions, the Secretaries may jointly suspend the grant. Subsequent to or during any period of suspension of the grant, the Federal Government shall not be obligated to reimburse the grantee for any incurrence of obligations other than direct salaries of enrollees and then only for a period of time which both the Secretaries shall determine to be reasonable. In addition, the Secretaries may jointly terminate the grant. Termination shall be effected by a notice of termination. Upon receipt of a notice of termination, the grantee shall:

(1) Discontinue further commitments of grant funds.

(2) Cancel all subgrants or contracts, where possible, scheduled for payment with grant funds.

(3) Supply either of the Secretaries within two months after receipt of the notice of termination, a final financial statement, along with a refund check for any unused portion of funds advanced, or request for reimbursement for allowable expenditures incurred in the grant program.

§ 214.6 Request for grant.

(a) Of the amount available for the Youth Conservation Corps, 30 percent will be allocated for State projects. All States will be given an opportunity to participate in the program. Allocated funds not needed by a State will be reallocated based on the merits of proposals submitted in accordance with paragraph (c) of this section or a preapplication in accordance with Attachment M of FMC 74–7. All proposed projects should be listed by priority. Grant funds are for State projects only. A grant to a State must be matched by the State for each project. Matching can consist of either direct expenditures or services of an in-kind nature.

(b) Pursuant to section 4(c)(1) of Pub. L. 93–408, States may receive grants up to but not to exceed 80 percent of the cost of funding a project from the Federal Government.

(c) "Application for Federal Assistance (short form)" will be used by applicants in applying for grants under this program. Application forms will be supplied to Program Agents. Only a Program Agent may submit an application. A separate form will be submitted for each proposal. Similar projects may be included in a single proposal. Separate proposals should be submitted for projects operated by subgrantees and contractors. If there is more than one proposal submitted by a State, the State should indicate priorities of proposals for consideration and approval of the Secretaries.

(d) The Secretaries have designated individuals in each State who will jointly represent them. Grant applications (original and two copies) must be submitted to the designated representative of either Secretary. January 1 has been established as the deadline date for acceptance of applications for each operating year, except for the 1975 program, February 15, 1975, is the deadline for submission of applications. Names and addresses of designated representatives will be furnished to each State. The Secretaries' representatives must jointly approve grant proposals. Approval or disapproval of proposals will be documented by a formal letter to the Program Agent. The Secretaries' representatives will also be available for technical assistance and advice.

§ 214.7 Application format and instructions.

Grant proposals must be made using the Office of Management and Budget approved form entitled "Application for Federal Assistance (short form)." Instructions for completing the form by part numbers follow:

(a) Part I—Shall be completed.

(b) Part II—(Budget Data) lines 1–8 need not be used.

However, the following information is needed relative to the YCC program. Please prepare a supplemental sheet using the following functional headings:

General
Staff Pay
Enrollee Pay
Camp Opening and Closing Costs
Food
Work Project Costs
Program Direction

A description of the items to be included under each of these functional headings are:

General. Include expenditures for (1) construction, (2) other (medical, first aid expense, utilities, maintenance costs, recreation, all supplies not otherwise identified).

Staff Pay. Includes pay, benefits, and travel, net of any deductions made for meals and quarters furnished.

Enrollee Pay. Includes pay, benefits, and transportation of enrollees.

Camp Opening and Closing Costs.

Food. Includes cost of food and related freight charges.

Work Project Costs. Safety equipment, transportation, and work supplies and materials.

Program Direction. Includes support services, and program administration expenses at locations other than at projects. The total of the above categories should be entered on line 9 of Part II, and the rest of Part II completed.

Indirect Costs. Compute the appropriate allowance for indirect costs on line 15 and enter on line 10.

(c) Part III—(Program Narrative Statement) should include the following information:

(1) Location of project (address and county).

(2) Distance to nearest town; name of town.

(3) Number of youth planned for project.

(4) Type of project (7-day residential; 5-day residential; nonresidential; other).

(5) Length of session (i.e., number of weeks) and proposed beginning and ending dates.

(6) Description of living conditions (types of facilities, age, condition, tents, cabins, dormitories).

(7) Project staff (number and position titles).

(8) Complete calculation for daily rate of enrollee pay including deduction for food and lodging.

(9) Description of health and safety program.

(10) Enrollee recruiting system and recruiting areas.

(11) Description of the work-learning program.

(12) Types of work projects that will be available (an integrated environmental work-learning program is preferred).

(13) States agreement to administer tests, conduct interviews, or otherwise assist the Federal Government in collecting data on the grant program. The data is to be used for the required report to the President and Congress on accomplishing the purposes of the Act. A statement to this effect must be written into the proposal by the applicant.

(d) Part IV—(Assurances) is preprinted and is to be included as part of the application.

§ 214.8 Program reporting requirements.

(a) Monitoring and reporting of program performance will be in accordance with Attachment I of FMC 74–7. Grantees will submit performance reports with the Financial Status Report filed at the end of each project to either of the Secretaries' Representatives. This report is due 90 days after termination of the project. The performance report will include the number of youth enrolled in the project, number of weeks of camp operation, youth loss rate, value of work accomplished by resource category (for example, timber management, recreation, etc.), narratives of significant project accomplishments, hours of youth work-learning experience by resource category and value of work supplies and materials by resource category.

(b) As a part of the performance report, grantees must provide the Secretaries' Representatives with detailed information on the demographic characteristics of enrollees in State projects as follows:

(1) Number of youth by age.

(2) Number of male and female, by project.

(3) Number from communities of up to 2,500 population, 2,500 to 50,000 popu-

lation, 50,000 to 775,000 population, and over 750,000 population.

(4) Number from families of under $5,000 annual family income, $5,000 to $10,000 family income, $10,000 to $15,000 family income, and over $15,000 family income.

(5) Race of enrollees; number of Black, White, Spanish surname, American Indian, Oriental, and other.

(c) The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

§ 214.9 Consideration and criteria for awarding grants.

(a) The decision by both of the Secretaries' Representatives on grants to individual States will consider the following:

(1) Amount of grant funds appropriated and available.

(2) The population and non-Federal public land ownership of each State in relation to the total for all States.

(3) The amount of Federal program funds allotted to the State.

(4) States with few Federal public lands will be given preference, assuming that applications are comparable.

(5) The quality of the proposed program in terms of meeting program objectives as reflected in the State application. After the initial year, actual performance of the States in administering YCC projects in prior years will also be considered.

(6) The cost to the Federal Government of the State program in relation to quality and quantity of projects proposed.

(b) To place each State on equal footing, evaluation of an application will be based on the proposed cost for enrollee, calculated on an eight-week operating cycle regardless of project duration in the proposal.

Effective date. This regulation becomes effective on April 11, 1975.

ROBERT W. LONG,
Assistant Secretary.

APRIL 8, 1975.

[FR Doc.75-9551 Filed 4-10-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-1—GENERAL

PART 3-8—TERMINATION OF CONTRACTS

Contract Appeals

Chapter 3, Title 41, Code of Federal Regulations is amended as set forth below. The purpose of this amendment is to bring Departmental regulations concerning the processing of contract appeals into conformance with the current practices of the Armed Services Board of Contract Appeals. In addition this amendment requires that all determinations to terminate contracts for default be reviewed by the Office of General Counsel prior to the issuance of notification of termination.

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

1. Contents of Part 3-1 is amended by adding a new § 3-1.318-52 to Subpart 3-1.3 which reads as follows:

Sec.
3-1.318-52 Preparation and processing of appeal files.

Subpart 3-1.3—General Policies

2. Subpart 3-1.3 is amended by revising § 3-1.318-51 and by adding a new § 3-1.318-52. These sections shall read as follows:

§ 3-1.318-51 Disputes appeals.

(a) The Secretary has designated the ASBCA to hear, consider, and determine fully and finally appeals by contractors from decisions of contracting officers or their authorized representatives pursuant to the provisions of contracts requiring his decisions.

(b) Appeals will be governed by the rules set forth in 32 CFR 30.1, Appendix A (Rules of the Armed Services Board of Contract Appeals) and by the implementation of ASBCA rules 3 and 4 as set forth in § 3-1.318-52 (a) and (b).

§ 3-1.318-52 Preparation and processing of appeal files.

(a) *Forwarding appeals.* When a notice of appeal in any form has been received by the contracting officer, he shall endorse thereon the date of mailing (or date of receipt, if otherwise conveyed) and within 10 days shall forward said notice of appeal to the ASBCA with a copy to the Division of Business and Administrative Law, Office of General Counsel or cognizant Regional Attorney as appropriate. Following receipt by the Board of the original notice of an appeal (whether through contracting officer or otherwise), the contractor, the contracting officer, and the Office of General Counsel, will be promptly advised of its receipt, and the contractor will be furnished a copy of the rules of the ASBCA.

(b) *Duties of the contracting officer.* Within 30 days of receipt of an appeal, or advice that an appeal has been filed, the contracting officer shall assemble and transmit to the Board, with a copy to the DHEW Government trial attorney, an appeal file consisting of all documents pertinent to the appeal, including:

(1) The decision and findings of fact from which the appeal is taken.

(2) The contract, including specifications and pertinent amendments, plans and drawings.

(3) All correspondence between the parties pertinent to the appeal, including the letter or letters of claim in response to which the decision was issued.

(4) Transcripts of any testimony taken during the course of proceedings, and affidavits or statements of any witnesses on the matter in dispute made prior to the filing of the notice of appeal with the Board.

(5) Any additional information considered pertinent.

Within 30 days of receipt of an appeal or advice that an appeal has been filed, the contracting officer shall furnish the appellant with a copy of each document transmitted to the Board, except those enumerated in paragraph (b)(2) of this section, for which a list of the contractual documents submitted will suffice. Documents in the appeal file may be originals or legible facsimiles or authenticated copies thereof, and shall be arranged in chronological order, where practicable, numbered sequentially, tabbed and indexed to identify the contents of the file. A copy of any material submitted to the ASBCA should be submitted to the Division of Business and Administrative Law, Office of General Counsel or cognizant Regional Attorney as appropriate.

(c) *Formats.* (1) The following format is suggested for transmitting appeal files to the ASBCA:

Your reference: _____
(*Docket No.*)

Mr. George L. Hawkes
Recorder, Armed Services Board of Contract Appeals
3110 Columbia Pike
Arlington, Virginia 22204

Dear Mr. Hawkes:

Transmitted herewith are documents relative to appeal under contract No. _____ with the _____
(*name of contractor*)
in accordance with the procedures under Rule 4.

The Government Trial Attorney for this case is: _____ (Insert Division of Business and Administrative Law, Office of General Counsel, Department of Health, Education, and Welfare, 330 Independence Avenue, S.W., Washington, D.C. 20201, telephone number 245-7752, or Regional Attorney and office address as appropriate).

This request for payment of charges resulting from the processing of this appeal should be addressed to:

_____
_____

(2) The contracting officer shall notify the appellant of the submission of the appeal file to the ASBCA. The following format is suggested:

_____
_____
_____

Dear _____:

An appeal file has been compiled relative to the appeal under contract No. _____ and has been submitted to the Armed Forces Board of Contract Appeals (ASBCA). The enclosed duplicate of the appeal file is identical to that submitted to the Board except that contract documents which you already have, have been excluded.

You may furnish or suggest any additional information deemed pertinent to the appeal to the Armed Services Board of Contract Appeals within 30 days after receipt of this letter.

The ASBCA will provide you with further information concerning this appeal.

(d) The Office of General Counsel is designated as the Government Trial Attorney to represent the Government in the defense of appeals before the ASBCA. Decisions of the ASBCA will be transmitted by the Government Trial Attorney to appropriate contracting officers for action according to ASBCA's decision.

(e) At all times after the filing of an appeal, the contracting officer will render all assistance requested by the Office of General Counsel. Whenever an appeal is set for hearing, the contracting officer concerned, acting under the guidance of the Office of General Counsel, will be responsible for arranging for the presence of Government witnesses and specified physical and documentary evidence at both the pre-hearing conference and the hearing.

(f) Whenever the contractor, subsequent to filing an appeal with the ASBCA, elects nevertheless to accept fully the decision from which appeal was taken or any modification thereof, and gives written notification of such acceptance to the Office of General Counsel or the contracting officer concerned, the Office of General Counsel will notify the ASBCA of the disposition of the dispute in accordance with Rule 27 of the ASBCA.

3. The table of contents of Chapter 3, is amended to add a new Part 3-8—Termination of Contracts.

4. A new Part 3-8 is added to Chapter 3 to read as follows:

Subpart 3-8.6—Termination for Default

Sec. 3-8.601 General.

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

§ 3-8.601 General.

Prior to the issuance of any notice of termination for default, the cognizant contracting officer shall seek the advice of the Division of Business and Administrative Law, Office of General Counsel, concerning the proposed termination.

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

Effective Date: The provisions of this amendment shall be effective April 11, 1975.

Dated: April 7, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-9506 Filed 4-10-75;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Long Lake National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective April 11, 1975.

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

NORTH DAKOTA

LONG LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Long Lake National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable state regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from May 3, 1975 to September 15, 1975, daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through September 15, 1975.

JIM MATTHEWS,
Refuge Manager, Long Lake National Wildlife Refuge, Moffit, North Dakota.

APRIL 1, 1975.

[FR Doc.75-9436 Filed 4-10-75;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—FOOD STAMP PROGRAM

[Amdts. 35, 46]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Methods of Distributing, Issuing, and Accounting for Coupons and Receipts; Financial Liabilities of the State Agency

On December 17, 1974, there was published in the FEDERAL REGISTER (39 FR 43848), a notice of proposed rulemaking to amend § 271.6(d) of the Food Stamp Program Regulations to prohibit retail grocers who are authorized to redeem coupons from serving as issuance agents.

The twelve comments we received on this proposed regulation were evenly divided between opposition and support. The most frequent objection was that the prohibition of retail grocers as issuance agents would limit participation. After careful consideration, we do not believe that a prohibition of retail grocers as issuance agents would limit participation since State agencies still have the option of using several potential issuance agents: financial institutions, post offices, county welfare offices, etc. We further maintain that it would be impracticable to designate every retail grocer as an issuance agent and that those who were designated would possess a competitive advantage in spite of assurances to the contrary.

Several comments expressed concern that it was unclear what was meant by "firms authorized to redeem coupons" since banks redeem coupons from retailers. Therefore, the language of the regulation is revised to indicate that we are excluding only firms that redeem coupons from recipients.

In addition, on September 30, 1974, there was published in the FEDERAL REGISTER (39 FR 35177), a notice of proposed rulemaking to amend § 271.6(d)(3) of the Food Stamp Program Regulations to require that the design of the ATP card include a signature line for each variable purchase option.

A total of sixteen comments were received on the proposed amendment. Nine of the comments were favorable and seven were unfavorable. Of the unfavorable comments, only one objected to the amendment on the grounds that they believe it would not alleviate variable purchase manipulation. The majority of the objections centered around the time needed for and the difficulty and expense of reprogramming computers, both at the State and bank levels, to make them compatible with the redesign of the ATP card. Similar sentiments were also expressed by those who favored the intent of the proposed amendment.

However, most of the States commented that they could accomplish the design change if the implementation deadline was extended. Comments received indicated that even States who went ahead with plans to implement this provision would not have had their redesigned cards available by March 1. Also, due to our extension of the comment period to January 15, 1975, publication of the final regulation was delayed beyond the March 1 deadline thereby not allowing the States any lead time for implementation. Therefore, we are extending the implementation date to July 1, 1975.

We have made one minor revision of the regulation language. The last sentence is changed to read "* * * the variable purchase ATP cards used to implement this provision * * *." The basis for this change stems from an expression of concern and request for clarification from some States which have implemented variable purchase through a card exchange method. We feel this change qualifies the language to avoid misunderstanding of the regulation by States utilizing this method.

On September 30, 1974, there was also published in the FEDERAL REGISTER (39 FR 35177), a notice of proposed rulemaking amending § 271.7(b) of the Food Stamp Program regulations holding State agencies which have failed to cooperate with USDA liable to FNS for the bonus value of coupons issued pursuant to court decisions which are inconsistent with federally prescribed program procedures.

There were ten comments received on the new provision, all from State agencies. One comment was in total agreement with the proposal and one comment objected to it in its entirety. Of the remaining comments, all agreed with the portion relating to notifying USDA of lawsuits, but the aspects relating to

the responsibility of State agencies liable for the bonus value of coupons issued pursuant to a court order were met with question.

After reviewing the comments, it was apparent that the intent of the new provision had been misinterpreted by some of the State agencies and we are, therefore, providing the following explanation. The intent is that USDA-FNS be afforded the opportunity to defend its regulations coming under court action. USDA must be notified of court action in the event that such action names only the State agency as defendant in order for USDA to determine whether or not joinder action is warranted. If USDA feels such action is necessary to present an appropriate defense, State agencies will be required to take such action as is deemed necessary to properly join USDA. Only in situations where the State agency does not notify USDA of lawsuits or the State agency refuses upon request to join USDA, will the State agency be held liable for the value of bonus coupons issued pursuant to the order. Should the State agency properly join USDA in litigation and the court rules against a USDA policy based on the Food Stamp Act, regulations, or instructions, the State agency will not be held liable for the value of bonus coupons issued pursuant to such order.

In view of the fact that the majority of the negative comments stem from a misinterpretation of the regulation rather than objection to its substance, we are adopting the language as proposed.

Accordingly, Part 271 of Chapter II, Title 7, Code of Federal Regulations is amended as follows:

1. In § 271.6, paragraphs (d) and (d) (3) are revised to read as follows:

§ 271.6 Methods of distributing, issuing, and accounting for coupons and receipts.

* * * * *

(d) The State agency or the State issuing agency shall arrange for the issuance of coupons to eligible households and for the collection of sums required from eligible households for the purchase requirement. The State agency or State issuing agency shall not contract the issuance of coupons to any firm, or agency thereof, authorized to redeem coupons from households unless the State agency, in concurrence with FNS, determines that such an arrangement would best achieve the purpose of the program. The coupon allotment to be issued to any household shall be in the amount determined in accordance with § 271.5.

* * * * *

(3) The State agency shall, within the limits of the frequency of issuance available to the household under paragraph (d) (4) of this section, permit any eligible household, except those participating under paragraph (d) (2) of this section, to elect at the time of issuance to receive a coupon allotment having a face value of all, three-quarters, one-half, or one-quarter of the monthly coupon allotment authorized in accordance with § 271.5 and to have such household pay an amount that shall be in the same ratio to the total purchase requirement as the coupon allotment chosen is to the total monthly coupon allotment. The State agency shall require that, as soon as possible but not later than July 1, 1975, the varibale purchase ATP cards used to implement this provision provide a signature space for each variable purchase option available to the household.

* * * * *

2. In § 271.7, paragraphs (b), (c), (d) and (e) are redesignated as paragraphs (c), (d), (e) and (f), respectively and a new paragraph (b) is added to read as follows:

§ 271.7 Financial liabilities of the State agency.

* * * * *

(b) In the event that any State agency is sued by any person(s) in a State or Federal Court in any matter which involves its administration of the Food Stamp Program, the State agency shall immediately notify FNS that suit has been brought and shall furnish FNS with copies of the original pleadings and all subsequently filed pleadings. In any such case which involves an attack on or interpretation of the Food Stamp Act, these regulations, or FNS instructions, the State agency shall, upon request of FNS, take such action as is necessary properly to join the United States and/or apprpriate officials of the Federal Government, such as the Secretary of Agriculture or the Administrator of the Food and Nutrition Service, as parties to the suit. In the event that a State agency fails to comply with the provisions of this paragraph and is ordered by a court to take actions under the program which are determined by FNS to be inconsistent with the Food Stamp Act, these regulations, or FNS instructions, the State agency shall, upon demand by FNS, pay to FNS an amount equal to the value of all bonus coupons issued pursuant to the court order.

* * * * *

NOTE: Reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment shall become effective April 11, 1975.

(78 Stat. 703, as amended; 7 U.S.C. 2011-2026)

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

RICHARD L. FELTNER,
Assistant Secretary.

APRIL 8, 1975.

[FR Doc.75-9549 Filed 4-10-75;8:45 am]

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

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

This document authorizes expenses of $282,550 of the Valencia Orange Administrative Committee, under Marketing Order No. 908, for the 1974-75 fiscal year and fixes a rate of assessment of $0.014 per carton of Valencia oranges handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On March 12, 1975, notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 11587) regarding proposed expenses and the related rate of assessment for the period November 1, 1974, through October 31, 1975, and carryover of unexpended funds from the period November 1, 1973, through October 31, 1974, pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California. The notice provided that all written data, views, or arguments in connection with the proposals be submitted by April 1, 1975. None were received. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 908.214 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1974, through October 31, 1975, will amount to $282,550.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.014 per carton of Valencia oranges.

(c) *Reserve.* Unexpended funds in excess of expenses incurred during the fiscal year ended October 31, 1974, in the amount of $25,000 are carried over as a reserve in accordance with § 908.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment

herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1974, and said rate of assessment will automatically apply to all such oranges beginning with such date.

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

Dated: April 8, 1975.

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

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[Lemon Reg. 687]

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 April 13–19, 1975. 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.

§ 910.987 Lemon Regulation 687.

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

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

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons has slackened due to recent inclement weather in part of the U.S. Average f.o.b. price was $5.66 per carton the week ended April 5, 1975, compared to $5.59 per carton the previous week. Track and rolling supplies at 107 cars were down 6 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this 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 April 8, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period April 13, 1975, through April 19, 1975, is hereby fixed at 245,000 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: April 9, 1975.

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

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CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision III)

Part 1488, Title 7, Code of Federal Regulations, governing the CCC Export Credit Sales Program as revised and published in the FEDERAL REGISTER on April 22, 1971 (36 FR 7597–7602), is reissued to include the amendments of April 29, 1971 (36 FR 8048), May 25, 1971 (36 FR 9437–9442), June 9, 1971 (36 FR 11081), July 2, 1971 (36 FR 12595–12596), April 21, 1972 (37 FR 7879), May 10, 1972 (37 FR 9383) and November 18, 1972 (37 FR 24651), and to make certain other changes to conform with existing procedural requirements and organizational functions and assignments in the Department. Because the changes are procedural and editorial in nature, the notice, public rule-making procedure and effective date requirements contained in 5 U.S.C. 553 are omitted as unnecessary.

Subpart A—Financing of Export Sales of Agricultural Commodities from Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision III)

Sec.

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Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stock Under CCC Export Credit Sales Program (GSM–4, Revision III)

AUTHORITY: Sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c, and sec. 4, 80 Stat. 1538, 7 U.S.C. 1707a.

§ 1488.1 General statement.

(a) Except as otherwise provided in this paragraph (a), the regulations contained in this Subpart A supersede GSM–4, revised April 1971, and set forth the terms and conditions governing the CCC Export Credit Sales Program (GSM–4). The maximum financing period shall be three years. GSM–4, as re-

vised in December 1969 and in April 1971, shall remain in effect for all transactions under financing approvals issued thereunder.

(b) On approval by CCC of an application for financing under this program, an eligible exporter may, but will not be obligated to, make export sales of agricultural commodities from private stocks on a deferred payment basis in accordance with the applicable financing arrangement. After delivery, subject to the terms and conditions set forth in this Subpart, CCC will purchase for cash the exporter's account receivable arising from the export sale.

(c) The provisions of Pub. L. 83–664 are not applicable to shipments under this program.

(d) The regulations contained in this Subpart A may be supplemented by such additional terms and conditions, applicable to specified agricultural commodities, as may be set forth in supplements hereto, and, to the extent that they may be in conflict or inconsistent with any other provisions of this Subpart A, such additional terms and conditions shall prevail.

§ 1488.2 Definition of terms.

As used in this Subpart A and in the forms and documents related thereto, the following terms shall have the meanings assigned to them in this section:

(a) "Account receivable" means the contractual obligation of the foreign importer to the exporter for the port value of the commodity delivered for which the exporter is extending credit to the importer. The account receivable shall be evidenced by documents, in form and substance satisfactory to CCC, establishing the contractual obligation between the U.S. exporter and the foreign importer. The account receivable shall provide for (1) payment of principal and interest in U.S. dollars in the United States, (2) interest in accordance with § 1488.7, and (3) acceleration of payment thereunder in accordance with GSM–4.

(b) "Agency or branch bank" means an agency or branch of a foreign bank, supervised by New York State banking authorities or the banking authorities of any other State providing similar supervision, and approved by the Vice President, CCC or the Controller, CCC.

(c) "Assistant Sales Manager" means the Assistant Sales Manager, Commercial Export Programs, Foreign Agricultural Service.

(d) "Bank obligation" means an obligation, acceptable to CCC, of a U.S. bank, a foreign bank, or an agency or branch bank, to pay to CCC in U.S. dollars the amount of the account receivable, plus interest in accordance with § 1488.7. The bank obligation shall be in the form of an irrevocable letter of credit issued by a U.S. bank or a branch bank, or confirmed or advised by a U.S. bank or an agency or branch bank in accordance with § 1488.5. The bank obligation shall provide for payment under the terms and conditions of the financing agreement and shall be payable not later than the date of expiration of the financing period or of the bank obligation, whichever occurs first, if payment is not received from other sources.

(e) "CCC" means the Commodity Credit Corporation, U.S. Department of Agriculture.

(f) "Commercial risk" means risk of loss due to any cause other than a political risk.

(g) "Date of delivery" means the on-board date of the ocean bill of lading, or the date of airway bill, or, if exported by rail or truck, the date of entry shown on an authenticated landing certificate or similar document issued by an official of the government of the importing country, or, if delivery is before export, the date(s) of the warehouse receipts or other evidence of delivery, acceptable to CCC, of the commodity to a warehouse.

(h) "Delivery" means the delivery required by the export sale contract to transfer to the importer full or conditional title to the agricultural commodity. Delivery before export shall be at a warehouse in the U.S. acceptable to CCC. Delivery at point of export shall be f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. airports, at U.S. border points of exit or, if transshipped, through Canada via the Great Lakes, at ports on the St. Lawrence River.

(i) "Eligible commodities" means agricultural commodities, including eligible cotton, produced in the United States and designated as eligible for export under CCC's Export Credit Sales Program in a USDA announcement. Commodities which have been purchased from CCC are eligible for export as private stocks. Exports of commodities pursuant to any CCC barter contract, PL–480 or AID agreement, or direct loan by the Export-Import Bank are not eligible for financing under this program. Commodities delivered prior to the date of the related financing approval are not eligible for financing under this program unless they had been delivered under a GSM–4 export credit sale and such financing is determined by the Vice President, CCC, or the Assistant Sales Manager, to be in the interest of CCC.

(j) "Eligible cotton" means Upland and Extra Long staple cotton grown in the United States: *Provided, however,* That reginned or repacked cotton, as defined in regulations of the U.S. Department of Agriculture under the U.S. Cotton Standards Act (§ 28.40 of this Title), by-products of cotton such as cotton mill waste, motes, and linters, and any cotton that contains any by-products of cotton are not eligible for export financing hereunder. CCC's determination as to the eligibility of cotton shall be final.

(k) "Eligible destination" means the country which is named in the financing approval and which meets the licensing requirements of the U.S. Department of Commerce.

(l) "Eligible exporter" or "exporter" means a person (1) who is engaged in the business of buying or selling commodities and for this purpose maintains a bona fide business office in the United States, its territories or possessions, and has someone on whom service of judicial process may be had within the United States, (2) who is financially responsible, and (3) who is not suspended or debarred from contracting with or participating in any program financed by CCC on the date of issuance of the financing approval.

(m) "FAS" means the Foreign Agricultural Service, U.S. Department of Agriculture.

(n) "Financing agreement" means the exporter's written application for financing as approved or amended by the Assistant Sales Manager, including the terms and conditions of the regulations in this Subpart and any amendments thereto in effect on the date of issuance of the financing approval.

(o) "Financing approval" means the approval issued by the Assistant Sales Manager, of an exporter's written financing application.

(p) "Financing period" means the number of months specified in the financing approval. Such period shall start on the date of delivery or the weighted average delivery date, of the commodities to be exported under the financing agreement, and shall expire on the expiration of the bank obligation or the number of months specified in the financing approval, whichever occurs first.

(q) "Foreign bank" means a bank which is neither a U.S. bank nor an agency or branch bank, and includes a foreign branch of a U.S. bank.

(r) "Foreign importer" or "importer" means the foreign buyer who purchases the commodities to be exported under a financing agreement and executes the documents evidencing the account receivable assigned to CCC.

(s) "GSM–4" means the regulations contained in this Subpart A, as amended and supplemented, setting forth the terms and conditions governing the CCC Export Credit Sales Program.

(t) "Political risk" means risk of loss due to (1) inability of the foreign bank through no fault of its own to convert foreign currency to dollars, or (2) nondelivery into the eligible destination of the commodity covered by a financing agreement through no fault of the foreign bank or importer or exporter because of the cancellation by the government of the eligible destination of previously issued valid authority to import such shipment into the eligible destination or because of the imposition of any law or of any order, decree, or regulation having the force of law, which prevents the import of such shipment into the eligible destination, or (3) inability of the foreign bank to make payment due to war, hostilities, civil war, rebellion, revolution, insurrection, civil commotion, or other like disturbance occurring in the eligible destination, expropriation, or confiscation, or other like action by the government of the eligible destination country, or (4) failure of the foreign bank to make payment for any reason if it is an instrumentality of or

is wholly owned by the foreign government.

(u) "Port value" means the net amount of the exporter's sales price of the commodity to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, at U.S. airports if shipped by air, or, if transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River. The port value shall not include ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a cif sale. The net amount of the exporter's sales price means the exporter's contract price for the commodities, on the basis stated above, less any payments made to the exporter and less any discounts, credits, or allowances by the exporter.

(v) "Sale" means a contractual obligation to make an export credit sale of U.S. agricultural commodities to be financed under GSM–4, and which is evidenced by an account receivable. The "date of sale" shall be the date of the contractual obligation. If an export sale is conditioned upon the availability of CCC financing, the date such financing becomes available shall be the "date of sale".

(w) "United States" means the 50 States, the District of Columbia, and Puerto Rico.

(x) "U.S. bank" means a bank organized under the laws of the United States, a State, or the District of Columbia.

(y) "USDA announcement" means an announcement published monthly by the U.S. Department of Agriculture (USDA), subject to amendment during the month, which is in effect when the financial approval is issued and which includes the list of eligible commodities and interest rates under GSM–4.

(z) "Vice President, CCC" means the Vice President who is the Administrator, Foreign Agricultural Service.

§ 1488.3 Submission of applications for financing.

(a) An eligible exporter may submit an application for financing to the Assistant Sales Manager, Commercial Export Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250. (Telex No. 089–491)

(b) CCC reserves the right to reject any and all applications.

(c) Applications shall be in writing and shall refer to GSM–4, thereby incorporating by reference into the application all the terms and conditions of GSM–4. On approval by the Assistant Sales Manager, a financing approval bearing a financing approval number shall be issued. The following information shall be included in the exporter's application:

(1) The name of the commodity to be exported; the class, grade, or quality, as applicable; and the quantity.

(2) The country of destination.

(3) The approximate port value of the commodity to be exported.

(4) The financing period.

(5) Whether the bank obligation assuring payment of the account receivable will be issued by a U.S. bank, a branch bank, or a foreign bank, and if by a foreign bank its name and address and the name of the confirming U.S. bank or branch bank, or agency bank if approved as provided in § 1488.5(b), and the percentage of confirmation.

(6) The name and address of the foreign importer.

(7) If delivery of the commodity to be exported is before export, the name and address of the warehouse to which delivery is to be made.

(8) The approximate period for export.

(9) If the commodity will be sold through an intervening purchaser, the name and address of the intervening purchaser, and a statement that the sale of the commodity is or will be conditioned on its resale by the intervening purchaser, and its direct shipment, to the foreign importer in the destination country specified in paragraphs (c) (2) and (6) of this section, pursuant to a contract in which the foreign importer agrees to pay to the U.S. exporter the amount financed in accordance with the terms of the GSM–4 financing agreement.

(d) In considering applications for financing CCC will take into account factors such as the following:

(1) Permit U.S. exporters to meet competition from other countries.

(2) Prevent a decline in U.S. commercial export sales.

(3) Substitute commercial dollar sales for sales made pursuant to PL–480 or other concessional programs.

(4) Result in a new use of the agricultural commodity in the importing country.

(5) Permit expanded consumption of agricultural commodities in the importing country and thereby increase total commercial sales of agricultural commodities to the importing country.

(e) If additional information is required, the applicant shall furnish it on request.

(f) The financing approval may contain such terms and conditions, not inconsistent with GSM–4, as are deemed in the interest of CCC.

(g) The financing approval may be amended provided such amendment is in conformity with GSM–4 at the time of amendment and is determined to be in the interest of CCC. Amendments may include an extension of the period for delivery provided the exporter furnishes acceptable evidence of an export sale contract requiring delivery during a longer period, as well as an extension of the period for export, and may contain such additional conditions to such extension as are determined to be in the interest of CCC. A new or amended bank obligation may be required by CCC if the financing approval is amended after the issuance of the related bank obligation.

§ 1488.4 Registration of sales.

All sales must be registered with and approved for financing by the Assistant Sales Manager, Commercial Export Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250 (Telex No. 089–491). Registration may be by telephone but must be confirmed by letter or wire. When registering a sale, the exporter shall give the following information:

(a) The financing approval number under which the sale is being made.

(b) The date of sale and sale number.

(c) The quantity and port value of the sale. Total sales registered under one financing approval shall not exceed 110 percent of the amount covered by the financing approval.

(d) The date of delivery or the period for delivery and the month in which application for payment will be submitted.

(e) The class, grade or quality of the commodity.

§ 1488.5 Coverage of bank obligations.

(a) U.S. banks and U.S. branches of foreign banks shall be liable without regard to risks for payment of bank obligations issued by them.

(b) An obligation issued by a foreign bank must be confirmed and advised, as provided in paragraphs (c), (d), (e), and (f) of this section, by a U.S. bank or a branch bank, or may be confirmed by an agency bank when determined by the Vice President, CCC or Controller, CCC, to be in the interest of CCC.

(c) A U.S. bank must confirm the full amount of an obligation issued by its foreign branch. CCC will look to the U.S. bank for payment without regard to risks.

(d) If a branch bank confirms an obligation issued by its home office, or by another branch of its home office, it must confirm the full amount thereof. CCC will look to the branch bank for payment without regard to risks.

(e) If CCC accepts an agency bank confirmation of a foreign bank obligation, it must be for the full amount thereof without regard to risks and will be subject to such terms and conditions as may be contained in the financing approval. CCC will not accept an agency bank confirmation of an obligation issued by its home office, or by a branch of its home office.

(f) Except as provided in paragraphs (c) and (d) of this section, if a U.S. bank or a branch bank confirms an obligation issued by a foreign bank, it must confirm at least 10 percent pro rata and must advise the remainder of the foreign bank obligation. For the confirmed amount, CCC will hold the U.S. bank or branch bank liable for commercial risks but not for political risks. For the advised amount, CCC will not hold the U.S. bank or the branch bank liable for commercial or political risks. CCC will hold the foreign bank liable without regard to risks for all amounts not recovered from the U.S. or branch bank.

(g) Under special circumstances, on application in writing, the Vice President, CCC, may reduce or waive the requirement for 10 percent confirmation by a U.S. or branch bank, but a bank will not be relieved of an obligation once it has been undertaken.

(h) Any bank obligation which provides for a bank acceptance of a time draft by CCC (banker's acceptance) shall not be acceptable to CCC.

(i) CCC will consent to cancellation or reduction of a bank obligation to the extent that it receives payment from other sources of amount otherwise payable under such bank obligation.

(j) Collection of accounts receivable purchased under this program will be effected through the issuance by CCC of sight drafts against the bank obligations, but this method of collection shall not be exclusive of any other collection procedures or rights available to CCC.

§ 1488.6 CCC drafts.

CCC will draw one draft for each payment due under bank obligations. If any portion of a CCC draft is dishonored, the U.S. bank or branch bank shall return the dishonored draft together with its statement of the reason for non-payment. If a draft which is drawn under a partially confirmed bank obligation is dishonored, CCC will replace the draft with separate drafts for the confirmed and unconfirmed portions at the request of the confirming bank. Such replacement shall not alter the confirming bank's obligation for timely payment to CCC of the confirmed portion of the credit. For confirmed amounts, except as provided in § 1488.5 (c) and (d), a U.S. or branch bank may request refund from CCC of the amount paid if it certifies to CCC that it is unable to recover funds from the foreign bank due to a stipulated political risk which existed on the date payment was made to CCC under the draft. If CCC finds that inability to recover funds was due to such a political risk, the refund shall be promptly made together with interest at the Federal Reserve Bank of New York discount rate from and including the date payment was originally made to CCC but not including the date of refund by CCC. For unconfirmed amounts, remittance to CCC shall be considered final, and the U.S. bank or branch bank shall not thereafter have recourse to CCC.

§ 1488.7 Interest charges.

The account receivable assigned to CCC and the related bank obligation(s) shall bear interest as specified in this section. Rates of interest applicable to financing agreements shall be published in a USDA announcement. The interest rate applicable to that portion of an account receivable for which payment is assured by a bank obligation issued or pro rata confirmed by a U.S. bank shall be lower than the interest rate established for the remainder of the account receivable. The interest rate applicable to that portion of an account receivable the payment of which is assured by a bank obligation issued or pro rata confirmed by a branch bank shall, when determined by the Vice President, CCC or Controller, CCC, to be in the interest of CCC, be lower than the interest rate established for the remainder of the account receivable. Interest rates applicable to accounts receivable the payment of which is assured by agency bank confirmations shall be established by the Vice President, CCC or Controller, CCC. The interest rate applicable to a particular financing agreement shall be specified in the financing approval. Interest shall accrue on the account receivable from the date of delivery or the weighted average delivery date, of the agricultural commodities delivered under the financing agreement to the date of payment, or to the date of expiration of the financing period, or the date of expiration of the bank obligation, whichever occurs first, and shall be payable as specified in the financing approval. Thereafter, interest shall accrue on any unpaid part of both the principal and interest due as of such expiration date.

§ 1488.8 Expiration of period(s) for delivery and/or export.

(a) Unless delivery by the exporter to the importer is made within such period as may be provided in the financing approval or any amendment thereof, or under paragraph (b) of this section, the financing approval will no longer be valid.

(b) If the Assistant Sales Manager, determines that delay in delivery was due solely to causes without the fault or negligence of the exporter, the period for delivery may be extended by CCC by the period of such delay.

(c) If delivery is made before export under the terms of the financing agreement, failure to export within the period specified therefor in the financing approval shall constitute a breach of the financing agreement. In such case, the account receivable and the bank obligation assuring the account receivable shall, at the option of the Assistant Sales Manager, become immediately due and payable if full payment has not been received, and liquidated damages shall be payable in accordance with § 1488.14.

§ 1488.9 Advance payment.

If, before expiration of the financing period, the exporter or the U.S. bank or the agency or branch bank accepts payment from or on behalf of the foreign importer of any part of the account receivable, it shall be remitted promptly to CCC. Such prepayment shall be applied first to interest on the unpaid balance of the account receivable to the date CCC receives such prepayment and then to the principal.

§ 1488.10 Documents required after delivery.

(a) CCC will purchase an exporter's account receivable only if the Treasurer, Commodity Credit Corporation, United States Department of Agriculture, Washington, D.C. 20250, receives the documents specified in paragraphs (b) through (e) of this section within 45 days, or any extension thereof by the Treasurer or Assistant Treasurer, CCC, after date of delivery of commodities exported or to be exported under the financing agreement.

(b) The exporter shall submit a "Combined Application for Disbursement, Assignment of Account Receivable and Certification" which includes:

(1) A written application for disbursement, showing the financing approval number and the port value of the commodity delivered.

(2) An assignment of the account receivable arising from the export sale, in form and substance acceptable to CCC.

(3) The exporter's certification (i) that he has entered into a contract to sell an eligible Commodity; (ii) of the date of sale, the grade, quality, quantity, agreed upon price for the commodity and payment terms and interest in accordance with the financing agreement; (iii) that he has in his files documents evidencing the export sale contract and the obligation of the importer to him for the financed portion of the export sale, and will retain them until 3 years after maturity of the related financing agreement and will furnish them to CCC on demand during that period; (iv) agricultural commodities of the grade, quality, and quantity called for in the exporter's sale have been delivered to the foreign importer; and (v) he knows of no defenses to the account receivable assigned to CCC. If the date of sale is other than the date specified in the certification required by this paragraph (b)(3), the financing agreement may be terminated by the Assistant Sales Manager, and on such termination, if payment under the bank obligation or amount receivable has not yet been received, the bank obligation and the account receivable shall become due and payable at the option of CCC.

(c) A copy of the sales invoice to the foreign importer, or, if the commodity has been sold through an intervening purchaser, a copy each of the exporter's sales invoice to the intervening purchaser and of the intervening purchaser's sales invoice to the foreign importer.

(d) Either (1) a copy of the document evidencing export provided for in § 1488.11 and, if the consignee is other than the foreign importer named in the financing agreement, such additional information as CCC may request to show that export was made in accordance with the instructions of, or the export sale contract with, the foreign importer, or (2) if delivery is before export, documents acceptable to CCC evidencing delivery of the commodity to the importer or his agent.

(e) A bank obligation or obligations, in accordance with § 1488.5, § 1488.8(c), § 1488.12, and paragraph (i) of this section, payable to CCC, in form and substance acceptable to CCC, covering the amount of the application for disbursement, citing the financing approval number, and providing for the payment of interest in accordance with § 1488.7.

(f) On receipt of the documents described in paragraphs (b) through (e) of this section, the Treasurer, CCC will pay promptly to the exporter the amount of the account receivable or the dollar amount of sales registered under the

financing approval, whichever is the lesser.

(g) If an acceptable application for disbursement and the supporting documents described in paragraphs (b) through (e) of this section have not been received by CCC within 45 days from the date of the delivery (or any extension thereof by the Treasurer or Assistant Treasurer, CCC), the financing agreement shall be void.

(h) If, under the financing agreement, delivery is made before export, documents evidencing export as provided in § 1488.11 shall be submitted to the Assistant Sales Manager within 20 days after delivery to export carrier.

(i) If for any reason a draft drawn under a foreign bank obligation is dishonored or if the issuing bank is insolvent, in bankruptcy, in receivership, or in liquidation, or has made an assignment for the benefit of creditors, or for any other reason discontinues or suspends payments to depositors or creditors or otherwise ceases to operate on an unrestricted basis, the obligation issued by that bank to CCC shall become immediately due and payable, and any balance due on the account receivable assured by the obligation issued by such bank shall, at the option of CCC, become immediately due and payable. CCC may permit the substitution of another acceptable foreign bank obligation covering such balance due if confirmed in accordance with § 1488.5.

§ 1488.11 Evidence of export.

(a) If the commodity is exported by rail or truck, the exporter shall furnish to the Treasurer, CCC, one copy of the bill of lading, certified by the exporter as being a true copy, covering the commodity exported, and an authenticated landing certificate or similar document issued by an official of the government of the country to which the commodity is exported, showing the quantity, the place and date of entry, the gross landed weight of the commodity, and the name and address of both the exporter and the importer.

(b) If the commodity is exported by ocean carrier, the exporter shall furnish to the Treasurer, CCC, one non-negotiable copy or photo copy or other type of copy of either (1) an on-board ocean bill of lading or (2) an ocean bill of lading with an on-board endorsement, dated and signed or initialed on behalf of the carrier. The bill of lading must be certified by the exporter as being a true copy and must show the quantity, the date and place of loading the commodity, the name of the vessel, the destination of the commodity, and the name and address of both the exporter and the importer.

(c) If the commodity is exported by aircraft, the exporter shall furnish to the Treasurer, CCC, one non-negotiable copy of an airway bill, dated and signed or initialed on behalf of the carrier. The airway bill must be certified by the exporter as being a true copy and must show the date and place of loading the commodity, the name of the airline, the destination of the commodity, and the name and address of both the exporter and the importer.

(d) If the exporter is unable to supply documentary evidence of export as specified in this section he shall submit such other documentary evidence as may be acceptable to CCC.

(e) For commodities transshipped through Canada via the Great Lakes, the exporter shall certify that the commodity transshipped was produced in the United States.

§ 1488.12 Evidence of entry into country of destination.

(a) Commodities exported under a financing agreement must enter the destination country specified in the financing agreement.

(b) For a financing agreement under which the financing period is in excess of 12 months, within 90 days, or such extension of time as may be granted in writing by the Assistant Sales Manager, following shipment from the United States of any agricultural commodity exported under the financing agreement, the exporter shall furnish to the Assistant Sales Manager, Commercial Export Programs, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250, documentary evidence verifying entry of the commodity into the country of destination specified in the financing agreement. The documentary evidence must (1) identify the agricultural commodity (or permit identification through supplementary documents also furnished) as that exported under the financing agreement, (2) state the quantity and date of entry of the commodity into the destination country, and (3) be signed by (i) a customs official of the destination country, or (ii) the importer, or (iii) a representative of an independent superintending or controlling firm.

(c) When the commodity enters the country of destination in bond, a statement by the importer will be acceptable which (1) identifies the commodity as that exported under the financing agreement, (2) states the quantity of the commodity entered under bond and date of entry into the destination country, and (3) certifies that the commodity will be withdrawn from bonded storage at a later date for consumption in the destination country.

(d) If the evidence of entry is in other than the English language, the exporter shall also provide an English translation thereof.

(e) If evidence of entry is not furnished within the time specified, the financing agreement may be terminated by the Assistant Sales Manager, and upon termination, if payment under the bank obligation or account receivable has not yet been received, at the option of CCC, the bank obligation and the account receivable shall become due and payable. Failure to furnish, within the time specified, evidence of entry of the commodity into the country of destination shall constitute prima facie evidence of failure to enter or cause the entry of the commodity into such country as required. The remedy herein provided shall not be exclusive of other rights available to the Federal Government if the commodity enters a country other than that specified in the financing agreement.

§ 1488.13 Liability for payment.

If delivery is made within the coverage of the bank obligation(s) submitted in accordance with § 1488.10, CCC will look to the obligating bank or banks and the foreign importer, rather than to the exporter or intervening purchaser, for payment of all amounts due at maturity of the account receivable and of the bank obligation(s), but the exporter and the intervening purchaser shall remain liable for any loss arising from breach of any contractual obligation, certification or warranty made by them, pursuant to the financing agreement, and the exporter shall remain liable for any amounts not covered by the bank obligation which are owing to CCC, and any remittance or refund required by § 1488.9 and § 1488.16, together with interest thereon at the rate specified in the documents evidencing the account receivable, as well as for any liquidated damages provided for in § 1488.14. The liability of the bank and the importer under their respective obligations shall be several.

§ 1488.14 Liquidated damages.

Failure of the exporter to export or cause to be exported, within the period provided therefor, any agricultural commodity financed, when delivery is made before export under the terms of the financing agreement, or failure of the exporter to enter or cause the entry of such commodity into the country of destination, shall constitute a breach of the financing agreement which will result in serious and substantial damage to CCC and to its programs. Since it will be difficult, if not impossible, to prove the exact amount of such damage, the exporter shall pay to CCC promptly on demand, as reasonable compensation and not as a penalty, liquidated damages in lieu of probable actual damages, as follows: (a) For each week of delay in exportation after the final date for exportation, 1 percent of the amount financed under the financing agreement for the commodity not exported; (b) for failure to export or cause exportation, 5 percent of the amount financed under the financing agreement for the commodity not exported; (c) for failure, after exportation, to enter or cause the entry of the commodity into the country of destination, at the rate of 5 percent a year of the amount financed under the financing agreement for such commodity from the start of the financing period until payment to CCC of the amount financed; *Provided*, That the aggregate of any amounts assessed under this § 1488.14 with respect to the same commodity shall not exceed 5 percent of the amount financed for such commodity. Liquidated damages shall not be assessed under (a) of this section if the Assistant Sales Manager determines that the delay was due to such causes as acts of God or government or the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, or unusually

severe weather; under (b) of this section if the Assistant Sales Manager determines that failure to export was due to loss, damage, destruction or deterioration of the commodity; and under (c) of this section if the Assistant Sales Manager determines that failure to enter or cause the entry of the commodity into the country of destination was due to loss or destruction of the commodity or act of government.

§ 1488.15 Assignment.

The exporter shall not assign any claim or rights or any amounts payable under the financing agreement, in whole or in part, without written approval of the Vice President, CCC or the Controller, CCC.

§ 1488.16 Covenant against contingent fees.

The exporter warrants that no person or selling agency has been employed or retained to solicit or secure the financing agreement on an agreement or understanding for a commission, percentage, brokerage, or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by the exporter for the purpose of securing business. For breach or violation of this warranty, CCC shall have the right, without limitation on any other rights it may have, to annul the financing agreement without liability to CCC. Should the financing agreement be annulled, CCC will promptly consent to the reduction or cancellation of related bank obligations except for amounts outstanding under a financing agreement. Such amounts shall, on demand, be refunded to CCC by the exporter.

§ 1488.17 Shipment of commodities on vessels calling at Cuban and North Vietnamese ports.

Any commodity exported under a financing agreement shall not be shipped from the United States, or transshipped through Canada via the Great Lakes, at ports on the St. Lawrence River, on a vessel which has called at a Cuban port on or after January 1, 1963, or at a North Vietnamese port on or after January 25, 1966, unless a special waiver is granted by the Maritime Administration. Commodities shipped on such vessel shall not be considered to have been exported under the financing agreement.

§ 1488.18 Officials not to benefit.

No member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of the financing agreement or to any benefit that may arise therefrom, but this provision shall not be construed to extend to the financing agreement if made with a corporation for its general benefit.

§ 1488.19 Exporter's records and accounts.

CCC shall have access to and the right to examine any directly pertinent books, documents, papers and records of the exporter involving transactions related to the financed export credit sale until the expiration of three years after maturity of the related financing agreement.

§ 1488.20 Communications.

Unless otherwise provided, a written request, notifications, or communications by the applicant pertaining to the financing agreement shall be addressed to the Assistant Sales Manager, Commercial Export Program, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: This reissuance of regulation shall be effective on April 21, 1975.

Signed at Washington, D.C. on April 4, 1975.

DAVID L. HUME,
Vice President, Commodity Credit Corporation, and Administrator, Foreign Agricultural Service.

[FR Doc.75-9387 Filed 4-10-75;8:45 am]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-4, Revision III)

BEEF BREEDING CATTLE

The regulations in Supplement I of this Subpart A, Part 1488, with respect to the financing of export credit sales of beef breedcattle, published in the FEDERAL REGISTER of May 25, 1971 (36 FR 9437) and amended on May 10, 1972 (37 FR 9383), is reissued to conform with existing procedural requirements and to reflect changes in organizational functions and assignments in the Department. Because the changes are procedural and editorial in nature, notice, public rulemaking procedure and effective date requirements are omitted as unnecessary.

SUPPLEMENT I—BEEF BREEDING CATTLE

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for beef breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. airports if shipped by air. The point of exportation for animals shall be designated by the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture. The port value shall not include the ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a cif sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) for registered bulls, $1350 each or, with prior approval of the Assistant Sales Manager for Commercial Export Programs $2750 if performance has been superior to the performance records specified in Exhibit II to this supplement; (b) for registered females, $750 each or, with prior approval of the Assistant Sales Manager for Commercial Export Programs, $1100 if performance has been superior to the performance records specified in Exhibit I to this supplement; (c) for nonregistered females, and average, for the sale, of $500 each or, with prior approval of the Assistant Sales Manager for Commercial Export Programs, $700 if performance has been superior to the performance records specified in said Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), or (c) of this paragraph A.1. and the contract price for the individual animal, if registered, or the average contract price for the individual animal, if nonregistered, shall not be included as part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized beef cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal.

(c) The animal must, at the time of export, be individually identified by an eartag, a legible ear tattoo symbol, or a firebrand and ranch holding brand symbol acceptable to USDA testing authority as an authentic identification symbol for such animal. The term "identification number(s)" as used herein shall also include ear tattoo symbol and firebrand and ranch holding brand symbol.

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the beef breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.3(c) (1) through (9), applications for financing export credit sales of beef breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification require-

ments set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the considerations specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for beef breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after delivery.* In addition to the documents specified in § 1488.10 (b) through (e), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate animal identification lists for registered animals and for nonregistered animals, containing the following information:

(a) Identification number;

(b) For each registered animal, shown separately opposite the identification number, the sales price as specified in the sales invoice;

(c) For nonregistered animals, shown for each lot group by identification number, the average sales price per animal based on the sales invoice for such nonregistered animals.

2. Performance records for animals for which a higher maximum port value has been approved by the Assistant Sales Manager for Commercial Export Programs as provided in paragraph A.1.

3. A certification by the exporter that animals of the description in the exporter's sales contract have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

4. A certification by the exporter that the documents specified in paragraph D. of this Supplement have been furnished to the importer.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Agricultural Marketing Service (AMS), U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the identification numbers and stating that the service bull was a registered bull of the same beef cattle breed as the female to which bred. (See Exhibit I.)

3. The certificate issued or endorsed by Veterinary Services, Animal and Plant Health Inspection Service, listing the identification number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Agricultural Marketing Service listing the identification number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation grade, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Animal and Plant Health Inspection Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Animal and Plant Health Inspection Service, for bulls over one year of age, except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

E. *Dual purpose breeds.* When dual purpose breeds [1] are eligible for financing under the provisions of both Supplement I and Supplement II to GSM–4, as revised, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply.

EXHIBIT I TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—FEMALES OPTION A (TO BE SPECIFIED BY PURCHASER)

1. Registered.[1]

Breed

a. Angus.
b. Hereford.
c. Polled Hereford.
d. Charolais.
e. Santa Gertrudis.
f. Shorthorn.
g. Polled Shorthorn.
h. Brahman.
i. Milking Shorthorn.[2]
j. Red Poll.[2]
k. Other beef cattle breeds having a registry Association in the United States.

2. Nonregistered.[3]

Predominant Breed

(Specify from breed above.)

OPTION B (TO BE SPECIFIED BY PURCHASER)

Age [4]

1. Calf (7 to 12 months).
2. Yearling Open (12 to 18 months).
3. Heifer Open (18 to 24 months).
4. Bred Heifer (18 to 36 months).
5. Bred Cow (24 to 48 months).
6. Mature Cow (24 to 48 months) [5].

General Requirements:

A. *Health.*[6]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected, and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

B. *Minimum Weight.*[7]

1. Calf (7 to 12 months) 400 pounds.
2. Yearling Open (12 to 18 months) 500 pounds.
3. Heifer Open (18 to 24 months) 600 pounds.
4. Bred Heifer (18 to 24 months) 700 pounds. (24 to 36 months) 800 pounds.
5. Bred Cow (24 to 36 months) 800 pounds. (36 to 48 months) 950 pounds.
6. Mature Cow (24 to 36 months) 800 pounds. (36 to 48 months) 950 pounds.[8]

C. *Minimum Conformation* Choice.[7]

All nonregistered females must be dehorned or naturally polled unless otherwise specified in the application. Horn stubs in excess of one inch will not be acceptable on dehorned cattle.

D. *Performance Records.*[9] (Optional, unless specified.) (See attached Appendix I to Exhibits I and II.) 1. Minimum adjusted daily gain to weaning 1.6#/day.

2. Minimum adjusted daily gain to weaning of offspring 1.6#/day (if appropriate).

E. *Statement of Service or Other Requirement.* 1. Bred females must have been bred to a registered bull of the same breed and the calf from a registered female must be eligible for registration.[9]

2. Bred females must be at least two months but no more than six months pregnant at time of inspection when being shipped by vessel. If shipped by air, bred females must be at least two months pregnant but may be up to eight months pregnant with veterinarian approval.[10]

3. Mature cows not qualifying as "bred cows", to be eligible for financing hereunder, must be lactating and have their offspring not in excess of approximately five months of age at side at time of inspection by AMS. Such calves, though not eligible for financing, may be supplied along with the parent cow if facilities for their care and safe transportation to destination point are adequate.

EXHIBIT II TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—BULLS. OPTION A (TO BE SPECIFIED BY PURCHASER)

Breed [1]

1. Angus.
2. Hereford.
3. Polled Hereford.
4. Charolais.
5. Santa Gertrudis.
6. Shorthorn.
7. Polled Shorthorn.
8. Brahman.
9. Milking Shorthorn.[2]
10. Red Poll.[2]
11. Other beef cattle breeds having a registry Association in the U.S.

OPTION B (TO BE SPECIFIED BY PURCHASER)

Age [3]

1. Bull Calf (7 to 12 months).

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[1] Milking Shorthorn and Red Poll.

[2] Animals must be officially registered with the appropriate National Breed Association and be so certified by AMS agent.

[3] Dual Purpose Breeds (See paragraph E, Supplement I or II).

[4] Nonregistered animals will be certified for breed by the AMS agent.

[5] Certification by AMS agent.

[6] See E3 of this Exhibit I.

[7] Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.

[7] Certification furnished by Livestock Division, AMS, USDA. Conformation grade to be based on the muscling requirements of the official USDA Feeder Cattle Standards. (See Appendix II attached.)

[8] Official State records or National Breed Association records, or Performance Registry International records.

[9] Must be certified to by the breeder of the female at time of sale to exporter.

[10] Certification of pregnancy shall be issued by an accredited veterinarian.

[1] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by AMS agent.

[2] Dual Purpose Breeds (See paragraph E, Supplement I or II).

[3] Certification by AMS agent.

2. Yearling Bull (12 to 18 months).
3. Bull (18 to 24 months).
4. Mature Bull (24 to 48 months).

General Requirements:

A. *Health.*[4]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected, and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks and ringworm or freed from the same.

B. *Minimum Weight.*[5]

1. 7 to 12 months 470 pounds.
2. 12 to 18 months 790 pounds.
3. 18 to 24 months 1100 pounds.
4. Over 24 months 1350 pounds.

C. *Minimum Conformation* Prime.[5]

D. *Performance Records.*[6] (optional, unless specified). (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning 1.9 pounds/day.

E. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over one year of age,[7] except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

APPENDIX I TO EXHIBITS I AND II

PERFORMANCE TESTING

Performance testing is known by several names in the United States, but practically all organizations evaluate similar characteristics in beef cattle. The principal factors used in evaluating performance are growth rate and conformation, but not necessarily both. Animals which are tested are weighed at birth and again at weaning. The weaning weight is adjusted to an equivalent of 205 days of age and is also adjusted depending on the age of the dam. This is done to make weights of calves from first-calf heifers comparable to weights of calves from older cows.

The adjusted daily gain from birth to weaning is indicative not only of inherited gaining ability but also of the milking ability of the dam.

APPENDIX II TO EXHIBITS I AND II

SPECIFICATIONS FOR OFFICIAL UNITED STATES STANDARDS FOR GRADES OF CATTLE (STEERS, HEIFERS, AND COWS)[1]

Prime

Cattle which possess typical minimum qualifications for the Prime grade are very thickly muscled throughout. They are wide through the chest with well sprung ribs and are moderately wide and thick through the crops, back and loin. The rounds tend to be thick and the twist is moderately deep. They have large, rugged frames with moderately large but refined bone.

Choice

Cattle which possess typical minimum qualifications for the Choice grade are thickly muscled throughout. They are moderately wide through the chest with a moderate spring of ribs and are slightly wide and thick through the crops, back and loin. The rounds are slightly thick and the twist is slightly deep. They have moderately large, rugged frames, and the bone usually is moderately large, but may be slightly fine or slightly large and coarse.

Effective date: This reissuance of Supplement I to Regulations GSM–4, as revised, shall be effective on April 21, 1975.

Signed at Washington, D.C. on April 4, 1975.

DAVID L. HUME,
Vice President, Commodity Credit Corporation and Administrator, Foreign Agricultural Service.

[FR Doc.75-9388 Filed 4-10-75;8:45 am]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision III)

DAIRY BREEDING CATTLE

The regulations in Supplement II of this Subpart A, Part 1488, with respect to the financing of export credit sales of dairy breeding cattle, published in the FEDERAL REGISTER of May 25, 1971 (36 FR 9439), corrected on June 9, 1971 (36 FR 11081), and amended on May 10, 1972 (37 FR 9383), is reissued to conform with existing procedural requirements and to reflect changes in organizational functions, assignments in the Department, and increases in the maximum amount of financing allowed for male and female animals. Because the changes are procedural and editorial in nature and beneficial to participants of the program, notice, public rulemaking procedure and effective date requirements are omitted as unnecessary.

SUPPLEMENT II—DAIRY BREEDING CATTLE

A. Additional definitions. 1. "Port value" means the net amount of the exporter's sales price for dairy breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. airports if shipped by air. The point of exportation for animals shall be designated by the Animal and Plant Health Inspection Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a cif sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) $3,000 each for registered bulls which has an Acceptable performance index as set out in paragraph D.1., Exhibit II to this supplement, or, with prior approval of the Assistant Sales Manager for Commercial Export Programs, $5,000 if such animal has a Superior performance index as set out in paragraph D.2. of Exhibit II; (b) $1,300 each for registered females which have an Acceptable performance index as set out in paragraph D.1., Exhibit I to this supplement, or with prior approval of the Assistant Sales Manager for Commercial Export Programs, $2,000 if such animal has a Superior performance index as set out in paragraph D.2. of Exhibit I; (c) with prior approval of the Assistant Sales Manager for Commercial Export Programs, $3,000 each for registered mature cows which have a Superior performance index as set out in paragraph D.3. of Exhibit I; (d) with prior approval of the Assistant Sales Manager for Commercial Export Programs, $1,200 each for nonregistered mature cows which have a Superior performance index as set out in paragraph D.3. of Exhibit I; or (e) $1,000 average for the sale of nonregistered females, other than mature cows with a Superior performance index, if each such animal has an Acceptable performance index as set out in paragraph D.1. of Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), (c), (d), or (e) of this paragraph A.1. and the contract price for individual registered animals or nonregistered mature cows with a Superior performance index, or the average contract price for nonregistered females, other than mature cows with a Superior performance index, shall not be included as a part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized dairy cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, be individually identified by an eartag, a legible ear tattoo symbol, or a firebrand and ranch holding brand symbol acceptable to USDA testing authority as an authentic identification symbol for such animal. The term "identification number(s)" as used herein shall also include ear tattoo symbol and firebrand and ranch holding brand symbol.

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[4] Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.

[5] Certification furnished by Livestock Division, AMS, USDA. Conformation grade based on the muscling requirements of the official USDA Feeder Cattle Standards. (See Appendix II attached.)

[6] Official State records or National Breed Association records, or Performance Registry International records.

[7] Certification must be issued by an accredited veterinarian.

[1] Adapted from Service and Regulatory Announcement AMS 183, issued March 1965. A copy of this publication and charts picturing the grades of feeder cattle may be obtained upon request from the Livestock Division, AMS, USDA, Washington, D.C. 20250.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the dairy breed stated in the contract between the exporter and the importer. (See Exhibits I and II).

B. Submission of applications for financing. 1. In addition to the information required by § 1488.3(c)(1) through (9), applications for financing export credit sales of dairy breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the considerations specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for dairy breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. Additional documents required after delivery. In addition to the documents specified in Section 1488.10 (b) through (e), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate identification lists for each group of animals described in paragraphs A. 1. (a), (b), (c), (d), and (e) of this supplement, containing the following information:

(a) Identification number;

(b) For each registered animal or nonregistered mature cow with a Superior performance index, shown separately opposite the identification number, the sales price as specified in the sales invoice;

(c) For nonregistered females other than mature cows with a Superior performance index, shown for each lot group by identification list, the average sales price per animal based on the sales invoice for such nonregistered animals.

2. Production Performance Index records as follows:

(a) For registered bulls the applicable Acceptable or Superior performance index records of Sire and Dam as described in paragraph D.1. or D.2. of Exhibit II;

(b) For registered females if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.2. of Exhibit I;

(c) For registered or nonregistered mature cows if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.3. of Exhibit I.

3. A certification by the exporter that animals of the description in the exporter's sales contract have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

4. A certification by the exporter that the documents specified in paragraph D of this Supplement have been furnished to the importer.

D. Miscellaneous. The following documents or certifications, as applicable, shall be furnished to the importer by the exporter.

1. The certificates issued by an agent of the Agricultural Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "breed females" showing the identification numbers and stating that the service bull was a registered bull of the same dairy cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by Veterinary Service, Animal and Plant Health Inspection Service, listing the identification number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Agricultural Marketing Service listing the identification number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation specifications, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by Animal and Plant Health Inspection Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by Animal and Plant Health Inspection Service, for bulls over one year of age.

E. Dual purpose breeds. When dual purpose breeds[2] are egilible for financing under the provisions of both Supplement I and Supplement II to GSM-4, as revised, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply with the exception that the Assistant Sales Manager for Commercial Export Programs is authorized, at the request of the applicant, to establish a minimum weight schedule and DHIR Milk Production Breed Average.

EXHIBIT I TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—FEMALES

OPTION A (TO BE SPECIFIED BY PURCHASER)

1. Registered.[3]

Breed

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[4]
g. Red Poll.[4]

2. Nonregistered.[5]

Predominant Breed

(Specify from breed above.)

OPTION B (TO BE SPECIFIED BY PURCHASER)

Age[6]

1. Calf (6 to 12 months).
2. Yearling Open (12 to 18 months).
3. Heifer Open (18 to 30 months).
4. Bred Heifer (18 to 30 months).
5. Mature Cow (24 to 48 months).

General Requirements:

A. *Health.*[7]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and reinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks and ringworm or freed from the same.

6. Mature cows must be physically examined at time of inspection for the presence of mastitis by manipulating and stripping the udder and found not to have evidence of such infection. The exporter, at his option, may require the person from whom he purchases a mature cow to supply additional evidence of non-mastitis infection as he sees fit.

B. *Minimum Weight.*[8]

1. *Registered Animals.*

Age[1]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	360	295	280
b. 8 months	470	385	340
c. 10 months	585	485	410
d. 12 months	640	525	470
e. 14 months	710	585	520
f. 16 months	775	635	555
g. 18 months	835	685	600
h. 20 months	900	745	645
i. 22 months	970	790	695
j. 24 months	1,015	845	735
k. 26 months	1,045	870	760
l. 28 months	1,070	895	780
m. 30 months	1,090	910	790
n. 36 months and over	1,180	990	865

[1] Minimum weights for ages between the ages shown shall be determined proportionately.

[2] Dual purpose breeds (See paragraph E, Supplement I or II).

[3] Animals must be officially registered with the appropriate National Breed Association and be so certified by AMS agent.

[4] Milking Shorthorn and Red Poll.

[5] Nonregistered animals will be certified for breed by AMS agent.

[6] Certification by AMS agent.

[7] Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.

[8] Certification or endorsement furnished by Livestock Division, AMS, USDA. Conformation specifications to be based on standards as set out in Appendix to Exhibit I attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

2. *Nonregistered Animals.*

Class	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. Calf	360	295	260
b. Yearling Open	640	525	470
c. Heifer Open	835	685	600
d. Heifer Bred	835	685	600
e. Mature Cow	1,015	845	735

C. Minimum Conformation.[6]

All animals must meet the minimum body conformation specifications as described in Appendix to this Exhibit I.

D. Production Performance Index.[7]

1. *Acceptable.* An Acceptable performance index for *Registered* or *Nonregistered Females* will be considered to exist if such animals meet the minimum conformation of Item C above.

2. *Superior.* A Superior performance index for a *Registered Female* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference[8] equal to two percent of DHI breed average as shown in Item E below, or in the event the Sire does not have a summary, his Sire has a predicted difference (+500 pounds)[8] and

(b) *Dam* has a DHI or DHIR record[9] equal to 10 percent above the DHI breed average as shown in Item E below.

3. *Superior.* A Superior performance index for a *Registered* or *Nonregistered Mature Cow* will be considered to exist if such animal has a DHI production record[9] 15 percent above the DHI breed average as shown in Item E below.

E. DHI Milk Production Breed Averages (Mature Equivalent).

The following breed averages are applicable to these specifications.

[7] DHI or DHIR milk production records mature equivalent based on 305-day, two times day milking.

[8] Source: USDA-DHI Sire Summary Records—Animal and Plant Health Inspection Service.

[9] Source: Breed Association, or Dairy Records Processing Center Serving the DHI Association where tested.

Breed	Breed average	2 percent of breed average	10 percent of breed average	15 percent of breed average
	Pounds	*Pounds*	*Pounds*	*Pounds*
Ayrshire	11,112	222	1,111	1,666
Brown Swiss	12,203	244	1,220	1,830
Guernsey	9,632	193	963	1,444
Holstein	13,943	278	1,394	2,091
Jersey	8,853	177	885	1,328

F. Statement of Service.

1. Bred females must have been bred to a registered bull of the same breed.[10]

2. Bred females must be at least two months pregnant but no more than six months pregnant at time of inspection when being shipped by vessel. If shipped by air, bred females must be at least two months pregnant but may be up to eight months pregnant with veterinarian approval.[11]

APPENDIX TO EXHIBIT I

MINIMUM BODY CONFORMATION SPECIFICATION FOR FEMALES

In addition to meeting the minimum weight for the breed as specified in Exhibit I, the animal shall possess femininity, normal breed conformation, quality and body capacity. She shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with the leg straight, strong and well set. The mammary system, if sufficiently developed, shall be strongly attached, well balanced and of fine texture. The teats shall be of acceptable size. There shall be no evidence of lameness or other serious body defects. She shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Females officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

[10] Must be certified to by the breeder of the female at time of sale to exporter.

[11] The certification of pregnancy shall be by an accredited veterinarian.

EXHIBIT II TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—BULLS

OPTION A (TO BE SPECIFIED BY PURCHASER)

Breed [1]

a. Ayshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[2]
g. Red Poll.[2]

OPTION B (TO BE SPECIFIED BY PURCHASER)

Age [3]

a. Calf—(6 to 12 months).
b. Yearling—(12 to 18 months).
c. Young Bull—(18 to 24 months).
d. Mature Bull—(24 to 48 months).

General Requirements:

[1] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by AMS agent.

[2] Dual purpose breeds (See paragraph E, Supplement I or II).

[3] Certified by AMS agent.

A. Health.[4]

1. Tested negative for tuberculosis and brucellosis within 30 days of loading aboard export carrier.

2. Animals come from farms that have not been under quarantine for any communicable disease during the past year.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto and free of mites, ticks and ringworm or freed from the same.

B. Minimum Weight.[5]

Age [1]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	450	370	315
b. 8 months	585	480	410
c. 10 months	710	555	490
d. 12 months	820	655	565
e. 14 months	930	755	645
f. 16 months	1,040	840	745
g. 18 months	1,155	930	815
h. 21 months	1,320	1,065	950
i. 24 months	1,455	1,210	1,060
j. 27 months	1,570	1,310	1,146
k. 30 months	1,670	1,395	1,215
l. 36 months and over	1,840	1,545	1,350

[1] Minimum weights for ages between the ages shown shall be determined proportionately.

C. Minimum Conformation.[6]

All animals must meet the minimum body conformation as described in Appendix to Exhibit II.

D. Production Performance Index.[6]

1. *Acceptable.* An Acceptable performance index for a *Registered Bull* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference,[7] and

(b) *Dam* has a DHI or DHIR record[8] 10 percent above the DHIR breed average as shown in item E below.

2. *Superior.* A Superior performance index for a *Registered Bull* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference[7] equal to two percent of DHIR breed average as shown in Item E below, and

(b) *Dam* has a DHI or DHIR record[8] 20 percent above the DHIR breed average as shown in item E below.

[4] Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.

[5] Certification or endorsement furnished by Livestock Division, AMS, USDA. Conformation specifications to be based on standards as set out in Appendix to Exhibit II attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

[6] DHI or DHIR milk production records. Mature equivalent based on 305-day, two times day milking.

[7] Source: USDA-DHI Sire Summary Records, Animal and Plant Health Inspection Service.

[8] Source: Breed Association or Dairy Records Processing Center Serving the DHI Association where tested.

E. DHIR Milk Production Breed Averages (Mature Equivalent).

The following breed averages are applicable to these specifications:

Breed	Breed average	2 percent of breed average	10 percent of breed average	20 percent of breed average
	Pounds	*Pounds*	*Pounds*	*Pounds*
Ayrshire	12,555	251	1,255	2,511
Brown Swiss	13,187	264	1,318	2,637
Guernsey	10,483	210	1,048	2,096
Holstein	15,204	304	1,520	3,040
Jersey	9,465	189	946	1,893

F. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over one year of age.[*]

APPENDIX TO EXHIBIT II

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR BULLS

In addition to meeting the minimum weight for the breed as specified in Exhibit II, the animal shall possess masculinity, normal breed conformation, quality, and body capacity. He shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with legs straight, strong, and well set. There shall be no evidence of lameness or other serious body defects. He shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Bulls officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date: This reissuance of Supplement II to Regulations GSM–4, as revised, shall be effective on April 21, 1975.

Signed at Washington, D.C. on April 4, 1975.

DAVID L. HUME,
Vice President, Commodity Credit Corporation and Administrator, Foreign Agricultural Service.

[FR Doc.75-9889 Filed 4-10-75;8:45 am]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision III)

BREEDING SWINE

The regulations in Supplement III of this Subpart A, Part 1488, with respect to the financing of export credit sales of breeding swine, published in the FEDERAL REGISTER of July 2, 1971 (36 FR 12595), is reissued to conform with existing procedural requirements and to reflect changes in organizational functions and assignments in the Department. Because the changes are procedural and editorial in nature, notice, public rulemaking procedure and effective date requirements are omitted as unnecessary.

[*] Certification must be issued by an accredited veterinarian.

SUPPLEMENT III—BREEDING SWINE

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for breeding swine to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exist, or at U.S. points of flight if transported by air freight. The point of exportation for animals shall be designated by the Animal and Plant Health Inspection Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c&f sale or ocean freight and marine and war risk insurance for a cif sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) for boars, $500 each; (b) for bred females, $500 each; and (c) for unbred females, $300 each, unless approved by the Assistant Sales Manager for Commercial Export Programs. The difference, if any, between the maximum net amount specified in (a), (b), or (c) of this paragraph A. 1. and the contract price for the individual animal shall not be included as part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means a bred gilt as set forth in Exhibit I, Option B, and must be accompanied by a breeding certificate provided by the breeder.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered, declared eligible for registry or otherwise classified as a purebred animal of that breed.

6. "Eligible animal" means a registered animal which meets all the following requirements:

(a) The animal must have been owned by a person who had continuous title to such animal for a period of at least 60 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(b) The animal must, at the time of export, have two eartags acceptable to USDA as an authentic identifying symbol for such animal and must be marked with a legible ear notch which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association;

(c) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for boars.

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.3(c) (1) through (9), applications for financing export credit sales of breeding swine shall include the following:

(a) A list of the animals to be exported including the identification number, breed, and price under the following classes:

1. Boars.
2. Bred females.
3. Unbred females.

(b) If applicable, a statement of justification for prices over the maximum limits specified in A. 1. (a), (b), or (c).

(c) A statement that such animals will conform to the general specification requirements set forth in Exhibit I or II, as applicable to the class of animals to be exported.

2. In addition to the considerations specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for breeding swine may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after delivery.* In addition to the documents specified in Section 1488.10 (b) through (e), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. An animal identification list containing the following information:

(a) Identification number.

(b) For each animal, shown separately opposite the identification number, the sales price as specified in the sales invoice.

2. A certification by the exporter that animals of the description in the exporter's sales contract have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Agricultural Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the identification number of both the female and boar and stating that the service boar was a registered boar of the same breed. In addition the breeder will certify that the bred females have missed at least one heat period since last service. It will also be certified by the breeder that the bred females will not be more than three months pregnant at time of departure from point of exit.

3. The certificates issued or endorsed by Veterinary Services, Animal and Plant Health Inspection Service, listing the identification number and showing that such animal has been inspected for compliance with "Health" requirements. (See Appendix I to Exhibits I and II).

4. The certificates issued by the Agricultural Marketing Service listing the identification number for each animal and showing for such animal compliance with breed registration, number of teats, and USDA grade, for the class, as shown in Exhibit I or II, as applicable.

5. The certificates signed by the breeder listing, for each animal, the individual identification number, breed, and age and a statement that the animal was from a litter of at least seven pigs.

EXHIBIT I TO SUPPLEMENT III

USDA APPROVED BREEDING SWINE EXPORT SPECIFICATIONS—FEMALES

OPTION A (TO BE SPECIFIED BY PURCHASER)

1. Registered.*

Breed

a. Poland China.
b. Chester White.
c. Yorkshire.
d. Hampshire.
e. Berkshire.
f. Duroc.
g. Tamworth.
h. Landrace.
i. Hereford.
j. Spotted Swine.

OPTION B (TO BE SPECIFIED BY PURCHASER)

Age [1]

1. Unbred female—10 weeks—7 months.[2]
2. Bred female—7–14 months.

General Requirements:

A. Health (See Appendix I).
B. Minimum USDA grade—U.S. No. 2.[3]
C. Eligible females must be out of a litter of at least seven pigs.[3] Also, they must have at least six functional teats on each side of the underline with no inverted nipples.[4]
D. Statement of Service or Other Requirement.

Bred females must have been bred to a registered boar of the same breed. In addition, bred females shall have missed at least one heat period since last service and be not more than three months pregnant at time of departure from point of exit.[1]

EXHIBIT II TO SUPPLEMENT III

USDA APPROVED BREEDING SWINE EXPORT SPECIFICATIONS—BOARS

OPTION A (TO BE SPECIFIED BY PURCHASER)

Breed [1]

a. Poland China.
b. Chester White.
c. Yorkshire.
d. Hampshire.
e. Berkshire.
f. Duroc.
g. Tamworth.
h. Landrace.
i. Hereford.
j. Spotted Swine.

Option B (to be specified by purchaser).

Age [2]

Budget in accordance with the Federal Reports Act of 1942.

1. Boar pigs—10–16 weeks.[3]
Certification furnished by Livestock Division, AMS, USDA.
2. Boars—4–8 months.
3. Boars—8–12 months.

General Requirements:

A. Health (See Appendix I).
B. Minimum USDA grade—U.S. No. 1.[4]
C. Eligible boars must be from a litter of at least seven pigs.[5]

APPENDIX I TO EXHIBITS I AND II

HEALTH REQUIREMENTS [1]

Swine financed for export under the CCC Export Credit Sales Program shall be certified by the appropriate USDA inspectors as follows:

1. U.S. is free of foot-and-mouth disease, African swine fever, Teschen disease and vesicular exanthema.
2. The swine originate from a free area [2] where hog cholera is not known to exist according to Title 9, Part 76 of U.S. Department of Agriculture regulations.
3. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, lice, and ticks or freed from the same.

Export inspection and certification requirements of the U.S. Department of Agriculture must be met.

APPENDIX II TO EXHIBITS I AND II

SPECIFICATIONS FOR OFFICIAL UNITED STATES STANDARDS FOR GRADES OF FEEDER PIGS

U.S. No. 1

Feeder pigs in this grade near the borderline of the U.S. No. 2 grade are long and have thick muscling throughout. Thickness of muscling is particularly evident in thick and full hams and shoulders. The hams and shoulders are thicker than the back, which is well-rounded. They usually present a well-balanced appearance.

U.S. No. 2

Feeder pigs in this grade near the borderline of the U.S. No. 3 grade are moderately long and have moderately thick muscling throughout. Thickness of muscling is particularly evident in moderately thick and full hams and shoulders. The back usually appears slightly full and well-rounded. They usually present a well-balanced appearance.

NOTE: The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and

Effective date: This reissuance of Supplement III to Regulations GSM–4, as revised, shall be effective on April 21, 1975.

Signed at Washington, D.C. on April 4, 1975.

DAVID L. HUME,
Vice President, Commodity Credit Corporation and Administrator, Foreign Agricultural Service.

[FR Doc.75–9390 Filed 4–10–75;8:45 am]

*All animals for delivery under these specifications must be certified by AMS agent as officially registered with the appropriate National Breed Association.

[1] Certification by breeder.

[2] Female pigs in this class must weigh at least 60 pounds. Certification furnished by Livestock Division, AMS, USDA.

[3] Certification furnished by Livestock Division, AMS, USDA. Grade to be based on the official U.S. standards for grades of feeder pigs. (See Appendix II.)

[4] Certification by Livestock Division, AMS, USDA.

[1] All animals for delivery under these specifications must be certified by AMS agent as officially registered with the appropriate National Breed Association.

[2] Certification by breeder.

[3] Boar pigs must weigh at least 60 pounds.

[4] Certification furnished by Livestock Division, AMS, USDA grade to be based on the official U.S. standards for grades of feeder pigs. (See Appendix II.)

[5] Certification by breeder.

[1] Certification or endorsement furnished by Veterinary Services, Animal and Plant Health Inspection Service, USDA.

[2] Free area means a radius of 5 miles within which no cholera has occurred within 3 months.

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FmHA Instruction 402.1]

PART 1803—SUPERVISED BANK ACCOUNTS

Miscellaneous Revisions

Sections 1803.3 (d) and (f) and 1803.4 (a), (b) (2), (e) and (f), Part 1803 of Chapter XVIII, Title 7 of the Code of Federal Regulations (35 FR 16399; 36 FR 17832) are revised to reflect the increase in the Federal Deposit Insurance Corporation (FDIC) coverage to $40,000 on FmHA supervised bank accounts. Minor editorial changes have also been made. In accordance with 5 U.S.C. 533, notice of proposed rulemaking is not being published. Such notice is unnecessary because this revision incorporates into FmHA regulations a change made by the FDIC. As revised, § 18033(d) and (f), and § 1803.4 (a), (b) (2), (e) and (f) will read as follows:

In § 1803.3, paragraphs (d) and the inproductory portion of (f) are revised as follows:

§ 1803.3 Establishing supervised bank accounts.

* * * * *

(d) If the amount of Association, Watershed (WS), Rural Rental Housing (RRH), Rural Renewal (RN), Resource Conservation and Development (RCD), EO loans to a Cooperative Association, Rural Cooperative Housing (RCH), or Labor Housing (LH) loan and grant funds to be deposited in the supervised bank account plus any contribution the borrower has agreed to make will exceed $40,000, the bank will be required to pledge collateral security for the excess over $40,000 before the deposit is made (see § 1803.4). In addition, collateral security may be required for other types of loans or grants in amounts in excess of the State Director's approval authorization when determined necessary by the National Office on an individual case basis.

* * * * *

(f) When a supervised bank account is established, an original and two copies of Form FmHA 402–1 or Form FmHA 402–5, and Form FmHA 402–4 when applicable, will be executed by the borrower, the bank, and a County Office employee. The original will be retained in the borrower's case file, one executed copy will be delivered to the bank, and one executed copy to the borrower. An extra copy of Form FmHA 402–4 will be prepared and attached to the certificate, passbook, or other evidence of deposit representing the interest-bearing deposit.

* * * * *

2. In § 1803.4 paragraphs (a), (b) (2), (e), and (f) are revised as follows:

§ 1803.4 Pledging collateral for deposit of funds in supervised bank accounts.

(a) Funds for group-type borrowers referred to in § 1803.3(d), deposited in supervised bank accounts in excess of $40,000 must be secured by pledging acceptable collateral with the Federal Reserve Bank in an amount not less than the excess.

(b) * * *

(2) Whether the bank is willing to pledge collateral with the Federal Reserve Bank under Treasury Circular 176 to the extent necessary to secure the amount of funds being deposited in excess of $40,000.

* * * * *

(e) If, 2 days before loan closing, the State Director has not received a copy of the Treasury Department's letter to the bank confirming the pledge of collateral he should contact the National Office, Attention: Financial Support Division.

(f) When the amount of the deposit in the supervised bank account has been reduced to a point where the bank desires part or all of its collateral released, it should write to the Treasury Department, Domestic Banking Staff, Bureau of Government Operations, Washington, D.C. 20226, requesting the release and stating the balance in the supervised bank account.

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Effective date. These revisions shall be effective April 11, 1975.

Dated: April 7, 1975.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.75-9548 Filed 4-10-75;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 rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 908]

HANDLING OF VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Proposed Size Requirement

This proposal would extend through January 15, 1976, the current size requirement for Valencia oranges grown in District 1 of the California-Arizona production area. Shipments of such Valencia oranges are currently regulated through May 15, 1975, pursuant to Valencia Orange Regulation 488. The proposed extension of the period of Valencia Orange Regulation 488 is designed to continue in effect the current minimum diameter requirement of 2.20 inches for such fruit consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

Notice is hereby given that the Department is considering a proposed amendment of the size regulation for Valencia oranges grown in District 1, pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908) regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed amendment was recommended by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposed regulation is designed to permit shipment during the period May 16, 1975, through January 15, 1976, of ample supplies of Valencia oranges of the more desirable sizes in the interest of both growers and consumers. The proposal is designed to maintain orderly marketing conditions, provide consumer satisfaction, and guard against the shipment of undesirable sizes of Valencia oranges, which tend to weaken the market for such fruit. The proposed extension of the effective period of Valencia Orange Regulation 488 is consistent with the size composition and estimated crop of Valencia oranges in District 1.

The proposal is as follows:

Amend paragraph (a) of Valencia Orange Regulation 488 (40 FR 13301, March 26, 1975) to read as follows:

§ 908.488 Valencia Orange Regulation 488.

Order. (a) During the period May 16, 1975, through January 15, 1976, no handler shall handle any Valencia oranges grown in District 1 which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided*, That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

* * * * *

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than May 2, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: April 8, 1975.

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

[FR Doc.75-9545 Filed 4-10-75;8:45 am]

Forest Service

[36 CFR Part 231]

GRAZING ADVISORY BOARDS

Proposed Procedures for Establishment

It is proposed to revise procedures for establishing grazing advisory boards to conform to the Federal Advisory Committee Act (Pub. L. 92–463). These boards were originally established by the Granger-Thye Act (16 U.S.C. 580k). Since this act did not provide for a specific duration for the boards, the provisions of the Granger-Thye Act (16 U.S.C. 580k) were superseded by the Federal Advisory Committee Act, which places a 2-year term limitation on all advisory committees whose duration is not otherwise provided for by law.

The Secretary of Agriculture has determined that the establishment of such boards is necessary and in the public interest in connection with the performance of duties imposed on the Department of Agriculture by law, and therefore proposes to establish grazing advisory boards under his own authority in accordance with the proposed regulations set forth below.

Section 231.10 of Title 36 of the Code of Federal Regulations would be revised to read as follows:

§ 231.10 Grazing Advisory Board.

(a) *Purpose.* To provide National Forest System grazing permittees a means for expressing their recommendations concerning the management and administration of National Forest System grazing lands.

(b) *Establishment.* (1) A grazing advisory board may be established for each National Forest, National Grassland, or administrative subdivision thereof whenever a majority of the grazing permittees of such National Forest, National Grassland, or administrative subdivision thereof so petition the Forest Supervisor.

(2) Upon being petitioned, the Forest Supervisor shall determine whether the permittees have met the following requirements:

(i) The area for which the board is to be constituted and elected is a National Forest, National Grassland, or administrative subdivision thereof.

(ii) The permittees petitioning for a grazing advisory board constitute a majority of the grazing permittees in the area for which the board is to be established.

(iii) The establishment of such a board is determined to be in the public interest.

(3) The request to establish the grazing advisory board will be submitted by the Regional Forester to the Chief, Forest Service. Office of Management and Budget (OMB) concurrence will be requested in accordance with the Federal Advisory Committee Act (Pub. L. 92–463). Following OMB concurrence, the following actions will be taken:

(i) The Forest Service will publish a notice in the FEDERAL REGISTER of intent to establish the board and requesting public comment within 15 days.

(ii) The Assistant Secretary for Conservation, Research and Education will issue a formal establishment document in the form of a Memorandum to Heads of Department Agencies.

(iii) The Forest Supervisor will submit a charter to the Chief, Forest Service, as required by paragraph (f) of this section.

(c) *Membership.* Each grazing advisory board established under the provision of this section shall consist of not less than three (3) nor more than twelve (12) members, who shall be National Forest System grazing permittees in the area for which such board is constituted and elected. In addition, the State Game Commission, or the corresponding public body of the State in which the board is located, may appoint a wildlife representative to the board to advise on wildlife problems. The wildlife representative so appointed shall not be a voting member of the board.

(d) *Elections.* (1) The Forest Supervisor shall prescribe the manner in

which the members of the board are to be nominated and elected; provided that such manner will effect an equitable representation of all grazing permittees in the area for which the board is to be established, and that all grazing permittees in such area shall be eligible to vote in the election: *And provided*, That no board member shall concurrently serve on another National Forest advisory committee.

(2) The Forest Supervisor shall determine and announce the results of the election of the members of the board and shall recognize the duly elected board as representing the National Forest System grazing permittees in the area for which it is established.

(e) *Charter and bylaws.* (1) A charter will be prepared by the Forest Supervisor for filing with the Department and Congress as required by section 9(c) of the Federal Advisory Committee Act (Pub. L. 92-463).

(2) A duly recognized grazing advisory board may, with the concurrence of a majority of the grazing permittees and the Forest Supervisor, adopt bylaws to govern the conduct of its proceedings.

(f) *Function.* (1) Grazing advisory boards discuss plans and procedures concerning the management of range resources, and give their advice and recommendations to Forest officers.

(2) The board may consider the complaints of grazing permittees for the area it represents and may make recommendations thereon: *Provided*, That complaints taken under this paragraph shall not be construed as a waiver of any right to review of decisions of Forest officers under 36 CFR 211.2 (39 FR 30916).

(g) *Meetings.* The grazing advisory board, with a quorum present, shall meet at least once annually and at such other times as the Forest Supervisor may determine. No board meetings shall be called without the advance approval of the Forest Supervisor. Each meeting shall be conducted in accordance with an agenda approved by the Forest Supervisor. A notice of each meeting shall be published in the FEDERAL REGISTER at least 15 days prior to the meeting, except for emergency situations provided for by OMB procedures, with a statement that the meeting is open to the public. Minutes shall be kept of each meeting.

(h) *Termination and renewal.* (1) Grazing advisory boards will terminate on January 5, 1977, and every two years thereafter unless renewed not more than 60 days prior to expiration.

(2) The Forest Supervisor may withdraw his recognition of any board whenever:

(i) A majority of the permittees for the area which the board represents requests that the board be dissolved.

(ii) The board becomes inactive and does not meet at least once annually during a consecutive 2-year period.

(3) Renewal of grazing advisory boards when it is determined it is in the public's interest to do so will be accomplished by obtaining OMB concurrence, issuing a Memorandum to Heads of Department Agencies, publishing a FEDERAL REGISTER notice, and filing a new charter.

(Pub. L. 92-463, 86 Stat. 770)

All persons who wish to submit written data, views, or objections pertaining to the proposed revision may do so by submitting them to the Department of Agriculture, Forest Service, Range Management Staff, Washington, D.C. 20250, on or before May 12, 1975.

All written submissions made pursuant to this notice will be available for public inspection in Room 610-C, 1621 North Kent Street, Rosslyn Plaza, Building E, Arlington, Virginia, during regular business hours (7 CFR 1.27(b)).

ROBERT W. LONG,
Assistant Secretary.

[FR Doc.75-9550 Filed 4-10-75;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH-11]

OCCUPATIONAL NOISE EXPOSURE

Hearing

On October 24, 1974, a notice of proposed rulemaking regarding a revision of § 1910.95, Occupational Noise Exposure, of Title 29 of the Code of Federal Regulations was published in the FEDERAL REGISTER (39 FR 37773-37778). Interested persons were given until December 9, 1974, to submit written data, views and arguments with respect to the proposal and to file objections and request a hearing thereon. In view of the number of requests for further time, the period for comments was subsequently extended until March 21, 1975 (39 FR 49929).

Comments received raised a number of objections to the proposal. Some commentors argued that the exposure limit of 90 dBA for 8-hours was not sufficiently protective and should be reduced to 85 dBA for 8-hours, while others argued that the explicit extension of permissible noise exposures to 85 dBA for 16 hours in Table G-16-a imposed new and unnecessarily burdensome requirements. The limits on impulse or impact noise were objected to by some on the basis of being unattainable and by others on the basis of not being sufficiently protective. There were also objections to the audiometric testing procedures, the requirements for recordkeeping, the requirements for monitoring, and requirements for employees being permitted to observe monitoring.

In response to requests for a hearing, we are scheduling an informal public hearing, pursuant to section 6(b)(3) of the Occupational Safety and Health Act of 1970 (84 Stat. 1594, 29 U.S.C. 655), and 29 CFR Part 1911, to begin on June 23, 1975. The hearing will take place in the Departmental Auditorium on Constitution Ave. NW. between 12th and 14th Sts., Wash., D.C. The hearing will commence at 9:30 a.m. with the establishment of the order and time for presentation of statements and the resolution of any other procedural matters relating to the proceeding. All aspects of the proposed standard, including environmental impact, and the issues raised in the Environmental Protection Agency's Request for Review and Report on the proposed OSHA Occupational Noise Exposure Regulations (39 FR 43802-43809), will be at issue in the hearing.

Persons desiring to appear at the hearing must file a notice of intention to appear to be received on or before May 12, 1975, with Mr. J. Arnoldus, OSHA Committee Management Office, 1726 M Street, NW., Room 200 U.S. Department of Labor, Washington, D.C. 20210 (Phone 202-961-2248 or 2487). The notice must contain the following information:

(1) The name and address of the person to appear;

(2) The capacity in which he will appear;

(3) The approximate amount of time required for the presentation;

(4) The specific provisions of the proposal that will be addressed;

(5) A brief statement of the position that will be taken with respect to each provision addressed; and

(6) A summary of the evidence with respect to each such provision proposed to be adduced at the hearing.

OSHA has determined that strict enforcement of its procedural rules contained in 29 CFR 1911.11 is necessary for an expeditious and orderly proceeding. This is particularly appropriate where, as here, we have received over 1,000 comments in response to the proposal. Therefore the notices of intent to appear will be scrutinized closely for sufficiently detailed information concerning the position to be taken with regard to the issues specified and the evidence to be adduced in support of the position. Persons filing notices of intent to appear which are not sufficiently detailed will be so informed and given fifteen days from the date they are so informed to file a proper notice of intent to appear. In addition, the amount of time requested for each presentation will be reviewed in light of the contents of the notice of intention to appear. In those cases where the information contained in the notice of intention to appear does not seem to warrant the amount of time requested, the participant will be allocated a more appropriate amount of time and notified of this fact. The participant will have fifteen days from the date on which he was so informed to demonstrate why the allocated time is inappropriate. The notices of appearance will be available for inspection and copying at the OSHA Committee Management Office, 1726 M Street NW., Room 200, U.S. Department of Labor, Washington, D.C. 20210.

The oral proceedings will be reported verbatim. All statements and documents that are intended to be submitted for the record of the hearing must be submitted in quadruplicate. The use of prepared statements by witnesses is encouraged.

The Administrative Law Judge, appointed by the Chief Administrative Law Judge to preside at the hearing, shall have all the powers necessary or appropriate to conduct a fair and full informal hearing, including the powers:

(a) To regulate the course of the proceedings;

(b) To dispose of procedural requests, objections, and comparable matters;

(c) To confine the presentations to matters pertinent to the proposed standard;

(d) To regulate the conduct of those present at the hearing by appropriate means;

(e) In his discretion, to question and permit questioning of any witnesses; and

(f) In his discretion, to keep the record open for a reasonable, stated time to receive written information from any person who has participated in the oral proceeding.

Following the close of the hearing, the presiding Administrative Law Judge shall certify the record thereof to the Assistant Secretary of Labor for Occupational Safety and Health. All relevant oral and written information, data, views, and arguments will be considered subsequent to the certification of the record and the proposal will be modified appropriately if the submissions so warrant.

Signed at Washington, D.C., this 8th day of April 1975.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.75-9555 Filed 4-9-75;9:40 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3–16]

GENERAL PROVISIONS APPLICABLE TO NEGOTIATED FIXED-PRICE RESEARCH AND DEVELOPMENT CONTRACTS

Illustration of Forms

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Office of the Secretary is considering an amendment to 41 CFR, Chapter 3, by adding a new § 3–16.950–314 under Subpart 3–16.9, Illustration of Forms.

Any person who wishes to submit written data, reviews, or comments, pertaining to the proposed amendment may do so by filing them in duplicate with the Deputy Assistant Secretary for Grants and Procurement Management, OASAM, HEW Switzer Building, 330 C Street, SW., Washington, D.C. 20201, by May 12, 1975. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of Grants and Procurement Management.

The proposed amendment will illustrate the revised Form 314, which will replace the existing Forms 313 and 314. The Forms 313 and 314 were last updated in August 1964, and the clauses entitled "Payment," "Examination of Records by the Department of Health, Education, and Welfare," "Pricing of Adjustments," "Accounts, Audit, and Records," "Publication and Publicity," "Collection of Information," "Printing," "Utilization of Minority Business Enterprise," "Payment of Interest on Contractor's Claims," "Listing of Employment Openings," and "Interest," are to be added to the revised Form 314. Major changes in the form are reflected in the clauses entitled, "Government Furnished Property," "Patent Rights," and "Rights in Data." Minor changes in the form are reflected in the clauses entitled "Definitions," "Changes," "Examination of Records by Comptroller General," "Termination for Convenience of the Government," "Reporting of Royalties," "Inspection," and "Equal Opportunity." The remainder of the clauses remain unchanged. The General Provisions will include certain clauses prescribed by the Federal Procurement Regulations (41 CFR Part 1). These clauses are not being repeated here, but are identified by an appropriate cross-reference to the applicable FPR section.

As proposed, the new § 3–16.950–314 would read as follows:

§ 3–16.950–314 Form HEW 314, General Provisions (Negotiated Fixed-Price Research and Development Contract).

GENERAL PROVISIONS (NEGOTIATED FIXED-PRICE RESEARCH AND DEVELOPMENT CONTRACTS)

1. DEFINITIONS

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare, or any person, persons, or board authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of monitoring technical performance under this contract. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the price of this contract or which change the delivery date(s) or period of performance.

(d) The term "Department" means the Department of Health, Education, and Welfare.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

2. DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless within 30 days from the date of the receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for determination of such appeals shall be final and conclusive unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a) above: *Provided*, That, nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

3. PAYMENT

The Contractor shall be paid, upon submission of proper invoice(s) or voucher(s), the prices stipulated herein for work delivered or rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made upon acceptance of any portion of the work delivered or rendered for which a price is separately stated in the contract.

4. EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

(c) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c) above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, liti-

gation, claims, or exceptions have been disposed of.

5. EXAMINATION OF RECORDS BY THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

The provisions of Clause 4 above entitled, "Examination of Records Comptroller General" are extended to provide equal rights to authorized representatives of the Secretary and to the Contracting Officer.

6. PRICING OF ADJUSTMENTS

When costs are a factor in determination of a contract price adjustment pursuant to the "Changes" clause or any provision of this contract, such costs shall be determined in accordance with the applicable cost principles and procedures set forth below:

Principles	*Types of organizations*
(a) Subpart 1-15.2 of the Federal Procurement Regulations (41 CFR 1-15.2).	Commercial.
(b) Subpart 1-15.3 of the Federal Procurement Regulations (41 CFR 1-15.3).	Educational.
(c) Subpart 1-15.7 of the Federal Procurement Regulations (41 CFR 1-15.7).	State or local governments.
(d) Part 74, Subpart Q, Appendix E of Title 45.	Hospitals.
(e) Part 74, Subpart Q, Appendix F of Title 45.	Other nonprofit institutions.

7. ACCOUNTS, AUDIT, AND RECORDS

(a) The Contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitutes "records" for the purposes of this clause.

(b) The Contractor's facility(ies) or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable time to inspection and audit by the Secretary or his authorized representatives.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for particular records specified in 41 CFR Part 1-20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below:

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert the substance of this clause, including this paragraph (d) in each subcontract hereunder with the exceptions of (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public. When so inserted, changes shall be made to designate the higher-tier subcontractor at this level involved in place of the Contractor; to add "of the Government prime contract," in place of "this contract" in (B) of subparagraph (c) (ii) above.

8. CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of the contract, in any one or more of the following: (i) Drawings, designs, or specifications, (ii) method of shipment or packing, and (iii) place of inspection, delivery or acceptance. If any such change causes an increase or decrease in the cost of, or the time required for the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

9. FEDERAL, STATE, AND LOCAL TAXES

(Text of this clause is set forth in FPR 1-11.401-1)

10. DEFAULT

(This clause is not applicable if the contract is awarded on the basis of no-profit to an educational or nonprofit institution.)

(a) The Government may, subject to the provisions of paragraph (c) of this clause, by written notice of default to the Contractor terminate the whole or any part of this contract in any one of the following circumstances:

(1) If the Contractor fails to perform the work called for by this contract within the time(s) specified herein or any extension thereof; or

(2) If the Contractor fails to perform any of the other provisions of this contract, or so fails to prosecute the work as to endanger performance of this contract in accordance with its terms, and in either of these two circumstances does not cure such failure within a period of 10 days (or such longer period as the Contracting Officer may authorize in writing) after receipt of notice from the Contracting Officer specifying such failure.

(b) In the event the Government terminates this contract in whole or in part as provided in paragraph (a) of this clause, the Government may procure, upon such terms and in such manner as the Contracting Officer may deem appropriate, work similar to the work so terminated and the Contractor shall be liable to the Government for any excess costs for such similar work: *Provided,* That the Contractor shall continue the performance of this contract to the extent not terminated under the provisions of this clause.

(c) Except with respect to defaults of subcontractors, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes may include, but are not restricted to, acts of God or of the public enemy, acts of the Government in either its sovereign or contractual capacity, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and unusually severe weather; but in every case the failure to perform must be beyond the control and without the fault or negligence of the Contractor. If the failure to perform is caused by the default of a subcontractor, and if such default arises out of causes beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either of them, the Contractor shall not be liable for any excess costs for failure to perform unless the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule or other performance requirements.

(d) If this contract is terminated as provided in paragraph (a) of this clause, the Government, in addition to any other rights provided in this clause, may require the Contractor to transfer title and deliver to the Government, in the manner and to the extent directed by the Contracting Officer, any of the completed or partially completed work not theretofore delivered to, and accepted by, the Government and any other property, including contract rights, specifically produced or specifically acquired for the performance of such part of this contract as has been terminated; and the Contractor shall, upon the direction of the Contracting Officer, protect and preserve property in the possession of the Contractor in which the Government has an interest. The Government shall pay to the Contractor the contract price, if separately stated, for completed work accepted by the Government and the amount agreed upon by the Contractor and the Contracting Officer for (1) completed work for which no separate price is stated, (2) partially completed work, (3) other property described above which is accepted by the Government, and (4) the protection and preservation of property. Failure to agree shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." The Government may withhold from amounts otherwise due the Contractor for such completed supplies or manufacturing materials such sum as the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(e) If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, or that the default was excusable under the provisions of this clause, the rights and obligations of the parties shall, if the contract contains a clause providing for termination for convenience of the Government, be the same as if the notice of termination had been issued pursuant to such clause. If, after notice of termination of this contract under the provisions of this clause, it is determined for any reason that the Contractor was not in default under the provisions of this clause, and if this contract does not contain a clause providing for termination for convenience of the Government, the contract shall be equitably adjusted to compensate for such termination and the contract modified accordingly; failure to agree to any such adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(f) The rights and remedies of the Government provided in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law or under this contract.

(g) As used in paragraph (c) of this clause, the terms "subcontractor" and "subcontractors" means subcontractor(s) at any tier.

11. TERMINATION FOR CONVENIENCE OF THE GOVERNMENT

(i) The following clause is applicable if the contract is with an educational or nonprofit institution on a no-fee or no-profit basis.

(a) The performance of work under this contract may be terminated, in whole or from time to time in part, by the Government whenever for any reason the Contracting Officer shall determine that such termination is in the best interest of the Government. Termination of work hereunder shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated and the date upon which such termination shall become effective.

(b) After receipt of the Notice of Termination the Contractor shall cancel his outstanding commitments hereunder covering the procurement of materials, supplies, equipment, and miscellaneous items. In addition, the Contractor shall exercise all reasonable diligence to accomplish the cancellation or diversion of his outstanding commitments covering personal services and extending beyond the date of such termination to the extent that they relate to the performance of any work terminated by the notice. With respect to such canceled commitments the Contractor agrees to (1) settle all outstanding liabilities and all claims arising out of such cancellation of commitments, with the approval or ratification of the Contracting officer, to the extent he may require, which approval or ratification shall be final for all purposes of this clause, and (2) assign to the Government, in the manner, at the time, and to the extent directed by the Contracting Officer all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts.

(c) The Contractor shall submit his termination claim to the Contracting Officer promptly after receipt of a Notice of Termination, but in no event later than one year from the effective date thereof, unless one or more extensions in writing are granted by the Contracting Officer upon written request of the Contractor within such one-year period or authorized extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due the Contractor by reason of the termination and shall thereupon pay to the Contractor the amounts so determined.

(d) Any determination of costs under paragraphs (c) or (e) hereof shall be governed by the applicable contract cost principles and procedures specified in the clause of this contract entitled "Pricing of Adjustments."

(e) Subject to the provisions of paragraph (c) above, and subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the termination under this clause, which amount or amounts may include any reasonable cancellation charges thereby incurred by the Contractor and any reasonable loss upon outstanding commitments for personal services which he is unable to cancel: *Provided, however,* That in connection with any outstanding commitments for personal services which the Contractor is unable to cancel, the Contractor shall have exercised reasonable diligence to divert such commitments to his other activities and operations. Any such agreement shall be embodied in an amendment to this contract and the Contractor shall be paid the agreed amount.

(f) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payments against costs incurred by the Contractor in connection with the terminated portion of this contract, whenever, in the opinion of the Contracting Officer, the aggregate of such payments is within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand: *Provided,* That if such excess is not so paid upon demand, interest thereon shall be payable by the Contractor to the Government at the rate of 6 percent per annum, beginning 30 days from the date of such demand.

(g) The Contractor agrees to transfer title to the Government and deliver in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, such information and items which, if the contract had been completed, would have been required to be furnished to the Government, including:

(1) Completed or partially completed plans, drawings, and information; and

(2) Materials or equipment produced or in process or acquired in connection with the performance of the work terminated by the notice. Other than the above, any termination inventory resulting from the termination of the contract may, with the written approval of the Contracting Officer, be sold or acquired by the Contractor under the conditions prescribed by and at a price or prices approved by the Contracting Officer. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of work covered by this contract or paid in such other manner as the Contracting Officer may direct. Pending final disposition of property arising from the termination, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

(h) Any disputes as to questions of fact which may arise hereunder shall be subject to the "Disputes" clause of this contract.

(ii) The following clause is applicable if a profit has been contemplated by the contractor:

(a) The performance of work under this contract may be terminated by the Government in accordance with this clause in whole, or from time to time in part, whenever the Contracting Officer shall determine that such termination is in the best interest of the Government. Any such termination shall be effected by delivery to the Contractor of a Notice of Termination specifying the extent to which performance of work under the contract is terminated, and the date upon which such termination becomes effective.

(b) After receipt of Notice of Termination, and except as otherwise directed by the Contracting Officer, the Contractor shall:

(1) Stop work under the contract on the date and to the extent specified in the Notice of Termination;

(2) Place no further orders or subcontracts for materials, services, or facilities, except as may be necessary for completion of such portion of the work under the contract as is not terminated;

(3) Terminate all orders and subcontracts to the extent that they relate to the performance of work terminated by the Notice of Termination;

(4) Assign to the Government, in the manner, at the times, and to the extent directed by the Contracting Officer, all of the right, title, and interest of the Contractor under the orders and subcontracts so terminated, in which case the Government shall have the right, in its discretion, to settle or pay any or all claims arising out of the termination of such orders and subcontracts.

(5) Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Contracting Officer, to the extent he may require, which approval or ratification shall be final for all purposes of this clause;

(6) Transfer title to the Government and deliver in the manner, at the times, and to the extent, if any, directed by the Contracting Officer, (i) the fabricated or unfabricated parts, work in process, completed work, supplies, and other material produced as a part of, or acquired in connection with the performance of, the work terminated by the Notice of Termination, and (ii) the completed or partially completed plans, drawings, information and other property which, if the contract had been completed, would have been required to be furnished to the Government;

(7) Use his best efforts to sell, in the manner, at the times, to the extent, and at the price or prices directed or authorized by the Contracting Officer, any property of the types referred to in (6) above: *Provided, however,* That the Contractor (i) shall not be required to extend credit to any purchaser, and (ii) may acquire any such property under the conditions prescribed by and at a price or prices approved by the Contracting Officer: *And provided further,* That the proceeds of any such transfer or disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract or shall otherwise be credited to the price or cost of the work covered by this contract or paid in such other manner as the Contracting Officer may direct;

(8) Complete performance of such part of the work as shall not have been terminated by the Notice of Termination; and

(9) Take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation of the property related to this contract which is in the possession of the Contractor and in which the Government has or may acquire an interest.

At any time after expiration of the plant clearance period, as defined in Subpart 1–8.1 of the Federal Procurement Regulations (41 CFR 1–8.1), as the definition may be amended from time to time, the contractor may submit to the Contracting Officer a list, certified as to quantity and quality, of any or all items of termination inventory not previously disposed of, exclusive of items the disposition of which has been directed or authorized by the Contracting Officer, and

may request the Government to remove such items or enter into a storage agreement covering them. Not later than fifteen (15) days thereafter, the Government will accept title to such items and remove them or enter into a storage agreement covering the same: *Provided*, That the list submitted shall be subject to verification by the Contracting Officer upon removal of the items or, if the items are stored, within forty-five (45) days from the date of submission of the list, and any necessary adjustment to correct the list as submitted shall be made prior to final settlement.

(c) After receipt of a Notice of Termination the Contractor shall submit to the Contracting Officer his termination claim, in the form and with certification prescribed by the Contracting Officer. Such claim shall be submitted promptly but in no event later than one year from the effective date of termination, unless one or more extensions in writing are granted by the Contracting Officer upon request of the Contractor made in writing within such one-year period or authorized extension thereof. However, if the Contracting Officer determines that the facts justify such action, he may receive and act upon any such termination claim at any time after such one-year period or any extension thereof. Upon failure of the Contractor to submit his termination claim within the time allowed, the Contracting Officer may, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall thereupon pay to the Contractor the amount so determined.

(d) Subject to the provisions of paragraph (c), and subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, the Contractor and the Contracting Officer may agree upon the whole or any part of the amount or amounts to be paid to the Contractor by reason of the total or partial termination of work pursuant to this clause, which amount or amounts may include a reasonable allowance for profit on work done: *Provided*, That such agreed amount or amounts, exclusive of settlement costs, shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. The contract shall be amended accordingly, and the Contractor shall be paid the agreed amount. Nothing in paragraph (e) of this clause, prescribing the amount to be paid to the Contractor in the event of failure of the Contractor and the Contracting Officer to agree upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, shall be deemed to limit, restrict, or otherwise determine or affect the amount or amounts which may be agreed upon to be paid to the Contractor pursuant to this paragraph (d).

(e) In the event of the failure of the Contractor and the Contracting Officer to agree as provided in paragraph (d) upon the whole amount to be paid to the Contractor by reason of the termination of work pursuant to this clause, the Contracting Officer shall, subject to any review required by the contracting agency's procedures in effect as of the date of execution of this contract, determine, on the basis of information available to him, the amount, if any, due to the Contractor by reason of the termination and shall pay to the Contractor the amounts determined as follows:

(1) For completed supplies accepted by the Government (or sold or acquired as provided in paragraph (b)(7) above) and not theretofore paid for, a sum equivalent to the aggregate price for such supplies computed in accordance with the price or prices specified in the contract, appropriately adjusted for any saving of freight or other charges;

(2) The total of:

(i) The costs incurred in the performance of the work terminated, including initial costs and preparatory expense allocable thereto, but exclusive of any costs attributable to supplies paid or to be paid for under paragraph (e)(1) hereof;

(ii) The cost of settling and paying claims arising out of the termination of work under subcontracts or orders, as provided in paragraph (b)(5) above, which are properly chargeable to the terminated portion of the contract (exclusive of amounts paid or payable on account of supplies or materials delivered or services furnished by subcontractors or vendors prior to the effective date of the Notice of Termination, which amounts shall be included in the costs payable under (i) above); and

(iii) A sum, as profit on (i) above, determined by the contracting officer pursuant to § 1-8.303 of the Federal Procurement Regulations (41 CFR 1-8.303), in effect as of the date of execution of this contract, to be fair and reasonable: *Provided, however*, That if it appears that the contractor would have sustained a loss on the entire contract had it been completed, no profit shall be included or allowed under this subdivision (iii) and an appropriate adjustment shall be made reducing the amount of the settlement to reflect the indicated rate of loss; and

(3) The reasonable costs of settlement, including accounting, legal, clerical, and other expenses reasonably necessary for the preparation of settlement claims and supporting data with respect to the terminated portion of the contract and for the termination and settlement of subcontracts thereunder, together with reasonable storage, transportation, and other costs incurred in connection with the protection or disposition of property allocable to this contract.

The total sum to be paid to the Contractor under (1) and (2) of this paragraph (e) shall not exceed the total contract price as reduced by the amount of payments otherwise made and as further reduced by the contract price of work not terminated. Except for normal spoilage, and except to the extent that the Government shall have otherwise expressly assumed the risk of loss, there shall be excluded from the amounts payable to the Contractor as provided in (e)(1) and (2)(i) above, the fair value, as determined by the Contracting Officer, of property which is destroyed, lost, stolen, or damaged so as to become undeliverable to the Government, or to a buyer pursuant to paragraph (b)(7).

(f) Costs claimed, agreed to, or determined pursuant to paragraphs (c), (d), and (e) of this clause shall be in accordance with the applicable contract cost principles and procedures in Part 1-15 of the Federal Procurement Regulations (41 CFR 1-15) in effect on the date of this contract.

(g) The Contractor shall have the right to appeal, under the clause of this contract entitled "Disputes," from any determination made by the Contracting Officer under paragraph (c) or (e) above, except that, if the Contractor has failed to submit his claim within the time provided in paragraph (c) above and has failed to request extension of such time, he shall have no such right or appeal. In any case where the Contracting Officer has made a determination of the amount due under paragraph (c) or (e) above, the Government shall pay to the Contractor the following: (1) if there is no right of appeal hereunder or if no timely appeal has been taken, the amount so determined by the Contracting Officer; or (2) if an appeal has been taken, the amount finally determined on such appeal.

(h) In arriving at the amount due the Contractor under this clause there shall be deducted (1) all unliquidated advance or other payments on account theretofore made to the Contractor, applicable to the terminated portion of this contract; (2) any claim which the Government may have against the Contractor in connection with this contract; and (3) the agreed price for, or the proceeds of sale of, any materials, supplies, or other things acquired by the Contractor or sold pursuant to the provisions of this clause, and not otherwise recovered by or credited to the Government.

(i) If the termination hereunder be partial, prior to the settlement of the terminated portion of this contract, the Contractor may file with the Contracting Officer a request in writing for an equitable adjustment of the price or prices specified in the contract relating to the continued portion of the contract (the portion not terminated by the Notice of Termination), and such equitable adjustment as may be agreed upon shall be made in such price or prices.

(j) The Government may from time to time, under such terms and conditions as it may prescribe, make partial payment and payments on account against costs incurred by the Contractor in connection with the terminated portion of this contract whenever in the opinion of the Contracting Officer the aggregate of such payments shall be within the amount to which the Contractor will be entitled hereunder. If the total of such payments is in excess of the amount finally agreed or determined to be due under this clause, such excess shall be payable by the Contractor to the Government upon demand, together with interest computed at the rate of 6 percent per annum for the period from the date such excess payment is received by the Contractor to the date on which such excess is repaid to the Government: *Provided, however*, That no interest shall be charged with respect to any such excess payment attributable to a reduction in the Contractor's claim by reason of retention or other disposition of termination inventory until ten days after the date of such retention or disposition, or such later date as determined by the Contracting Officer by reason of the circumstances.

(k) Unless otherwise provided for in this contract, or by applicable statute, the Contractor, from the effective date of termination and for a period of three years after final settlement under this contract, shall preserve and make available to the Government at all reasonable times at the office of the Contractor but without direct charge to the Government, all his books, records, documents, and other evidence bearing on the costs and expenses of the Contractor under this contract and relating to the work terminated hereunder, or, to the extent approved by the Contracting Officer, photographs, microphotographs, or other authentic reproductions thereof.

12. GOVERNMENT-FURNISHED PROPERTY

(a) *Government-furnished property.* The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described as Government-furnished property in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of

such property hereinafter refered to as "Government-furnished property." The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished property suitable for use will be delivered to the Contractor at the times stated in the contract or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and shall equitably adjust the delivery or performance dates, or the contract price, or all of them, and any other contractual provision affected by any such delay, in accordance with the procedures provided for in the clause of this contract entitled "Changes." Except for Government-furnished property furnished "as is," in the event the Government-furnished property is received by the Contractor in a condition not suitable for the intended use the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (1) return such property at the Government's expense or otherwise dispose of the property, or (2) effect repairs or modifications. Upon the completion of (1) or (2) above, the Contracting Officer upon written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or all of them, and any other contractual provision affected by the return or disposition, or the repair or modification, in accordance with the procedures provided for in the clause of this contract entitled, "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished property or delivery of such property in a condition not suitable for its intended use.

(b) *Changes in Government-furnished property.* (1) By notice in writing, the Contracting Officer may (i) decrease the property provided or to be provided by the Government under this contract, and/or (ii) substitute other Government property for property to be provided by the Government, or to be acquired by the Contractor for the Government, under this contract. The Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of property covered by such notice.

(2) In the event of any decrease in or substitution of property pursuant to paragraph (b)(1) above, or any withdrawal of authority to use property provided under any other contract or lease, which property the Government had agreed in the contract to make available for the performance of this contract, or if the Contractor substitutes property on his own initiative which results in a decrease in the cost of performance, the Contracting Officer, upon written request of the Contractor, shall equitably adjust such contractual provisions as may be affected by the decrease, substitution, or withdrawal, in accordance with the procedures provided for in the "Changes" clause of this contract.

(c) *Title.* Title to all property furnished by the Government shall remain in the Government. In order to define the obligations of the parties under this clause, title to each item of property acquired by the Contractor for the Government pursuant to this contract shall pass to and vest in the Government when its use in the performance of contract commences, or upon payment therefor by the Government whichever is earlier, whether or not title previously vested. All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government Property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(d) *Use of Government-furnished property.* The Government property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(e) *Maintenance and repair of Government-furnished property.* The Contractor shall maintain and administer, to assure that the interests of the Government will be adequately protected, a program for the maintenance, repair, protection, and preservation of Government-furnished property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government-furnished property, the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs: *Provided, however,* That if the Contractor cannot effect such repair within the time required, the Contractor shall dispose of such property in the manner directed by the Contracting Officer. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in any contractual provisions affected by such repair or replacement of Government-furnished property made at the direction of the Government, in accordance with the procedures provided for in the "Changes" clause of this contract. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at his own expense.

(f) *Risk of Loss.* Unless otherwise provided in this contract, the Contractor assumes the risk of, and shall be responsible for, any loss of or damage to Government-furnished property provided under this contract upon its delivery to him or upon passage of title thereto to the Government as provided in paragraph (c) hereof, except for reasonable wear and tear and except to the extent that such property is consumed in the performance of this contract.

(g) *Access.* The Contractor agrees to make available to the Contracting Officer, at all reasonable times, at the office of the Contractor, all its property records under this contract, and the Government shall at all reasonable times have access to the premises where any of the Government property is located for the purpose of inspecting the Government property.

(h) *Final accounting and disposition of Government-furnished property.* Upon the completion of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall submit, in a form acceptable to the Contracting Officer, inventory schedules covering all items of Government-furnished property not consumed in the performance of this contract (including any resulting scrap) or not theretofore delivered to the Government, and shall prepare for shipment, deliver f.o.b. origin, or dispose of the Government-furnished property, as may be directed or authorized by the Contracting Officer. The net proceeds of any such disposal shall be credited to the contract price or shall be paid in such other manner as the Contracting Officer may direct.

(i) *Restoration of contractor's premises.* Unless otherwise provided in the contract, the Government:

(1) May abandon any Government-furnished property in place, and thereupon all obligations of the Government regarding such abandoned property shall cease; and

(2) Shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of, the Contractor's plant or any portion thereof which is affected by the abandonment or removal of any Government property.

(j) *Communications.* All communications issued pursuant to this clause shall be in writing.

(l) In contracts with (1) educational institutions and (2) other contracts when the contractor is required to submit cost and pricing data and the contract price is not based on adequate price competition, established catalog or market prices of commercial items sold in substantial quantities to the general public, or the prices set forth by law or regulation, the following paragraph (f) Risk of loss, will be substituted for the above paragraph (f):

(f) *Risk of loss.* (1) The Contractor shall not be liable for any loss of or damage to the Government property, or for expenses incidental to such loss or damage except that the Contractor shall be liable for any loss or damage to Government property provided under the contract upon its delivery to him or passage of title to the Government as provided in paragraph (c) above (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of his managers, superintendents, or other equivalent representatives who have supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which the contract is being performed;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of his directors, officers, or other representatives mentioned in paragraph (f)(i)(i) above;

(A) To maintain and administer the program for maintenance, repair, protection and preservation of Government property as required by paragraph (e) hereof, or to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (e) hereof; or

(B) To establish, maintain and administer, in accordance with (e) above, a system for control of Government property;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule;

(iv) Which results from a risk expressly required to be insured under some other provision of this contract, or of the schedules or task orders thereunder, but only to the extent of the insurance so required to be procured and maintained or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement.

Any failure of the Contractor to act, as provided in paragraph (f)(1)(ii) above, shall be conclusively presumed to be a failure resulting from willful misconduct, or lack of good faith on the part of such directors, officers, or other representatives mentioned in paragraph (f)(1)(i) above, if the Contractor is notified by the Contracting Officer by registered or certified mail, addressed to one of such directors, officers or other representatives, of the Government's disapproval, withdrawal of approval or nonacceptance of the Contractor's program or system. In such event, it shall be presumed that any loss or damage to Government property resulted from such failure. The Contractor shall be liable for such loss or damage unless he can establish by clear and convincing evidence that such loss or damage did not result from his failure to maintain an approved program or system, or occurred during such time as an approved program or system for control of Government property was maintained.

If more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) The Contractor represents that he is not including in the price hereunder, and agrees that he will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Government property, except to the extent that the risk of loss is imposed on the Contractor under paragraph (f)(1)(iii) above, or insurance has been required under paragraph (f)(1)(iv) above.

(3) Upon the happening of loss or destruction or damage to any Government property, the Contractor shall notify the Contracting Officer thereof and shall take all reasonable steps to protect the Government property from further damage, separate the damaged and undamaged Government property, put all the Government property in the best possible order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, and damaged Government property;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which the Government property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall be entitled to an equitable adjustment in the contract price for the expenditures made by him in performing his obligations under this paragraph (f)(3).

(4) With the approval of the Contracting Officer after loss or destruction of or damage to Government property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(5) Except to the extent of any loss or destruction of or damage to Government property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government property in accordance with the provisions of this contract, the Contractor assumes the risk of, and shall be responsible for, any loss or destruction of or damage to the Government property, and such property (other than that which is permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (f) above.

(6) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government property, he shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(II) If this is a contract with a nonprofit educational institution for scientific research, as determined by the Contracting Officer elsewhere in this contract, the following changes will be made in this clause:

(A) Replace paragraph (c) with the following:

(c) *Title.* (i) Title to all Government-furnished property shall remain in the Government.

(ii) Except as otherwise expressly provided elsewhere in this contract, title to all material, supplies, and equipment purchased or otherwise acquired by the Contractor, for the cost of which the Contractor is to be reimbursed as a direct item of cost, shall be and remain in the Contractor subject to the provisions of subparagraph (iii) below: *Provided, however,* That the Contractor shall not, under any Government contract or subcontract thereunder or, under any Government grant, charge for any depreciation, amortization, or use of any property title to which remain in the Contractor pursuant to this subparagraph. The Contractor agrees to use such materials, supplies, and equipment for the benefit of research under this contract and any extension or successor contracts thereto and to continue to use such property for the benefit of research of interest to the Government.

(iii) With respect to items of equipment having an acquisition cost of $1,000 or more, title to which vests in the Contractor pursuant to subparagraph (ii) above, the Contractor agrees:

(A) To report such items to the Contracting Officer from time to time as they are acquired and to maintain a control system which will permit their ready identification and location; and

(B) To transfer title to any such items to the Government or to a third party designated by the Government, when third party is eligible under existing statutes, in accordance with any written request, therefor issued by the Contracting Officer at any time prior to final payment under this contract.

(iv) All Government-furnished property, together with all property acquired by the Contractor, title to which vests in the Government pursuant to any other express provision of this contract, is subject to the provisions of this clause and is hereinafter collectively referred to as "Government property." Title to the Government property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government property, or any part thereof, be or become a fixture or lose its identity as personality by reason of affixation to any reality.

(B) Add the following to paragraph (d), Use of Government-furnished property:

(d) Whether or not title to property is vested in the Contractor, the Contractor is responsible for maintaining property acquired from contract funds available for the performance of the contract except for property which through normal use becomes unserviceable and uneconomically repairable.

13. REPORTING OF ROYALTIES

If this contract involves any royalty payments in excess of $250 or if the amount of any royalty payment in excess of $250 is reflected in the negotiated price, the Contractor shall report in writing to the Contracting Officer, as soon as practicable during the performance of this contract, the amount of any royalties paid or to be paid by it directly to others in connection with the performance of this contract, together with: (a) The names and addresses of licensors to whom such payments are made; (b) The patent numbers or patent application serial numbers (with filing dates) involved or other identification of the basis of such royalties; and (c) Information concerning the manner of computation of such royalties.

14. AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

15. NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

(This clause is applicable to only those contracts which exceed $10,000.)

(a) The Contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the Contractor shall furnish to the Government, when requested by the Contracting Officer, all evidence and information in possession of the Contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the Contractor has agreed to indemnify the Government.

16. RIGHTS IN DATA

(a) *Subject Data.* As used in this clause, the term "Subject Data" means writings, sound recordings, pictorial reproductions, drawings, designs or other graphic representations, procedural manuals, forms, diagrams, workflow charts, equipment descriptions, data files and data processing or computer programs, and works of any similar nature (whether or not copyrighted or copyrightable) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and similar information incidental to contract administration.

(b) *Government rights.* Subject only to the proviso of (c) below, the Government may use, duplicate or disclose in any manner and for any purpose whatsoever, and have or permit others to do so, all Subject Data delivered under this contract.

(c) *License to copyrighted data.* In addition to the Government rights as provided in (b) above, with respect to any subject data which may be copyrighted the Contractor agrees to and does hereby grant to the Government a royalty-free, nonexclusive and irrevocable license throughout the world to use, duplicate or dispose of such data in any manner and for any purpose whatsoever, and to have or permit others to do so: *Provided, however,* That such license shall be only to the extent that the Contractor now has, or prior to completion or final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(d) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(e) *Marking and identification.* The Contractor shall mark all Subject Data with the number of this contract and the name and address of the contractor or subcontractor who generated the data. The Contractor shall not affix any restrictive markings upon any Subject Data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate, or ignore any such markings.

(f) *Subcontractor data.* Whenever any Subject Data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's rights in that subcontractor Subject Data.

(g) *Deferred ordering and delivery of data.* The Government shall have the right to order, at any time during the performance of this contract, or within 2 years from either acceptance of all items (other than data) to be delivered under this contract or termination of this contract, whichever is later, any Subject Data and any data not called for in the schedule of this contract but generated in performance of the contract, and the Contractor shall promptly prepare and deliver such data as is ordered. If the principal investigator is no longer associated with the Contractor, the Contractor shall exercise its best efforts to prepare and deliver such data as is ordered. The Government's right to use data delivered pursuant to this paragraph (g) shall be the same as the rights in Subject Data as provided in (b) above. The Contractor shall be relieved of the obligation to furnish data pertaining to an item obtained from a subcontractor upon the expiration of 3 years from the date he accepts such items. When data, other than Subject Data, is delivered pursuant to this paragraph (g), payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it or preparing it for delivery.

17. PATENT RIGHTS

(a) *Definitions.* As used in this clause, the term (1) "Invention" or "Invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States; and (2) "Made," when used in relation to any invention or discovery, means the conception or first actual or constructive reduction to practice of such invention.

(b) *Disclosure.* Whenever an invention or discovery is made by the Contractor or its employees in the course of or under this contract, the Contractor shall immediately give the Contracting Officer written notice thereof and shall promptly therafter furnish the Contracting Officer with complete information thereon, including as a minimum (1) a complete written disclosure of each such invention, and (2) information in writing, as soon as practicable, concerning the date and identity of any public use, sale, or publication of such invention made by or known to the Contractor.

(c) *Determination of rights.* The Secretary, or his duly authorized representative, shall have the sole and exclusive power to determine whether or not and where a patent application shall be filed and to determine the disposition of all rights in any invention made under this contract, including title to and rights under any patent application or patent which may issue thereon. The Secretary, or his duly authorized representative, may, upon the request of the Contractor, determine to exercise his option to waive rights to any such invention in foreign countries. The determination of the Secretary, or his duly authorized representative, on all these matters shall be accepted as final and the provisions of the clause of this contract entitled "Disputes" shall not apply. The Contractor shall use his best efforts to assure that all of its employees who may be the inventors of any such invention will execute all documents and do all things necessary or proper to effectuate the determination of the Secretary, or his duly authorized representative, or to vest in the Government the rights granted to it under this clause and to enable the Government to apply for and prosecute any patent application, in any country, covering such invention where the Government has the right under this clause to file such application.

(d) *Contractor employees and subcontractors.* The Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract, and may be reasonably expected to make inventions.

(2) Insert in each subcontract having experimental, developmental or research work as one of its purposes, a provision making this clause applicable to the subcontractor and its employees.

(e) *Reports.* The Contractor shall furnish the Contracting Officer, in addition to the information called for in paragraph (b) of this clause:

(1) Interim reports on the first anniversary of the contract, where extended or renewed, and every year thereafter listing all inventions made during the period, whether or not previously reported, or certifying that no inventions were made during the applicable period; and

(2) A final report, prior to final settlement of this contract, listing all such inventions made in the course of or under this contract, including all those previously listed in interim reports, or certifying that there are no such unreported inventions.

(f) *Withholding payment for failure to comply.* At any time during the performance of this contract, the Contracting Officer may direct that payment be withheld in the amount of 10 percent of the total amount obligated by the Government with respect to this contract or $10,000, whichever is less, if the Contracting Officer determines that the Contractor has failed to furnish any of the written notices, disclosures, or reports required by paragraphs (b) and (e) above, until such time as the Contracting Officers determines that the Contractor shall have corrected such failure. The withholding of any amount, or subsequent payment thereof to the Contractor, or the failure to withhold any amount shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract.

(g) *Acknowledgement.* With respect to any patent application on any invention made in the course of or under this contract, the Contractor shall incorporate in the first paragraph of the patent specification, and prominently in any patent issued thereon, the following statement: "The invention described herein was made in the course of or under a contract with the U.S. Department of Health, Education, and Welfare."

18. PUBLICATION AND PUBLICITY

(a) Unless otherwise specified in this contract, the Contractor is encouraged to publish and make available through accepted channels the results of its work under this contract. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Project Officer. The Contractor shall also inform the Project Officer when the article or other work is published and furnish a copy of it as finally published.

(b) The Contrator shall acknowledge the support of the Department of Health, Education, and Welfare whenever publicizing the work under this contract in any media. To effectuate the foregoing, the Contractor shall include in any publication resulting from work performed under this contract an acknowledgement substantially as follows:

"This project has been funded at least in part with Federal funds from the Department of Health, Education, and Welfare under contract number ———. The content of this publication does not necessarily reflect the views or policies of the Department of Health, Education, and Welfare, nor does mention of trade names, commercial products, or organizations imply endorsement by the U.S. Government."

19. INSPECTION

(i) When the primary objective of the contract is drawings, designs, or reports, the following clause is applicable:

The Government through any authorized representatives, has the right, at all reasonable times, to inspect, or otherwise evaluate the work performed or being performed hereunder and the premises in which it is being performed. If any inspection or evaluation is being made by the Government on the premises of a Contractor or a subcontractor the Contractor shall provide and shall require the subcontractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All inspections and evaluations shall be performed in such a manner as will not unduly delay the work.

(ii) When the primary objective of the contract is delivery of end items other than drawings, designs or reports, the following clause is applicable:

(a) All work under this contract shall be subject to inspection and test by the Government to the extent practicable at all times (including the period of performance) and places, and in any event prior to acceptance. The Government through any authorized representative may inspect the premises of the Contractor or any subcontractor engaged in the performance of this contract.

(b) The Government may reject any work that is defective or otherwise not in conformity with the requirements of this contract. If the Contractor fails or is unable to correct or to replace such work, the Contracting Officer may accept such work at a

reduction in price which is equitable under the circumstances. Failure to agree on the reduction in price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor of a subcontractor, the Contractor shall provide, without additional charge, all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If the Government inspection or test is made at a point other than the premises of the Contractor or subcontractor, it shall be at the expense of the Government. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. Final inspection and acceptance or rejection of the work shall be made as promptly as practicable after delivery except as otherwise provided in this contract; but failure to inspect and accept, or reject the work shall neither relieve the Contractor from responsibility for such of the work as is not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any work shall not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the work hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

20. COLLECTION OF INFORMATION BY CONTRACTORS

In the event that it subsequently becomes a contractual requirement to collect or record information calling either for answers to identical question from 10 or more persons other than Federal employees, or information from Federal employees which is to be used for statistical compilations of general public interest, the Federal Reports Act shall apply to this contract. No plan, questionnaire, interview guide or other similar device for collecting information (whether repetitive or single-time) may be used without first obtaining clearance from the Office of Management and Budget (OMB).

The contractor shall obtain the required OMB clearance through the Project Officer before expending any funds or making public contracts for the collection of data. The authority to expend funds and to proceed with the collection of data shall be in writing by the Contracting Officer. The Contractor must plan at least 90 days for OMB clearance. Excessive delay caused by the Government which arises out of causes beyond the control without the fault or negligence of the contractor will be considered in accordance with Clause 10—Default, subparagraph (c).

21. PRINTING

Unless otherwise specified in this contract, the Contractor shall not engage in, nor subcontract for, any printing (as that term is defined in Title I of the Government Printing and Binding Regulations in effect on the effective date of this contract) in connection with the performance of work under this contract: *Provided, however,* That performance of a requirement under this contract involving the reproduction of less than 5,000 production units of any one page or less than 25,000 production units in the aggregate of multiple pages, will not be deemed to be printing. A production unit is defined as one sheet, size 8 by 10½ inches one side only, one color.

22. ASSIGNMENT OF CLAIMS

(Text of this clause is set forth in FPR 1–30.703)

23. CONTRACT WORK-HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

(Text of this clause is set forth in FPR 1–12.303)

24. WALSH-HEALY PUBLIC CONTRACTS ACT

(Text of this clause is set forth in FPR 1–12.605)

25. EQUAL OPPORTUNITY

(i) (The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60).)

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this Equal Opportunity clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under this Equal Opportunity clause, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the Equal Opportunity clause of this contract or with any of the said rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing provisions, including sanctions for noncompliance: *Provided, however,* That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(ii) If this contract is with a state or local government, this clause applies only to agency, instrumentality, or subdivision of government (jurisdiction) which participates in work on or under the contract.

26. CONVICT LABOR

(Text of this clause is set forth in FPR 1–12.203)

27. OFFICIALS NOT TO BENEFIT

(Text of this clause is set forth in FPR 1–7.102–17)

28. COVENANT AGAINST CONTINGENT FEES

(Text of this clause is set forth in FPR 1–1.503)

29. BUY AMERICAN SUPPLY AND SERVICE CONTRACTS

(Text of this clause is set forth in FPR 1–6.104–5)

30. UTILIZATION OF SMALL BUSINESS CONCERNS

(Text of this clause is set forth in FPR 1–1.710–3(a))

31. UTILIZATION OF LABOR SURPLUS AREA CONCERNS

(Text of this clause is set forth in FPR 1–1.805–3(a))

32. UTILIZATION OF MINORITY BUSINESS ENTERPRISES

(Text of this clause is set forth in FPR 1–1.1310–2(a))

33. PAYMENT OF INTEREST ON CONTRACTOR'S CLAIMS

(Text of this clause is set forth in FPR 1–1.322)

34. LISTING OF EMPLOYMENT OPENINGS

(Text of this clause is set forth in FPR 1–12.1102–2)

35. SUBCONTRACTING

The Contractor shall not enter into subcontracts for any of the work contemplated under this contract without obtaining the prior written approval of the Contracting Officer and subject to such conditions and provisions as he may deem necessary, in his discretion, to protect the interests of the Government: *provided,* however, that notwithstanding the foregoing, unless otherwise provided herein, such prior written approval shall not be required for the purchase by the

Contractor of articles, supplies, equipment and services which are both necessary for and merely incidental to the performance of the work required under this contract; *provided*, further, however, that the aforesaid right of Contractor to engage such services shall in no event be construed to permit the Contractor to subcontract with a third-party for the performance of any major function contemplated under this contract to be performed by the Contractor; and *provided*, further, however, that no provision of this clause and no such approval by the Contracting Officer of any subcontract shall be deemed in any event or in any manner to provide for the incurrence of any obligation of the Government in addition to the total contract price.

36. NOTICE TO THE GOVERNMENT OF DELAYS

Whenever the Contractor has knowledge that any actual or potential situation, including but not limited to labor disputes, is delaying or threatens to delay the timely performance of work under this contract, the Contractor shall immediately give written notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

37. INTEREST

Notwithstanding any other provisions of this contract, unless paid within 30 days all amounts that become payable by the Contractor to the Government under this contract (net of any applicable tax credit under the Internal Revenue Code) shall bear interest at the rate of six percent per annum from the date due until paid. Amounts shall be due upon the earliest one of (i) the date fixed pursuant to this contract; (ii) the date of the first written demand for payment, consistent with this contract, including demand consequent upon default termination; (iii) the date of transmittal by the Government to the Contractor of a proposed supplemental agreement to confirm completed negotiations fixing the amount; or (iv) if this contract provides for revision of prices, the date of written notice to the Contractor stating the amount of refund payable in connection with a pricing proposal or in connection with a negotiated pricing agreement not confirmed by contract supplement.

38. EMPLOYMENT OF THE HANDICAPPED

(Text of this clause is set forth in FPR 1-12.1304-1)

Dated: April 7, 1975.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.75-9507 Filed 4-10-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-547]

CITY OF SOUTH DAYTONA, VOLUSIA COUNTY, FLA.

Proposed Flood Elevation Determinations

The Federal Insurance Administrator, in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917 (Sec. 1917.4(a)), hereby gives notice of his proposed determinations of flood elevations for the City of South Daytona, Florida.

Under these Acts, the Administrator, to whom the Secretary has delegated his statutory authority, must develop criteria for land management in flood-prone areas. In order to participate in the National Flood Insurance Program, the City of South Daytona must adopt flood plain management measures that are consistent with the flood elevations determined by the Secretary.

Proposed flood elevations (100-year flood) are listed below for selected locations. Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at City Hall, P.O. Box 4220, South Daytona, Florida 32021.

Any person having knowledge, information, or wishing to make a comment on these determinations should immediately notify Mayor Daniel M. O'Brien, City Hall, P.O. Box 4220, South Daytona, Florida 32021. The period for comment will be ninety days following the second publication of this notice in a newspaper of local circulation in the above-named community.

The proposed 100-year Flod Elevations are:

Source of flooding and location	Elevation (feet above mean sea level)	Width from shoreline or bank of stream (facing downstream) to 100-year flood boundary (feet)	
		Right	Left
HALIFAX RIVER:			
Murray Way	7	[1] 1,250	------
Sandusky	7	950	------
Sandy Circle	7	950	------
Erie Avenue	7	800	------
McDonald Street	7	1,050	------
Kost Street	7	850	------
Bellewood Avenue	7	850	------
Beville Road	7	1,350	------

[1] To corporate limits.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: March 26, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-9529 Filed 4-10-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-GL-20]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at West Bend, Wisconsin.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 12, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A review of the controlled airspace for West Bend, Wisconsin indicates that an extension is required to protect the VOR Runway 24 instrument approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the following transition area is amended to read:

WEST BEND, WISCONSIN

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the West Bend Municipal Airport (Latitude 43°25'17" N., Longitude 88°07'41" W.); within 3 miles each side of the 051° bearing from the airport, extending from the 7-mile radius area to 8 miles northeast of the airport, and within 3 miles each side of the 133° bearing from the airport, extending from the 7-mile radius area to 7½ miles southeast of the airport.

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

Issued in Des Plaines, Illinois, on March 24, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-9454 Filed 4-10-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-SW-18]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations to alter the Jennings, La., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 12, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

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

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

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the Jennings, La., transition area is amended to read:

JENNINGS, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Jennings Airport (latitude 30°14'30" N., longitude 92°40'00" W.); within 2.5 miles each side of the Lake Charles VORTAC 075° radial extending from the 5-mile radius area to 20.5 miles east of the VORTAC and within 3 miles either side of the 321° bearing from the Jennings NDB (latitude 30°14'19" N., longitude 92°40'13" W.) extending from the 5-mile radius area to 8 miles northwest of the NDB.

The amendment to the transition area will provide the necessary controlled airspace for aircraft executing the proposed NDB Rwy 13 instrument approach procedure.

This notice will also serve to apprise interested airspace users of the establishment of the Jennings NDB at latitude 30°14'19" N., longitude 92°40'13" W.

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

Issued in Fort Worth, TX., on April 1, 1975.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.75-9456 Filed 4-10-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-GL-21]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Moline, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 12, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

An alteration of an instrument approach procedure to Quad City Airport, Moline, Illinois, requires an alteration of the controlled airspace to protect the procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the following transition area is amended to read:

MOLINE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Quad City Airport (Latitude 41°26'56" N., Longitude 90°30'34" W.); within 4½ miles north and 9½ miles south of the Quad City ILS localizer west course, extending from one mile east to 18½ miles west of the OM; within 5 miles either side of the Quad City ILS localizer east course extending from the 9-mile radius area to 16½ miles east of the airport; within a 6½-mile radius of Davenport Municipal Airport (Latitude 41°36'40" N., Longitude 90°35'20"W.); within 3 miles each side of the 224° bearing from the Cody RBN, extending from the 6½-mile radius area to 8 miles southwest of the RBN; and within 2 miles each side of the Davenport VOR 220° radial, extending from the 6½-mile radius area to the VOR.

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

Issued in Des Plaines, Illinois, on March 24, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-9455 Filed 4-10-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75—GL-17]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Lacon, Illinois.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before May 12, 1975, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

A new instrument approach procedure has been developed for the Marshall County Airport, Lacon, Illinois. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this approach procedure by designating a transition area at Lacon, Illinois.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

§ 71.181 [Amended]

In § 71.181 (40 FR 441), the following transition area is added:

LACON, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Marshall County Airport (Latitude

41°01'12" N., Longitude 89°23'08" W.); and within 2 miles each side of the Bradford VORTAC 133° radial extending from the 5-mile radius area to 6.5 miles northwest of the airport.

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

Issued in Des Plaines, Illinois, on March 24, 1975.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.75-9453 Filed 4-10-75;8:45 am]

[14 CFR Part 135]

[Docket No. 12531; Reference Notice No. 73-2]

LIMITED IFR AIR TAXI OPERATIONS

Withdrawal of Proposed Rule Making

The purpose of this notice is to withdraw Notice No. 73-2, published in the FEDERAL REGISTER January 31, 1973 (38 FR 2988), in which the FAA proposed to amend Part 135 of the Federal Aviation Regulations to make certain changes in those sections dealing with limited IFR operations (§§ 135.75, 135.99, and 135.-145).

The FAA received 30 public comments in response to Notice No. 73-2. Twenty-one comments favored adoption of the proposal; 9 opposed it.

The National Transportation Safety Board, in its comment, opposed adoption, stating, among other things, its concern about the clarity of the regulations governing limited IFR air taxi operations. The Board stated that when its recent Air Taxi Safety Study was being conducted, "no air taxi operator or pilot who was questioned understood the operating limitations of current §§ 135.75 and 135.99." The Board stated its belief that "the regulations, as proposed in NPRM 73-2, are still too complicated and that very few air taxi operators or pilots would understand them."

A number of other commentators echoed the Board's concern with the present misunderstanding of §§ 135.75 and 135.99, and indicated a belief that the proposed rule would not be a significant improvement.

In view of these comments, the FAA has determined that further consideration of this problem is necessary, and that the adoption of the proposed revisions would not be appropriate at this time. Accordingly, the FAA has determined that Notice 73-2 should be withdrawn.

Withdrawal of this notice constitutes only such action and does not preclude the FAA from issuing other notices in the future or commit the FAA to any course of action in the future.

In consideration of the foregoing, the notice of proposed rulemaking published in the FEDERAL REGISTER January 31, 1973 (38 FR 2988), and circulated as Notice No. 73-2 entitled "Limited IFR Air Taxi Operations" is hereby withdrawn.

(Secs. 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a) and 1421), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Washington, D.C., on March 28, 1975.

C. A. MCKAY,
Acting Director,
Flight Standards Service.

[FR Doc.75-9487 Filed 4-10-75;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 444]

CREDIT PRACTICES

Proposed Trade Regulation Rule

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., the provisions of Part I, Subpart B of the Commission's procedures and rules of practice, 16 CFR 1.7, et seq., and section 553 of Subchapter II, Chapter 5, Title 5 of the U.S. Code (Administrative Procedure) has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning Credit Practices.

Accordingly, the Commission has proposed the following Trade Regulation Rule:

Sec.
444.1 Definitions.
444.2 Unfair credit practices.

AUTHORITY: The provisions of this Part 444 issued under 38 Stat. 717, as amended, 15 U.S.C. 41, et seq.

§ 444.1 Definitions.

(a) *Lender.* A person who engages in the business of lending money to consumers within the jurisdiction of the Federal Trade Commission.

(b) *Retail installment seller.* A person who sells goods or services to consumers on a deferred payment basis or pursuant to a lease-purchase arrangement within jurisdiction of the Federal Trade Commission.

(c) *Person.* An individual, corporation or other business organization.

(d) *Consumer.* A natural person who seeks or acquires goods, services or money for personal, family or household use.

(e) *Obligation.* An agreement between a consumer and a lender or retail installment seller.

(f) *Creditor.* A lender or a retail installment seller.

(g) *Debt.* Money which is due or alleged to be due from one to another.

(h) *Co-signer.* A natural person who, by agreement and without compensation, renders himself liable for the obligation of a consumer.

(i) *Household goods.* Clothing, furniture, appliances, linens, china, crockery, kitchenware, and personal effects of the consumer and his dependents.

(j) *Personal loan.* A loan of money to a consumer as distinguished from a sale of goods or services on a deferred payment basis or pursuant to a lease-purchase arrangement.

(k) *Collecting a debt.* Any activity other than the use of judicial process which is intended to bring about or does bring about repayment of all or part of a consumer debt, except:

(1) Inquiry to locate a consumer whose whereabouts are genuinely unknown to the creditor; and/or

(2) Inquiry to determine the nature and extent of a consumer's wages or property;

Provided, That in these two instances no specific mention is made of the alleged indebtedness.

(l) *Other definitions.* Words defined in the Uniform Commercial Code retain their UCC definitions for the purposes of this part.

§ 444.2 Unfair credit practices.

In connection with the extension of credit to consumers in or affecting commerce, as commerce is defined in the Federal Trade Commission Act, it is an unfair act or practice within the meaning of Section 5 of that Act for a lender or retail installment seller directly or indirectly:

(a) To take or receive from a consumer an obligation which:

(1) Constitutes or contains a cognovit, confession of judgment, warrant of attorney, power of attorney or other waiver of the right to notice and the opportunity to be heard in the event of suit or process thereon;

(2) Constitutes or contains a waiver or limitation of exemption from attachment, execution or other process on real or personal property held, owned by or due to the consumer;

(3) Constitutes or contains an assignment of wages;

[Alternate subparagraph (3):

(3) Constitutes or contains an assignment of wages unless the amount of the obligation is three hundred dollars ($300.00) or less and no other security interest is taken with respect to the obligation;]

(4) Constitutes or contains a security interest other than a Purchase Money security interest, except, where the proceeds of a personal loan are not to be primarily applied to the purchase of consumer goods, the lender may take a security interest in other than household goods;

(5) Encumbers goods purchased on different dates from a retail installment seller on a deferred payment basis, unless the contract provides that payments made by the consumer will be credited in full to the earliest purchase to release the goods from encumberance in the order acquired;

(6) Fails to enumerate and specifically identify each individual item of property encumbered by it;

(7) Fails to provide that if the creditor retakes encumbered property from the consumer, the fair market retail value of the property so taken will be credited toward the balance due under the obligation;

(8) Constitutes or contains a provision requiring the payment of attorney's fees or any other costs incident to the collection of the obligation;

[Alternate subparagraph (8):

(8) Constitutes or contains a provision which:

(i) With respect to a consumer loan in which the finance charge calculated according to the actuarial method is more than 18 percent per year, provides for payment by the consumer of attorney's fees:

(A) If the loan is not pursuant to open-end credit and the amount financed is $1,000 or less; or

(B) If the loan is pursuant to open-end credit and the balance of the account at the time of default is $1,000 or less;

(ii) With respect to any other consumer credit transaction, provides for payment by the consumer of attorney's fees unless (A) such fees do not exceed fifteen percent of the unpaid debt at the time of default and (B) such fees become due only after actual referral of the obligation to an attorney who is not a salaried employee of the creditor;]

(9) Provides for charges for late or extended payments which exceed the amount derived from application of the annual percentage rate governing the transaction to the payment or payments late or extended; or

(10) Fails to provide that the creditor shall not, in the course of collecting a debt, communicate or threaten to communicate with the consumer's employer or any agent of the employer or any other person not liable for the debt other than the spouse or attorney of the consumer, except as permitted by order of a court.

(b) To obligate a co-signer other than the spouse of the consumer on any obligation unless:

(1) The co-signer is furnished with a separate statement, at least three days prior to his becoming obligated, which shall contain in ten point bold face type the following information with such limitations as necessary to conform to applicable State law and no other:

NOTICE TO CO-SIGNER

_____.

(Date)

BY SIGNING THIS CONTRACT YOU ARE AGREEING TO PAY [*Amount of Contract*] TO [*Name of Lender*], IF [*Name of Principal Debtor*] DOES NOT.

IF FOR ANY REASON [*Name of Principal Debtor*] DOES NOT PAY THIS [*Amount of Contract*] OR ANY PART OF IT WHEN IT IS DUE, YOU MAY BE REQUIRED TO PAY THE AMOUNT WHICH HAS NOT BEEN PAID OR ANY PART OF IT. HOWEVER, BEFORE YOU CAN BE HELD LIABLE FOR THE DEBT, [*Name of Lender*] MUST FIRST DILIGENTLY ATTEMPT TO COLLECT THE DEBT FROM [*Name of Principal Debtor*].

YOU MAY BE SUED ON THIS CONTRACT IF [*Name of Principal Debtor*] DOES NOT PAY AS AGREED FOR ANY REASON. IF [*Name of Lender*] WINS A SUIT AGAINST YOU IN COURT, IT MAY TAKE A PART OF YOUR WAGES EACH WEEK UNTIL THE DEBT IS PAID IN FULL; IT MAY TAKE YOUR SAVINGS OR REAL OR PERSONAL PROPERTY WHICH YOU OWN TO PAY THIS DEBT; AND IT MAY USE OTHER LAWFUL MEANS TO COLLECT THIS DEBT FROM YOU.

YOU MAY BE SUED EVEN IF [*Name of Principal Debtor*] IS NOT SUED IF HE HAS NOT PAID AS AGREED, BUT YOU MAY SUE HIM TO COLLECT ANY MONEY YOU HAVE PAID ON HIS BEHALF.

THIS NOTICE IS *NOT* THE CONTRACT YOU WILL BE ASKED TO SIGN. YOU MUST BE GIVEN A COPY OF THAT CONTRACT AND OF THIS NOTICE.

_____.

(Signature of Co-signer)

(2) Three days or more after receiving the notice to co-signer, the co-signer signs a document evidencing the obligation which discloses the full amount he may be asked to repay;

(3) The co-signer is furnished with a completed copy of every document that he is asked to sign or that is furnished to the consumer; and

(4) Any document evidencing the obligation contains the following notice:

No co-signer or surety of this obligation shall be liable thereunder except after the lender or retail installment seller has employed due diligence in attempting to collect the obligation from the principal debtor.

No co-signer or surety of this obligation shall be liable thereunder for more than the total of payments for which the principal debtor is liable at the time that the co-signer becomes obligated.

No co-signer or surety of this obligation shall be liable thereunder unless promptly notified in writing of any default by the principal debtor.

Statement of Reason for the Proposed Rule

It is the Commission's purpose, in issuing this statement, to set forth its reason for proposing this rule with sufficient particularity to allow informed comment. The precise format of such statements may vary from rule to rule depending on the complexity of the issues involved. In this proceeding, we have determined that meaningful comment by the public will be best facilitated by presenting (1) a statement describing the basic factual and legal premises upon which the Commission has determined to propose the rule, and (2) a series of questions designed to draw to the public's attention matters which the Commission presently deems particularly pertinent and on which comment is especially solicited.

The Commission emphasizes that neither the statement of factual and legal premises nor the questions should be interpreted as designating disputed issues of specific fact. Such designations shall be made by the Commission or its duly authorized presiding official pursuant to the Commission's Rules of Practice.

Statement: The Commission has reason to believe that many creditors, as that term is defined in the proposed rule, utilize form contracts in consumer credit transactions which constitute or contain: A cognovit provision (also known as a "confession of judgment" and "warrant of attorney"), a waiver of statutory property exemptions, a wage assignment, a provision creating blanket security interests, a requirement that the consumer reimburse the creditor for attorney fees when the contract is referred to an attorney, and provisions imposing late charges and extension fees; that these provisions are included in form contracts without regard to the actual risk of non-repayment borne by the creditor in a given case; that these remedies injure consumers; and that consumers receive no substantial benefit in exchange for the above-listed creditor remedies.

The Commission has reason to believe additionally that many creditors abuse the deficiency judgment mechanism by selling repossessed goods at prices substantially below their fair market retail value.

The Commission further has reason to believe that many creditors utilize form contracts in consumer credit transactions which fail to include provisions limiting contacts with third parties, as specified in § 444.2(a)(10) of the proposed rule, and which fail to place certain limitations on the liability of co-signers, as specified in § 444.2(b) of the proposal; that these provisions are omitted without regard to the actual risk of non-repayment borne by the creditor in a given case; that consumers are injured by said third-party contacts and co-signers are injured by failure to place said limitations on co-signer liability; and that consumers receive no substantial benefit in exchange for the absence of said limitations on third-party contacts nor do co-signers receive a substantial benefit in exchange for the absence of said limitations on their liability. The Commission has further reason to believe that many creditors fail to provide co-signers of consumer obligations with necessary information, as specified in § 444.2 (b)(1), (b)(3) and the last paragraph of the notice in (b)(4) of the proposed rule and that consumer contracts are generally co-signed in an atmosphere of high pressure.

The Commission determined that it has reason to believe the above assertions after it was presented with information compiled by the staff during a two-year investigation of the character and use of collection remedies associated with consumer credit agreements throughout the United States. In the course of this investigation the Commission staff has received documentary evidence on these remedies in thousands of actual cases. It has obtained official corporate statements concerning collection procedures and strategies and copies of form contracts. In addition, the staff has evaluated pertinent state statutes and judicial rulings, interviewed many persons with an interest in the matter, and examined the findings of the National Commission on Consumer Finance. The Commission has not adopted any findings or conclusions of the staff. All findings of fact in this proceeding shall be based solely on matter in the rulemaking record.

The Commission's authority to examine and prohibit unfair practices in or affecting commerce has been analogized to the jurisdiction of an equitp court.[1] Thus, where on party to a trans-

[1] "Sperry and Hutchinson v. F.T.C.," 405 U.S. 233, 244 (1972).

action enjoys substantial advantages with respect to those with whom he deals, it is appropriate for the Commission to conduct an inquiry to determine whether that party uses an overabundance of market power in an inequitable manner. Accordingly, the Commission is proceeding upon the theory that relief of the variety proposed in certain paragraphs of § 444.2 [2] is mandated by section 5 of the Federal Trade Commission Act if:

(1) The creditor imposes upon consumers contracts of adhesion (i.e., the credit customers cannot bargain over the particular contract provisions) which contain provisions disadvantageous to consumers or the creditor fails to include in the contracts of adhesion provisions beneficial to consumers, all to the consumers' detriment; and

(2) This detriment to consumers is not offset by a reasonable measure of value received in return.

The Commission additionally believes that the relief specified in § 444.2(a)(7) is merited if the deficiency judgment mechanism is abused through the sale of repossessed secured property at prices substantially below the property's fair market retail value.

The Commission further believes that Section 5 requires the relief specified in § 444.2 (b)(1) and (b)(3) and the last paragraph of the notice in (b)(4) if the failure to provide co-signers with the information specified in said paragraphs denies co-signers adequate information about the nature of the cost of credit, the extent of the co-signers' obligations or events which may substantially affect their interests.

Finally, it is the Commission's belief that section 5 requires the relief specified in § 444.2(b)(2) if considerable pressure generally attends the transactions in which consumers co-sign consumer obligations.

QUESTIONS

1. Are the contracts used in consumer credit transactions drafted by creditors in standardized form and presented to consumers on a "take it or leave it" basis under circumstances that preclude meaningful bargaining over the terms thereof? If these contracts are drafted and presented in this manner, the Commission would be interested in receiving comments on why this is the case. The Commission would also be interested in whether or not such form contracts vary significantly from lender to lender in such a way that consumers could choose, if they so desired, by picking one lender as opposed to another, between contracts with different remedial provisions.

2. In the accompanying preliminary statement the Commission has outlined its tentative approach to unfairness in the context of creditors' remedies. It is interested in analysis supporting or opposing this theory and in other theories of unfairness under section 5 (15 U.S.C. 45 (1970)) and how they might apply to the area.

3. Economic theory suggests that in a freely functioning credit market the remedies contained in credit contracts would represent an equilibrium between the costs and benefits of the transaction as a whole to consumers and creditors. The Commission is interested in comment on whether (due to lack of information, collusion, (tacit or explicit) government regulation, or some other cause) the market fails to reach this equilibrium with respect to creditors' remedies.

If the market has failed in some way, the Commission wishes to know how it has failed, the causes of such failure, and appropriateness and adequacy of the proposed rule as a remedy for any such failure.

4. The Commission wishes to know the effect of the proposed rule on the costs of and/or restrictions on the availability of credit and whether these costs or restrictions, if any, would fall on particular groups and, if so, the characteristics of these groups. In connection with this question the Commission particularly desires analysis based on specific data and experience.

5. Do consumers receive any substantial benefit or quid pro quo for acceding to the practices that would be proscribed by the proposed rule?

6. The Commission seeks comment on all aspects of the interaction of the proposed rule with state laws governing credit and creditors' remedies.

7. For each of the individual rule provisions, the Commission desires comment on the nature and extent of any consumer injury associated with the practice being restricted, and of any benefits flowing to consumers from the practice which might offset such injury.

8. The Commission wishes to know whether any injury which may be associated with practices restricted by the rule may be eliminated without eliminating the practices entirely. That is, are there other and better ways of achieving the results which the rule seeks to achieve?

9. The Commission requests comment on the prevalence of the challenged practices.

10. The Commission also seeks comments evaluating the economic effect of the rule on small business.

11. Are there any unfair or deceptive consumer credit practices not covered by the proposed rule which might appropriately be included?

12. Two provisions of the rule are stated in the alternative. As to these, the Commission is specifically interested in comment on which alternative is preferable.

(a) *Wage assignments.* Wage assignments may have deleterious effects on consumers by depriving them of the opportunity to assert legitimate defenses and by causing loss of employment or the threat of such loss. Some commentators suggest, however, that wage assignments are such an important remedy in small loan transactions for which no other security is available that forbidding their use would cause a significant diminution in the availability of such loans or a significant increase in the cost of such loans. The Commission is interested in information on a possible exemption from the prohibition of wage assignments for certain small loan transactions, and on the optimum amount for any such exemption.

(b) *Attorney's fees and collection costs.* Provisions allowing creditors to collect attorney's fees and other costs from debtors may be abused. These charges may not bear any direct relationship to actual or reasonable costs borne by the creditor in collecting a debt. On the other hand, a creditor should be able to recover such actual reasonable costs as are incurred. The Commission is interested in receiving comment as to the differing effects of an absolute prohibition of inclusion of attorney's fees provisions in consumer obligations; or, alternatively, of a limitation of the amount of such fees expressed as a percentage of the obligation with a minimum obligation amount below which no such fees could be collected. Comment as to appropriate amounts to be allowed is also solicited.

INVITATION TO PROPOSE ISSUES OF SPECIFIC FACT FOR CONSIDERATION IN PUBLIC HEARINGS

All interested persons are hereby given notice of opportunity to propose any disputed issues of specific fact, in contrast to legislative fact, which are material and necessary to resolve. The Commission, or its duly authorized presiding official, shall, after reviewing submissions hereunder, identify any such issues in a notice which will be published in the FEDERAL REGISTER. Such issues shall be considered in accordance with section 18(c) of the Federal Trade Commission Act as amended by Pub. L. 93-637, and rules promulgated thereunder. Proposals shall be accepted until not later than June 10, 1975, by the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580. A proposal should be identified as a "Proposal Identifying Issues of Specific Fact—Credit Practices," and when feasible and not burdensome, submitted in five (5) copies. The times and places of public hearings, will be set forth in a later notice which will be published in the FEDERAL REGISTER.

INVITATION TO COMMENT ON THE PROPOSED RULE

All interested persons are hereby notified that they may also submit to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, data, views or arguments on any issue of fact, law or policy

[2] (a)(1) (pertaining to cognovits), (a)(2) (pertaining to waivers of statutory property exemptions), (a)(3) (pertaining to wage assignments), (a)(4), (a)(5), (a)(6) (all pertaining to blanket security interests), (a)(8) (pertaining to attorney fees), (a)(9) (pertaining to late charges and extension fees), and (a)(10) (pertaining to contacts with third parties), and the first two paragraphs of the notice in (b)(4) (pertaining to liability of co-signers).

which may have some bearing upon the proposed rule. Written comments, other than proposals identifying issues of specific fact, will be accepted until ten (10) days before commencement of public hearings, but at least until June 10, 1975. To assure prompt consideration of a comment, it should be identified as a "Credit Practices Comment," and when feasible and not burdensome, submitted in five (5) copies.

Issued: April 11, 1975.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.75-9485 Filed 4-10-75;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS

Granting of Relief

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

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

Abbey, Richard W., 10414 42d Avenue, SW., Seattle, Washington, convicted on February 27, 1973, in the Superior Court of the State of Washington in and for King County.

Badie, Leroy A., 1600 Beech Street, Reno, Nevada, convicted on June 2, 1942, in the Circuit Court of the First Judicial District of Hinds County, Mississippi.

Baker, Donnie J., RR #1, Ellsworth, Iowa, convicted on or about October 26, 1970, in the District Court of the State of Iowa in and for Hamilton County.

Baldwin, Glen Robert, 3436 11th Street, Lewiston, Idaho, convicted on or about June 23, 1972, in the District Court of the Second Judicial District of Idaho, County of Nez Perce.

Bird, Melvin Dale, RR #2, Pinckneyville, Illinois, convicted on February 8, 1965, in the Circuit Court, Twentieth Judicial Circuit or Illinois, Perry County, Illinois.

Blevins, Proctor, 1524 Central Avenue, Ashland, Kentucky, convicted on December 4, 1956, in the Boyd Circuit Court, Boyd County, Kentucky.

Bolin, James M., 5350 Russell Avenue, Apt #10, Hollywood, California, convicted on June 4, 1970, in the Superior Court of the State of California for the County of Los Angeles.

Bowden, Dennis G., 30764 Ruby Ranch Road, Golden, Colorado, convicted on March 25, 1971, in the United States District Court for the Western District of Texas.

Brazington, Robert E., 2819 104th N.E., Bellevue, Washington, convicted on July 26, 1960, in the United States District Court for the District of Oregon; and on January 12, 1966, in the Circuit Court of the State of Oregon, County of Lane.

Broussard, Daniel P., 4325 Stillbrook, Houston, Texas, convicted on October 25, 1972, in the 178th District Court, Harris County, Texas.

Brown, Terry Lee, 515 S.E. Wildcat Drive, Bend, Oregon, convicted on February 16, 1972, in the Deschutes County Circuit Court, Bend, Oregon.

Caruso, Theodore S., 660 Lakeshore Drive, Clearlake Highlands, California, convicted on or about September 15, 1942, in the United States Army General Court Martial, Ft. Leavenworth, Kansas.

Cliett, William A., 410 E. Sunset Drive, Bellingham, Washington, convicted on December 15, 1965, in the Circuit Court of the State of Oregon for Lane County.

Colgate, Ronald J., 7051 E. Thompson Road, Indianapolis, Indiana, convicted on September 16, 1955, and on October 5, 1955, in the Marion County Criminal Court, Indianapolis, Indiana.

Cooper, Alden Lee, 3557 South St. Francis, Wichita, Kansas, convicted on June 22, 1964, and on December 4, 1964, in the District Court, Seward County, Kansas.

Cooper, Paul Sanford, 16572 Park Lane Drive, Los Angeles, California, convicted on October 2, 1972, in the United States District Court for the Central District of California.

Farrackand, Donald R., 15896 Hartwell, Detroit, Michigan, convicted on February 18, 1959, in the District Court of Tulsa County, Judicial District Fourteen, Oklahoma.

Ficker, Kenneth E., 312 First Street, Wenatchee, Washington, convicted on February 7, 1969, in the Superior Court of the State of Washington in and for the County of Chelan.

Flitz, Anton John, 7852 Chain Lake Drive, Eagle River, Wisconsin, convicted on October 3, 1970, in the Circuit Court, Criminal Division, Milwaukee County, Milwaukee, Wisconsin.

Glenn, Gilbert V., Jr., 2539 South Nettleton, Springfield, Missouri, convicted on April 17, 1957, in the District Court of Linn County, Iowa; and on March 24, 1967, in the Laclede County Circuit Court, Missouri.

Goodbred, Lloyd M., 905 Cogliandro Drive, Chesapeake, Virginia, convicted on May 21, 1953, in the Corporation Court, Norfolk, Virginia.

Gregory, Norman E., 3024 Gray, Detroit, Michigan, convicted on November 12, 1954, on or about May 9, 1955, on or about December 13, 1956, and on December 6, 1960, in the Recorder's Court, Detroit, Michigan.

Haines, Robert H., 610 Dewey Avenue, Jackson, Minnesota, convicted on June 28, 1971, in the District Court, Fifth Judicial District, Jackson County, Minnesota.

Haley, Richard A., RR #2, Box 54FE, Brownsburg, Indiana, convicted on May 10, 1956, in the Criminal Court #1 of Marion County, Indiana.

Harris, Robert L., 3278 Virginia Park, Detroit, Michigan, convicted in 1934 in a General Court Martial, Ft. Huachuca, Arizona.

Hartmann, Dennis Michael, 706 W. 11th Avenue, Oshkosh, Wisconsin, convicted on or about June 7, 1957, in the Municipal Court of Winnebago County, Wisconsin.

Herrin, Darrell W., 405 2nd Avenue, Slater, Iowa, convicted on July 19, 1972, in the United States District Court, Sioux City, Iowa.

Holt, George L., 2020 South Hazel Court, Denver, Colorado, convicted on June 2, 1958, in the District Court for Arapahoe County, Colorado.

Huckaby, Nathan M., Sr., 8903 C. E. King Parkway, Box 13, Houston, Texas, convicted on October 1, 1963, in the 128th District Court of Orange County, Texas.

Husted, William L., 302 E. Iowa Street, Hammond, Louisiana, convicted on July 24, 1970, in the Grand Traverse County Circuit Court, Traverse, Michigan.

Hutchison, John E., Route 1, Box 80-AA, Traphill, North Carolina, convicted on May 21, 1951, in the United States District Court, Wilkesboro, North Carolina; and on December 29, 1953, in the Corporation Court, Alexandria, Virginia.

Johnson, Gary W., 824 South Spring Street, Beaver Dam, Wisconsin, convicted on or about July 25, 1969, in the County Court, Burnett County, Wisconsin.

La Cour, Leanord, 622 W. Home Avenue, Flint, Michigan, convicted on November 22, 1963, and on February 22, 1965, in the Criminal Court of Harris County, Texas.

Living, Glennis L., 1410 Richmond, Apt. 378, Houston, Texas, convicted on November 4, 1970, in the District Court of Harris County, Texas.

Lunde, John W., 420 East Gail Avenue, Tulare, California, convicted on March 5, 1956, in a General Court Martial, Camp Irwin, California.

McDuffie, Ruffin R., 5451 West Outer Drive, Detroit, Michigan, convicted on May 5, 1943, in the United States District Court, Eastern District of Virginia, Norfolk Division.

Marino, Antonio G., 16302 Mount Street, Lowell, Indiana, convicted on June 12, 1959, in the Criminal Court of Lake County, Indiana.

Marshall, Thomas D., RR #1, Stewartville, Minnesota, convicted on October 14, 1971, in the District Court, Third Judicial District, Mower County, Minnesota.

Mealy, Walter William, Star Route, Leeper, Pennsylvania, convicted on August 24, 1972, in the Court of Common Pleas, Clarion County, Pennsylvania.

Meyer, Bob, 306 Bath Street, Carson City, Nevada, convicted on March 31, 1967, in the United States District Court for the District of Nevada.

Midkiff, Robert E., 4920 Sherwood Drive, New Orleans, Louisiana, convicted on July 30, 1965, in the Criminal District Court, Section A, Orleans Parish, Louisiana.

Sayers, Robert D., 200 Pace Drive, Perry, Florida, convicted on December 13, 1971, in the United States District Court for the Northern District of Florida.

Seay, Fred E., Route 4, Appomattox, Virginia, convicted on July 8, 1958, in the Hustings Court, Petersburg, Virginia; on June 25, 1958, in the Circuit Court of Amherst County, Amherst, Virginia; on July 14, 1958, in the Circuit Court of Campbell County, Rustburg, Virginia; on September 26, 1958, in the Circuit Court of Chesterfield Court of Chesterfield County, Chesterfield Courthouse, Virginia; and on November 17, 1958, in the Circuit Court of Dinwiddie County, Dinwiddie Courthouse, Virginia.

Shifflet, Donald G., 4467 Colerain Avenue, Apt. 14, Cincinnati, Ohio, convicted on March 26, 1962, in the Court of Common Pleas, Hamilton County, Ohio.

Sires, Harlin E., 6638 Belinda Drive, Riverside, California, convicted on May 2, 1962, in the Superior Court, Los Angeles County, California.

Stewart, Donald Robert, Jr., 42 S. Van Lear, Dayton, Ohio, convicted on August 21, 1969, in the Montgomery County, Common Pleas Court, Dayton, Ohio.

Voegtly, Nickolas E., 635 North 9th Street, Klamath Falls, Oregon, convicted on or about July 7, 1970, in the Lane County Circuit Court, Oregon.

Werner, Richard L., 223 Lexington Avenue, Kelso, Washington, convicted on May 18, 1971, in the Clark County Superior Court, Vancouver, Washington.

White, Marion L., 2022 Waters Street, New Bern, North Carolina, convicted on May 14, 1974, in the United States District Court, Eastern District of North Carolina.

Whiteacre, Bernard M., 209 West Avenue Q, Lovington, New Mexico, convicted on October 18, 1968, in the District Court, Fifth District, Lovington, New Mexico.

Yeadon, Gary S., Route 4, Box 168, Fort Atkinson, Wisconsin, convicted on December 30, 1970, in the Superior Court, Liberty County, Hinesville, Georgia.

Signed at Washington, D.C. this 2nd day of April 1975.

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

[FR Doc.75-9439 Filed 4-10-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Cancellation of Meeting

APRIL 4, 1975.

The April 18, 1975 portion of the meeting (as published in 40 FR 14785, April 2, 1975) at the Pentagon concerning Review of Mission, Organization, Resources, and Location of Air Force Cambridge Research Laboratories has been cancelled. The April 19, 1975 portion of the meeting will be held as scheduled.

For further information contact the Scientific Advisory Board Secretariat on 202-697-4648.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-9434 Filed 4-10-75;8:45 am]

USAF SCIENTIFIC ADVISORY BOARD

Meeting

APRIL 4, 1975.

The USAF Scientific Advisory Board Study Group on Management and Support of Air Force Command, Control and Communications will hold a meeting at Andrews AFB MD on May 2, 1975 from 8:30 a.m. to 5 p.m.

The portions of the meeting from 9:30 a.m. to 5 p.m. will be closed to the public. During this time the Study Group will receive briefings and discuss matters listed in 5 U.S.C. 552(b) (1), (4), and (5), including classified briefings, review of propriety information and conduct internal planning for further activity of the Group.

The morning session from 8:30 a.m. to 9:30 a.m. will be open to the public.

For further information contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES E. DAGWELL,
Chief, Documentation Management Branch, Directorate of Administration.

[FR Doc.75-9435 Filed 4-10-75;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

CIVIL DISORDERS AND TERRORISM TASK FORCE

Change of Meeting

This is to provide notice of change of meeting for the Civil Disorders and Terrorism Task Force to the National Advisory Committee on Criminal Justice Standards and Goals. This notice cancels previous meeting dates of April 21-22, 1975.

The Civil Disorders and Terrorism Task Force will meet on April 25, 1975. The meeting will be held in the conference room, 13th Floor, Law Enforcement Assistance Administration (LEAA), U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531. The meeting will convene at 9:30 a.m. and will be open to the public.

This will be the first meeting of the Task Force. Discussion will focus upon the functions and duties to be performed by the Task Force as well as a discussion of the Task Force subject matter.

For further information, contact William T. Archey, Acting Director, Policy Analysis Division, Office of Planning and Management, 633 Indiana Avenue, NW., Washington, D.C. 20531.

GERALD H. YAMADA,
Attorney-Advisor, Office of General Counsel.

[FR Doc.75-9437 Filed 4-10-75;8:45 am]

PRIVATE SECURITY ADVISORY COUNCIL

Notice of Renewal

In order to further public protection, improve and strengthen law enforcement, and reduce crime in public and private places by reviewing the relationship between private security systems and public law enforcement agencies and by developing programs and policies regarding private protection services that are appropriate and consistent with the goals of public law enforcement and the public interest, the Law Enforcement Assistance Administration (LEAA) hereby determines that the Private Security Advisory Council to LEAA, as described hereafter, serves in the best public interest and is necessary, appropriate, and consistent with the purposes of the Crime Control Act of 1973, Pub. L. 93-83. Accordingly, the Administration hereby announces that the Council's charter has been renewed pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

1. Designation. The Committee continues to be known as the Private Security Advisory Council.

2. Purpose. The responsibilities of the Council will be advisory in nature. The Council will advise LEAA on the development of effective programs and policies relating to private protection services and improving cooperation between public law enforcement agencies and private security services and will make recommendation for State and local government in the implementation of private security laws.

3. Responsible and Supporting Agency. The Council will report to and receive support from the Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20531.

4. Duration and Termination. The period of time necessary for the Council to carry out its functions is two years and its termination date is March 15, 1977.

5. Meetings. The Council and its Committees will hold meetings quarterly or as required to carry out its purpose and fulfill its duties.

6. Membership. Membership of the Council and its Committees will be drawn from LEAA, other concerned Federal agencies, public law enforcement agencies, private security businesses, manufacturers of products used for private security, institutions and businesses concerned with private security, and representatives of the general public who are not necessarily identified with any of the foregoing.

7. Designation of Federal Employee. Mr. Irving Slott, Director, Planning Development and Evaluation Division, Office of National Priority Programs, LEAA, 633 Indiana Avenue NW., Washington, D.C. 20531, will continue to serve as the LEAA employee to fulfill the duties as required by Pub. L. 92-463 and OMB Circular No. A-63.

RICHARD W. VELDE,
Administrator.

[FR Doc.75-9438 Filed 4-10-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 20042; Power Site Classifications 58, 346, and 374; Cancellation 282]

WYOMING

Opening of Public Lands

Correction

In FR Doc. 75-7274 appearing at page 12688 in the issue of Thursday, March 20, 1975, the following corrections should be made:

1. The 18'th and 19'th lines of the land description in the first column should read:

Sec. 8, SW¼NW¼, N½SW¼, and SE¼SW¼;

2. The description in the second line of the second column should read:

Sec 1, lot 4, SW¼NE¼, S½NW¼, SW¼ and;

3. The description in the 12'th line in the second column should read:

Sec. 12, N½NE¼, SE¼NE¼, NE¼NW¼,

4. The description in the 22'nd line in the second column should read:

Sec 9, NE¼SE¼;

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant: David R. Cline, Wildlife Biologist, U.S. Fish and Wildlife Service, 813 D Street, Anchorage, Alaska 99501.

OMB NO. 42-R1670

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

FEDERAL FISH AND WILDLIFE LICENSE/PERMIT APPLICATION

1. APPLICATION FOR (Indicate only one)
☐ IMPORT OR EXPORT LICENSE ☒ PERMIT

2. BRIEF DESCRIPTION OF ACTIVITY FOR WHICH REQUESTED LICENSE OR PERMIT IS NEEDED.
Inventory the aeries and determine nesting success of peregrine falcons.

3. APPLICANT. (Name, complete address and phone number of individual, business, agency, or institution for which permit is requested)
David R. Cline
U.S. Fish and Wildlife Service
813 D Street
Anchorage, Alaska 99501

4. IF "APPLICANT" IS AN INDIVIDUAL, COMPLETE THE FOLLOWING:
☒ MR. ☐ MRS. ☐ MISS ☐ MS.
HEIGHT: 5'8" WEIGHT: 165
DATE OF BIRTH: April 22, 1937
COLOR HAIR: Brown COLOR EYES: Brown
PHONE NUMBER WHERE EMPLOYED: 907-265-4891
SOCIAL SECURITY NUMBER: 470-38-9713
OCCUPATION: Wildlife Biologist
ANY BUSINESS, AGENCY, OR INSTITUTIONAL AFFILIATION HAVING TO DO WITH THE WILDLIFE TO BE COVERED BY THIS LICENSE/PERMIT:
U.S. Fish and Wildlife Service

5. IF "APPLICANT" IS A BUSINESS, CORPORATION, PUBLIC AGENCY, OR INSTITUTION, COMPLETE THE FOLLOWING:
EXPLAIN TYPE OR KIND OF BUSINESS, AGENCY, OR INSTITUTION
NAME, TITLE, AND PHONE NUMBER OF PRESIDENT, PRINCIPAL OFFICER, DIRECTOR, ETC.
IF "APPLICANT" IS A CORPORATION, INDICATE STATE IN WHICH INCORPORATED

6. LOCATION WHERE PROPOSED ACTIVITY IS TO BE CONDUCTED
Inventory in the Lake Iliamna and Noatak River areas of Alaska

7. DO YOU HOLD ANY CURRENTLY VALID FEDERAL FISH AND WILDLIFE LICENSE OR PERMIT? ☐ YES ☐ NO
(If yes, list license or permit numbers)

8. IF REQUIRED BY ANY STATE OR FOREIGN GOVERNMENT, DO YOU HAVE THEIR APPROVAL TO CONDUCT THE ACTIVITY YOU PROPOSE? ☐ YES ☐ NO
(If yes, list jurisdictions and type of documents)

9. CERTIFIED CHECK OR MONEY ORDER (if applicable) PAYABLE TO THE U.S. FISH AND WILDLIFE SERVICE ENCLOSED IN AMOUNT OF

10. DESIRED EFFECTIVE DATE: May 25, 1975

11. DURATION NEEDED: August 31, 1975

12. ATTACHMENTS. THE SPECIFIC INFORMATION REQUIRED FOR THE TYPE OF LICENSE/PERMIT REQUESTED (See 50 CFR 13.12(b)) MUST BE ATTACHED, IT CONSTITUTES AN INTEGRAL PART OF THIS APPLICATION. LIST SECTIONS OF 50 CFR UNDER WHICH ATTACHMENTS ARE PROVIDED.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE READ AND AM FAMILIAR WITH THE REGULATIONS CONTAINED IN TITLE 50, PART 13, OF THE CODE OF FEDERAL REGULATIONS AND THE OTHER APPLICABLE PARTS IN SUBCHAPTER B OF CHAPTER I OF TITLE 50, AND I FURTHER CERTIFY THAT THE INFORMATION SUBMITTED IN THIS APPLICATION FOR A LICENSE/PERMIT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT HEREIN MAY SUBJECT ME TO THE CRIMINAL PENALTIES OF 18 U.S.C. 1001.

SIGNATURE (To ink): David R. Cline
DATE: 3/17/75

3-200
M-740 David R. Cline

To: Director, Fish and Wildlife Service (D)
Washington, D.C.
From: Area Director, Fish and Wildlife Service, Anchorage, Alaska
Subject: Request for an endangered species permit.

This is a request for an Endangered Species Permit to inventory populations of the endangered American peregrine falcon (*Falco peregrinus anatum*), and Arctic peregrine falcon (*Falco peregrinus tundrius*) as part of a proposed, "Baseline Study of Nesting Raptors in the Iliamna and Noatak d(2) Proposal Areas" (see attached).

The inventory will involve flights by both fixed-wing aircraft and helicopter to within close enough proximity of active aeries to assure accurate visual identification of birds. This aerial work will be accomplished prior to egg laying in June and during the nesting period in July to avoid disturbing the [illegible] during egg laying.

A field party of two biologists will attempt to verify all nest locations from the ground. In those situations involving high cliffs, this may require the discharge of a .22 caliber rifle to cause birds to take flight so they can be located and identified. Again, this work will not be conducted during the egg laying period in June.

When evidence of nesting is verified, one biologist will attempt to climb to the nest site to determine nesting success. No handling of the birds is deemed necessary.

Principal impacts anticipated will involve harassment of birds at aeries during the period of fly-by with a helicopter (less than 5 minutes), and during the period nests are examined from the ground (less than 60 minutes) during the nesting period. No permanent damage to the birds physically or behaviorally can be visualized. Based on what is known about the two study areas, less than six pairs of peregrines will be involved.

The principal investigator in the field will be Dr. John R. Haugh of the State University of New York, Binghamton. Dr. Haugh has several years of experience working with peregrine falcons, including five field seasons in Alaska under the supervision of Dr. Thomas Cade of Cornell University, a recognized authority on peregrines. Nothing in his background has been identified to indicate that Dr. Haugh is other than a highly respected and proven research biologist who will place the welfare of his study subjects above any self interest.

Since a permit is also required from the State of Alaska, we request that this be obtained for us. Please be informed that a copy of our permit application has been forwarded to: Mr. James W. Brooks, Commissioner, Alaska Department of Fish and Game, Subport Building, Juneau, Alaska 99801.

In the event the subject permit cannot be issued by the project starting date of May 25, 1975, we would request authorization (by letter of permission) to proceed as provided for in LE-20, dated November 18, 1974.

Attached please find our list of responses to major points of concern per 50 CFR 17.23.

DAVID L. SPENCER,
Acting Area Director.

RESPONSES TO REPORT REQUIREMENTS PURSUANT TO ZOOLOGICAL, EDUCATIONAL, SCIENTIFIC, OR PROPAGATION PERMITS (50 CFR 17.23)

(1) Falcon, American peregrine (*Falco peregrinus anatum*); Falcon, Arctic peregrine (*Falco peregrinus tundrius*).
(2) N/A.
(3) Please see project proposal attached.
(4) N/A.
(5) N/A.
(6) N/A.
(7) N/A.

BASELINE STUDY OF NESTING RAPTORS IN THE ILIAMNA AND NOATAK D(2) PROPOSAL AREAS

1. Work to be performed: This proposal concerns a cooperative effort by the U.S. Bureau of Land Management (BLM) and the U.S. Fish and Wildlife Service (FWS) to inventory raptorial birds and their nesting habitats in the proposed Iliamna National Resource Range and the Noatak National Arctic Range. BLM and FWS are to be comanagers of these two national ranges—encompassing 3 million acres in Iliamna and 7.6 million acres in Noatak. Species of primary concern will be the peregrine falcon, bald eagle, golden eagle, gyrfalcon, osprey, rough-legged hawk, and other hawks which may be encountered. An attempt will be made on both areas to accomplish a late-May, early-June breeding pair and nesting survey.

and a July production survey. Raven abundance and distribution will also be determined, since they are potential nest-site competitors.

This information will be used by the two agencies in master-planning efforts for Noatak and Iliamna, with the aim of assuring long-term protection to these national interest migratory birds and their habitats. Such baseline data is also essential to accurate evaluation of long-term impacts of human activities on raptor populations.

The inventory will be designed to accomplish the following specific objectives:

a. Delineate all currently used and potential raptor nesting habitat for each of the primary species.

b. Determine raptor populations and number of active and inactive nest sites in these areas.

c. Determine species productivity for 1975 and document prey abundance and distribution wherever possible.

d. Evaluate those raptor sites that would be impacted by human activity.

All active and inactive aeries located will be plotted on topographic maps and placed on file with BLM and FWS. A final report will be prepared by August 31, 1975. A statewide map of key peregrine nesting habitat will also be a part of report requirements.

2. Relationship of work to Service programs: This project is justified pursuant to the Fish and Wildlife Coordination Act and the Systems and Planning Activity of the FWS in Alaska program advice and operating work plans for FYs 1975–77. The specific FY program advice involved is, "Assistance with ANCSA refuge acquisition," and the operating work plan, "Providing for updating and expanding information on proposed refuges pursuant to the Alaska Native Claims Act of 1971." This work plan covers development and initiation of studies, including cooperative surveys involving other Federal agencies.

3. Prior and present related work: No thorough studies of raptorial birds have been made in either of the two areas. Related work has been done along the Colville River north of the Noatak proposal, and is currently being conducted along the Trans-Alaska Pipeline route and the Susitna River valley.

4. In-house capability: FWS will be able to provide an observer/photographer (on an intermittent basis during the inventory period) for which a maximum of $2,000 in FWS funds will be available.

5. Funding of project: The total estimated cost of this inventory is $16,000. BLM is to contribute up to $14,000 from FY 1975 funds, and FWS $2,000 from FY 1976 funds. Project billing codes for FWS are: 0442-07-3512-00-211.

6. Project officers: Steve Leskosky, Wildlife Biologist, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501; Dave Cline, Wildlife Biologist, U.S. Fish and Wildlife Service, 813 D Street, Anchorage Alaska 99501.

7. Period of proposed inventory: The inventory period will extend from May 25, 1975, to August 31, 1975.

8. Principal investigator: Dr. John Haugh, University of New York, Binghamton, is sought as principal investigator. Dr. Haugh is a recognized authority on raptorial birds. His earlier work included several summers in Alaska under Dr. Tom Cade, an authority on the peregrine falcon, and while temporarily employed by the Bureau of Land Management. During this time he participated in inventories and ecological studies on the arctic peregrine falcon.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received by May 12, 1975.

Dated: April 3, 1975.

LOREN K. PARCHER,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.75-9418 Filed 4-10-75;8:45 am]

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

CENSUS ADVISORY COMMITTEE ON SMALL AREAS

Public Meetings

The Census Advisory Committee on Small Areas will convene on May 22 and 23, 1975, at 9:15 a.m. in Room 2113, Federal Building 3, at the Bureau of the Census in Suitland, Maryland.

The Census Advisory Committee on Small Areas was established in 1965 to advise the Director, Bureau of the Census, on the development of statistical programs in metropolitan and other local communities regarding transportation, urban renewal, poverty, and other activities.

The Committee is composed of 14 members appointed by the Secretary of Commerce.

The agenda for the May 22 meeting is: (1) The statistical system planning process, (2) Geographic preparation for the 1980 Census, (3) Center for census use studies, and (4) Sub-city economic data.

The agenda for the May 23 meeting, which will adjourn at 12:30 p.m. is: (1) Increasing user awareness of sampling variability, and (2) 1980 Census planning activities.

A limited number of seats—approximately 15—will be available to the public. A brief period will be set aside on May 23 for public comment and questions. Extensive questions or statements must be submitted in writing to the Committee Control Officer at least three days prior to the meeting.

Persons planning to attend and wishing additional information concerning this meeting should contact the Committee Control Officer, Mr. Michael G. Garland, Chief, Data User Services Office, Bureau of the Census, Room 3555, Federal Building 3, Suitland, Maryland. (Mail Address: Washington, D.C. 20233). Telephone (301) 763-7720.

Dated: April 8, 1975.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.75-9513 Filed 4-10-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

EMERGENCY SCHOOL AID

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in the Emergency School Aid Act (Pub. L. 92-318, as amended by Pub. L. 93-380 (20 U.S.C. 1601-1619)), applications are being accepted from local educational agencies and from other public and private nonprofit organizations for basic grants under section 706(a) of the Act, pilot projects under section 706(b) of the Act, projects to be carried out by public or nonprofit private organizations under section 708(b) of the Act, bilingual projects under section 708(c) of the Act, and special arts projects, special mathematics projects, special student concerns projects, and other special projects under section 708(a) of the Act.

A. *Closing date for receipt of applications.* Applications for special projects under section 708(a) of the Act must be received by the U.S. Office of Education Application Control Center in Washington, D.C. on or before May 16, 1975.

Applications for basic grants, pilot projects, nonprofit organization projects, and bilingual projects under sections 706(a), 706(b), 708(b), and 708(c) of the Act, respectively, must be received by the appropriate U.S. Office of Education Regional Office on or before May 16, 1975.

B. *Applications sent by mail.* An application for a special project grant under section 708(a) of the Act sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202. The address for such applications should be marked: Attention 13.532.

An application for a grant under section 706(a), 706(b), 708(b) or 708(c) of the Act sent by mail should be addressed to the appropriate U.S. Office of Education Regional Office as follows:

REGION I

(Boston)—Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont:
U.S. Office of Education, Equal Educational Opportunity, John Fitzgerald Kennedy Federal Bldg., Government Center, Boston, Massachusetts 02203.

REGION II

(New York City)—New York and New Jersey:
U.S. Office of Education, Equal Educational Opportunity, Federal Bldg., 26 Federal Plaza, New York, New York 10007.

REGION III

(Philadelphia)—Delaware, District of Columbia, Maryland, Pennsylvania, Virginia, and West Virginia:
U.S. Office of Education, Equal Educational Opportunity, P.O. Box 13176, Philadelphia, Pennsylvania 19101.

REGION IV

(Atlanta)—Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee:
U.S. Office of Education, Equal Educational Opportunity, 50 7th Street NE., Atlanta, Georgia 30323.

REGION V

(Chicago)—Illinois, Indiana, Minnesota, Michigan, Ohio, and Wisconsin:
U.S. Office of Education, Equal Educational Opportunity, 300 South Wacker Drive, Chicago, Illinois 60606.

REGION VI

(Dallas)—Arkansas, Louisiana, New Mexico, Oklahoma and Texas:
U.S. Office of Education, Equal Educational Opportunity, 1114 Commerce Street, Dallas, Texas 75202.

REGION VII

(Kansas City)—Iowa, Kansas, Missouri, and Nebraska:
U.S. Office of Education, Equal Educational Opportunity, New Federal Office Bldg., 601 East 12th Street, Kansas City, Missouri 64106.

REGION VIII

(Denver)—Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming:
U.S. Office of Education, Equal Educational Opportunity, 1961 Stout Street, Denver, Colorado 80202.

REGION IX

(San Francisco)—Arizona, California, Hawaii, and Nevada:
U.S. Office of Education, Equal Educational Opportunity, 50 Fulton Street, Room 359, San Francisco, California 94102.

REGION X

(Seattle)—Alaska, Idaho, Oregon, and Washington:
U.S. Office of Education, Equal Educational Opportunity, Arcade Plaza Bldg.—M/S 628, 1321 Second Avenue, Seattle, Washington 98101.

An application sent by mail will be considered to have been received on time if:

(1) The application was sent to the appropriate office by registered mail not later than May 12, 1975, as evidenced by the U.S. Postal Service postmark on the wrapper or envelop, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by the appropriate U.S.O.E. mail room. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, the U.S. Office of Education, or the Regional Offices.)

C. *Hand delivered applications.* A hand delivered application for a special project grant under section 708(a) of the Act must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

A hand delivered application for a grant under sections 706(a), 706(b), 708(b), or 708(c) of the Act must be taken to the appropriate U.S. Office of Education Regional Office at the address listed under Part B of this notice. No application will be accepted after the normal close of business time of a U.S. Office of Education Regional Office on the closing date.

D. *Project periods.* Grant awards will be made pursuant to this notice for projects commencing no earlier than July 1, 1975, and (except for special student concerns projects under section 708(a) of the Act) terminating no later than June 30, 1976.

E. *Applicable regulations.* Grant awards made pursuant to this notice will be subject to the regulations in 45 CFR Part 185, relating to the Emergency School Aid Act, and except where inconsistent with Part 185, to the Office of Education general provisions regulations in 45 CFR Parts 100 and 100a, relating to direct project assistance programs. In addition, it is expected that such grant awards will be subject to amendments to Part 185, published in the FEDERAL REGISTER as a notice of proposed rulemaking on March 28, 1975 (40 FR 14166), after review of such amendments in light of public comment and upon their becoming effective. Therefore, applicants should consult the proposed regulations in developing their applications.

F. *Program information and forms.* Information and application forms for special projects under section 708(a) of the Act may be obtained from the Special Projects Branch, Equal Educational Opportunity, U.S. Office of Education, Room 2029, 400 Maryland Avenue SW., Washington, D.C. 20202.

Information and application forms for projects under sections 706(a), 706(b), 708(b) and 708(c) of the Act may be obtained from the appropriate U.S. Office of Education Regional Office.

(Catalog of Federal Domestic Assistance numbers 13.525 (Basic Grants), 13.526 (Pilot Projects), 13.528 (Bilingual Projects), 13.529 (Projects to be carried out by Public or Nonprofit Private Organizations), and 13.532 (Special Projects)).

Dated: April 7, 1975.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-9502 Filed 4-10-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

Notice of public meeting of the National Advisory Council on Vocational Education.

Notice is hereby given, pursuant to Pub. L. 92-463, a joint meeting of the National and State Advisory Councils will be held on May 1, 1975, from 8 a.m. to 4:30 p.m., local time and on May 2, 1975 from 9 a.m. to 12 noon, local time, at the International Inn, 10 Thomas Circle NW. Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for the which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereto.

The joint meeting of the National and State Advisory Councils on Vocational Education shall be open to the public. The proposed agenda includes:

Meeting Theme: "The Challenge to Vocational Education—Now and Future."

May 1, 1975 a.m. Registration, Welcoming Remarks, An Overview of the Meeting Theme, Presentation on Planning and Accountability, Presentation on Utilization of Federal Resources, Presentation on Administration; p.m. Government Officials Address the Meeting Theme, Representative from GAO, Representative from HEW, Representative from DOL.

May 2, 1975 a.m. Congressional Representatives Address the Meeting Theme, Representative of House Committee on Education, Representative of Senate Committee on Education.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425-13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C. on April 4, 1975.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.75-9474 Filed 4-10-75;8:45 am]

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

Notice of public meeting of the National Advisory Council on Vocational Education.

Notice is hereby given, pursuant to Pub. L. 92-463, that the National Advisory Council on Vocational Education will meet in regular session on April 30, 1975, from 1:30 p.m. to 5 p.m., local time, at the International Inn, 10 Thomas Circle, NW., Washington, D.C.

The National Advisory Council on Vocational Education is established under

section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes:

April 30, 1975 1:30 p.m.–2 p.m. Approval of March NACVE Meeting Minutes, Review of Agenda, Executive Director's Report, Report of the Chairman; 2 p.m.–3:45 p.m. Committee Meetings; 3:45 p.m.–5 p.m. Committee Reports.

The Council Administration and Information Committee will meet from 7 p.m.–8 p.m.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located at Suite 412, 425–13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C. on April 4, 1975.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc. 75-9475; Filed 4-10-75; 8:45 am]

VETERANS' COST-OF-INSTRUCTION PROGRAM—PAYMENTS TO INSTITUTIONS OF HIGHER EDUCATION

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 420 of the Higher Education Act of 1965 (20 U.S.C. 1070e–1), applications for funds are being accepted from institutions of higher education under the Veterans' Cost-of-Instruction Program.

Applications must be received by the Veterans' Programs Branch, U.S. Office of Education on or before May 12, 1975.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: Veterans' Programs Branch, U.S. Office of Education, ROB #3, Room 4616, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention 13.540. An application sent by mail will be considered to be received on time by the Veterans' Programs Branch if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education, Veterans' Programs Branch, Room 4616, Regional Office Building Three, 7th and D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Veterans' Programs Branch, U.S. Office of Education, Room 4616, ROB #3, 7th and D Streets SW., Washington, D.C. 20202, or from the various Regional Offices of the Office of Education.

D. *Applicable regulations.* The regulations applicable to this program were published as a notice of proposed rulemaking in the FEDERAL REGISTER on January 6, 1975, 40 FR 1053. Because of the need to receive, process, and approve applications before the end of the fiscal year, applications will be received under the proposed regulations.

Dated: April 7, 1975.

(Catalog of Federal Domestic Assistance Program No. 13.540, Higher Education—Cost of Veterans' Instruction (VCIP))

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.75-9554 Filed 4-10-75;8:45 am]

Office of the Secretary

RELATIONSHIP BETWEEN PSYCHOLOGICAL WELL-BEING AND MANPOWER PROGRAM SUCCESS

Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the results of an HEW project titled, "An Examination of the Relationship Between A Measure of Psychological Well-Being and A Measure of Manpower Program Success."

This study was an analysis of some of the data collected by the Office of Economic Opportunity Longitudinal Manpower Training Program Evaluation where interviews were held with some seven thousand enrollees in MDTA, JOBS, Job Corps, and Neighborhood Youth Corps. Interviews were completed early in their program enrollment, at their departure from the program, and at four and twelve months after program departure. This study examined the relationship between psychological well-being as measured by the Affect Balance Scale and program departure and enrolee evaluation of their manpower training program.

A strong relationship was found between psychological well-being and length of stay in the program as well as how enrollees evaluated their program experience. Although sex, marital status, age, arrest record, and program were also found to be significantly related to mean length of program stay, psychological well-being alone was an exceptionally accurate predictor of the proportion of enrollees remaining for any given length of time in the programs. Race was not found to be related to length of stay in the programs. The data indicated the programs, with the partial exception of JOBS, had limited "holding power" on enrollees and that any enrollee's remaining in a manpower training program was related to his ability to withstand psychological stress, a finding which warrants further study.

A copy of this report will be filed and available as soon as possible from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: April 7, 1975.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.75-9458 Filed 4-10-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-279; OILSR No. 0-1642-05-115, Docket No. Y-869]

MOUNTAIN VIEW VILLAGE

Hearing

Notice is hereby given that: 1. Blanca City Development Company, Albert Perry, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90–448) (15 U.S.C. 1701 et seq.) received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Mountain View Village, located in Costilla County, Colorado, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an answer received March 13, 1975, in response to the

notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on April 18, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410 on or before April 11, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-9478 Filed 4-10-75;8:45 am]

[Docket No. N-75-281 OILSR No. 0-0883-09-210, Docket No. Y-830]

ROYAL OAK GOLF AND COUNTRY CLUB

Hearing

Notice is hereby given that: 1. Royal Oak Development, Jack Cox, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Dale Hollow Shores Subdivision, located in Brevard County, Florida, contain untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 13, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the Notice of Proceedings and Opportunity for Hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on April 30, 1975 at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410, on or before April 23, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

JAMES W. MAST,
Administrative Law Judge.

[FR Doc.75-9476 Filed 4-10-75;8:45 am]

[Docket No. N-75-280 OILSR No. 0-3772-09-1006, Docket No. Y-1088]

SILVER SPRINGS WOODS

Hearing

Notice is hereby given that: 1. Silver Spring Woods, Ltd., John L. Gunn, President, its officers and agents, hereinafter referred to as "Respondent," being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Pub. L. 90-448) (15 U.S.C. 1701 et seq), received a notice of proceedings and opportunity for hearing issued February 27, 1975, which was sent to the developer pursuant to 15 U.S.C. 1706(d), 24 CFR 1710.45(b)(1) and 1720.125 informing the developer of information obtained by the Office of Interstate Land Sales Registration alleging that the Statement of Record and Property Report for Silver Springs Woods, located in Marion County, Florida, contains untrue statements of material fact or omit to state material facts required to be stated therein as necessary to make the statements therein not misleading.

2. The Respondent filed an Answer received March 13, 1975, in response to the notice of proceedings and opportunity for hearing.

3. In said Answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(d), *it is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Judge James W. Mast, in Room 7146, Department of HUD, 451 7th Street, SW., Washington, D.C., on April 22, 1975, at 10 a.m.

The following time and procedure is applicable to such hearing:

All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410, on or before April 15, 1975.

6. The Respondent is hereby notified that failure to appear at the above scheduled hearing shall be deemed a default and the proceedings shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the Statement of Record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

By the Secretary.

Dated: March 28, 1975.

J. W. MAST,
Administrative Law Judge.

[FR Doc.75-9477 Filed 4-10-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1975, November 12, 1974 (39 FR 39964).

INDUSTRIAL CLASS 7699

Repair and Maintenance of Electric and Manual Typewriters, U.S. Government Federal Building, U.S. Customs Service, U.S. Post Office, Milwaukee, Wisconsin.

Comments and views regarding this proposed addition may be filed with the Committee not later than May 12, 1975. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street, North, Suite 610, Arlington, Virginia 22201.

This notice is automatically cancelled six months from the date of this FEDERAL REGISTER.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-9479 Filed 4-10-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS

Notice of Issuance

Pursuant to Docket No. HM–1, rule-making procedure of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR 170, following is a list of new DOT Special Permits upon which Board action was completed during March 1975.

Special permit No.	Issued to—Subject	Mode or modes of transportation
SP 6865	Ferguson Fumigants, Inc., Hazelwood, Missouri, to ship Methyl bromide, liquid in twin DOT Specification MC–330 cargo tanks having a design pressure of 250 psi.	Motor vehicle.
SP 6976	Monsanto Company, St. Louis, Mo., to ship a liquefied flammable compressed gas in non-DOT Specification steel tank, designed to the ASME Code, Section VIII for 225 psig service pressure, having a volumetric capacity not exceeding 108 gallons.	Motor vehicle.
SP 6982	Stauffer Chemical Co., Westport, Conn., to make limited shipments of Yellow phosphorus in thirty gallon capacity, 16-gauge steel drums complying with DOT Specification 6B except markings erroneously indicate compliance with DOT Specification 5B480.	Cargo vessel, motor vehicle, rail freight.
SP 6983	National Aeronautics and Space Administration, Houston, Texas, to ship Oxygen in a non-DOT Specification refillable cylinder, having internal copper fins, made of two seamless Inconel 718 shells having one girth weld.	Cargo-only aircraft, motor vehicle.
SP 6984	Trojan-U.S. Powder, Allentown, Pa., and another to ship Electric blasting caps—1,000 or less in inside pasteboard cartons or tubes overpacked in a IME Standard 22 container.	Motor vehicle.
SP 6985	Sandia Laboratories, Albuquerque, N.M., to ship diallyl phthalate-pyrotechnic material as a flammable solid when not more than one pound net weight of the commodity is packed in one outside container consisting of an aluminum case in a DOT Specification 15A wooden box.	Motor vehicle.
SP 6987	Coulter Diagnostics, Inc., Hialeah, Florida, to ship certain corrosive liquids in inside polyethylene bottles having volumetric capacity of one quart (liter) as a partial exemption package.	Motor vehicle, Passenger-carrying aircraft, Cargo-only aircraft.
SP 6989	Great Lakes Chemical Corporation, Lafayette, Indiana to transport Methyl bromide, liquid in suspect lightweight original packaging involved in a recall program.	Motor vehicle.
SP 6990	American Cyanamid Company, Wayne, N.J., to make limited shipments of Dimethyl sulfate in foreign-made, non-DOT Specification 16 gage steel, tight-head drums, of 55 gallon capacity. Drums must be as efficient as DOT–5C drums.	Motor vehicle.
SP 6992	Grumman Aerospace Corporation, Bethpage, New York, to ship certain non-flammable compressed gases in a reservoir-condenser unit and heat pipes forming a radiator panel.	Motor vehicle, Cargo-only aircraft.
SP 6993	Mitsui & Co. (U.S.A.), Inc., N.Y., N.Y., to ship Hydrofluoric acid not over 70 percent strength in 55-gal., non-DOT Specification 18 gauge steel overpack with an inside polyethylene liner which meets DOT Specification 2SL except for permanent markings.	Cargo vessel, Motor vehicle.

ALAN I. ROBERTS,
Secretary.

[FR Doc.75–9480 Filed 4–10–75;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting

On April 30 and May 1, 1975, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, Room 2232, 400 Seventh Street, SW., Washington, D.C. The Advisory Council is composed of 25 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On April 30 at 9 a.m. the Consumer and Public Information Committee will meet. The Accident Avoidance and Operating Systems Committee will meet on April 30, at 9 a.m. The Crashworthiness Committee will meet at 1 p.m. on April 30. On May 1 at 9 a.m. the full Council will meet.

Additional agenda items will be published as soon as available and prior to the meeting. For further information contact the NHTSA Executive Secretary, Room 5215, 400 Seventh Street, SW., Washington, D.C., telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Pub. L. 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: April 8, 1975.

WM. H. MARSH,
Executive Secretary.

[FR Doc.75–9691 Filed 4–9–75;5:05 p.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 26679; Order 75–3–103]

CERTAIN AIR CARRIERS AND CANADIAN AIR CARRIERS

Charter Trips Between United States and Canada

Correction

In FR Doc. 75–8425, appearing on page 14627 of the issue of Tuesday, April 1, 1975, the second full paragraph on page 14628, numbered "2." should be transferred so as to be the third full paragraph on that page. The numbering should stay with the paragraph.

[Order 75–4–33; Dockets 27391, 27427]

DEUTSCHE LUFTHANSA AKTIENGESELLSCHAFT ET AL.

Order Dismissing Complaints

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of April, 1975.

On January 14 and January 21, 1975, respectively, Trans World Airlines, Inc. (TWA) filed complaints requesting suspension and investigation of certain transatlantic cargo rates filed by Deutsche Lufthansa Aktiengesellschaft (Lufthansa), Seaboard World Airlines, Inc. (Seaboard), and matched by Pan American World Airways, Inc. (Pan American).[1] The complaints deal with reductions in high weightbreak, 15,000 kg. specific commodity rates and in container rates for B–747F aircraft, proposed for application from Germany to the United States.[2]

In support of its complaint, TWA alleges that the proposed 15,000 kg. rates are uneconomic, would distort the traditional relationship between high weightbreak bulk and container rates, and would also distort the established relationship between high weightbreak rates from Germany compared to rates from other European points. Regarding the B–747F container rates, TWA contends that the proposed rates would seriously undercut rates available for other, smaller containers, and that the rate reduction involved would have a serious adverse impact on TWA's U.S.-Europe freight revenues.

Seaboard and Lufthansa have filed answers to TWA's complaint against the B–747F container rates. The respondents generally assert that the rates were filed at the insistence of the German Ministry of Transport for the purpose of preventing further diversion of Germany-originating high volume traffic via France, which has come about due to the fact that the Deutschemark has appreciated to a much greater degree in recent months vis-a-vis the U.S. dollar

[1] Air Tariffs Corporation, Agent, Tariffs C.A.B. Nos. 50 and 52.

[2] These tariffs revisions became effective February 9, 1975.

than has the Franc.[3] As a result, shippers in Germany could ship their U.S.-destined traffic from Strasbourg or Mulhouse after trucking it to those points from Germany, and achieve a considerable savings. The reductions in the Germany-U.S. rate levels merely reflect the greater value of the Deutschemark, and will serve to limit diversion of Germany-U.S. traffic via France. The respondents also state that it is difficult to understand TWA's complaint in light of its suspension of all service to Germany.

Upon full consideration of the tariff filing, the complaints and the answers thereto, the Board has determined to dismiss the complaints. TWA has not demonstrated that it would suffer injury, particularly in light of its suspension of U.S.-Germany service. It appears clear that the new rates, rather than representing an uneconomic reduction, merely reflect the greater appreciation in the value of the Deutsche mark compared with the Franc, and without an appropriate adjustment in rate levels Germany-originating traffic will continue to suffer from diversion via France. The proposal is a legitimate effort by the German Government and Lufthansa to protect its national market from diversion caused by currency fluctuations, and in these circumstances the Board cannot accede to TWA's request.

Accordingly, *it is ordered*, That: The complaints of Trans World Airlines, Inc. in Dockets 27391 and 27427 be and hereby are dismissed.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-9510 Filed 4-10-75;8:45 am]

[Docket No. 27334; Order 75-3-106]

EASTERN AIR LINES, INC.

Order To Show Cause

Correction

In FR Doc. 75-8427 appearing at page 14628 in the issue of Tuesday, April 1, 1975, in the third column the first full paragraph, the number now reading, "289" in the fourteenth line should read, "389".

[Docket No. 27468; Order 75-3-95]

FREE ALCOHOLIC BEVERAGES TO COACH PASSENGERS

Order Denying Petition for Reconsideration

Correction

In FR Doc. 75-8424 appearing at page 14629 in the issue of Tuesday, April 1, 1975, the order number should appear as stated above.

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[3] The present rates, it is alleged, were based on values of 19.5 cents for the Franc and 30.8 cents for the Deutschemark, but the Deutschemark has since appreciated by 26.8 percent while the Franc has appreciated only 11.2 percent.

[Docket 27114, et al.; Order 75-4-4]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

Reconsideration and Labor Issues; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of April 1975.

In FR Doc. 75-8980 appearing at page 15430 in the issue of Monday, April 7, 1975, the reference number to footnote 17 was inadvertently omitted. It should appear on page 15432, second column, second full paragraph, third line after the word, "American."

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-9509 Filed 4-10-75;8:45 am]

[Order 75-4-34; Docket 26654]

REEVE ALEUTIAN AIRWAYS, INC.

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of April, 1975.

By Order 75-1-2, January 2, 1975, the Board proposed to amend Reeve Aleutian Airways' (Reeve's) service mail rate to provide a fuel surcharge for its intra-Alaska operations, to be effective on and after January 2, 1975.

Reeve and the Postal Service filed timely objections and answers with respect to the proposed amendment of Reeve's service mail rate. Both parties object to application of the proposed surcharge on a prospective basis only, and contend that the surcharge should apply on and after April 27, 1974, the day following the date on which Reeve filed its petition seeking a fuel-related surcharge. Essentially it is Reeve's position that the Board has erroneously applied rule 303(b) of the rules of practice so as to preclude application of the fuel surcharge from April 27, 1974, forward. The carrier states that it is inconsistent for the Board in one breath to establish fair and reasonable rates for the transportation of mail pursuant to section 406 of the Act, and in the next breath to deny application of such rates for a period of seven months. Reeve contends that such action will deprive the carrier of $72,000 in 1974 revenue, which it states is an amount equal to 40 percent of its total profits for that year. Reeve first argues that its petition has met all the requirements of rule 303(b), but even if it were lacking in some degree the Board need only treat the filing either as a petition to institute a mail rate proceeding, or as a petition to open Reeve's mail rate to the extent necessary to establish a fuel-related surcharge, and application of the surcharge could then apply from April 27, 1974.

Reeve also argues that, if its petition is technically deficient, the Board should not be a slave to its rules and cites authority for the exercise of agency discretion in the application of its own rules. Finally, Reeve notes that the fuel-cost escalations have been "unique" and "unprecedented" for the air carrier and cites actions of the Board granting fuel-related increases, some of which it contends were granted retroactively.[1]

The Postal Service in its answer contends that the petition filed by Reeve fully meets the requirements of rule 303(a), and that the Board has misinterpreted the requirements of rule 303(b). With regard to the latter, it is the Postal Service's position that a carrier need only challenge the rate for the entire ratemaking unit, and need not challenge every kind of cost underlying the rate.

Upon consideration of the answers filed herein, we conclude that our statements with respect to rule 303 were correct, and that one element of cost cannot be examined without reference to the reasonableness of the entire rate. For that reason, in reopening Reeve's final mail rate in Order 75-1-2, we determined that the overall rate, including a surcharge for increased fuel costs, would not be unreasonable. We adhere to that view. Nevertheless, since both the carrier and the ratepayer (i.e., the Postal Service) insist that any rate increase should be retroactive and no other person is affected, we have reconsidered our disposition of the case. Upon doing so, we conclude that we shall consider Reeve's mail rate to be open as of the date the Postal Service filed its answer in support of Reeve's petition; i.e., May 1, 1974. We therefore propose new final mail rates for Reeve in accordance with the effective dates set forth herein.

However, despite the support of the Postal Service and our determination to alter the effective date of the rates proposed, the Board is nevertheless required under the Act to make an independent determination as to the reasonableness of mail rates. In this regard, the delay in issuing Order 75-1-2 was primarily caused by the difficulty encountered in obtaining data from the carrier, as noted in Order 75-1-2. The basic problem was that the carrier's petition was apparently keyed to full impact for its May 1, 1974, contract prices, but the actual incurrence by Reeve of the May 1 contract costs in its operations took place over a period of time as the carrier's fuel inventories, at pre-May 1 prices, were depleted at its various fueling points. Absorption of prior-period inventories was not completed until October 1974. Accordingly, from May 1 through September 30, 1974, fuel cost increases occurred in gradual stages and did not reach the full May 1 contract level until approximately October 1, 1974.

As detailed in Appendices I through III,[2] we have computed quarterly fuel

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[1] The cases cited do not support Reeve's contentions. The cited mail rate cases involved temporary rate situations or an instance where the rate was formally opened by the Board, and there was no retroactive rate application beyond the date of the institution of the proceeding. The other cases involve passenger fares or freight rates, which may not be applied retroactively in any case.

costs reported for the second and third quarters of 1974, annualized for reported operations during the year ended September 30, 1974, to obtain the average annual fuel cost per revenue ton-mile at the graduated increased fuel cost levels experienced from May 1 through September 30, 1974. Comparing these unit fuel costs with that reflected within the base mail rate determination for Reeve for the base year ended June 30, 1969, produces fuel surcharge determinations of 2.36 and 4.03 cents per great-circle mail revenue ton-mile for the periods May 1 through June 30, 1974, and July 1 through Setpember 30, 1974, respectively. As set out in Appendix IV,[2] the foregoing rate adjustments plus a fuel surcharge of 5.03 cents per great-circle mail ton-mile on and after October 1, 1974, produce approximately $53,000 additional service mail payments to Reeve for the period May 1 through December 31, 1974. Examination of the carrier's reported operations indicates that existing mail rates increased by these amounts could not result in overpayments to the carrier for the carriage of mail.

Wherefore, we tentatively find and conclude that the fair and reasonable final rates of compensation to be paid by the Postmaster General to Reeve Aleutian Airways, Inc., for the transportation of mail by aircraft over its intra-Alaska routes, the facilities used and useful therefor, and the services connected therewith, are the rate established in Order 71-7-111, July 20, 1971, plus the following fuel surcharges per great-circle mail ton-mile:

	Cents
May 1 through June 30, 1974	2.36
July 1 through Sept. 30, 1974	4.03
On and after Oct. 1, 1974	5.03

Accordingly, pursuant to the Federal Aviation Act of 1958, particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302,

It is ordered, That: 1. All interested persons, and particularly Reeve Aleutian Airways, Inc., and the Postmaster General, are directed to show cause why the Board should not amend Order 71-7-111, July 20, 1971, so as to adopt the service mail rates per great-circle mail ton-mile of: (a) $0.7036 effective from May 1 through June 30, 1974; (b) $0.7203 effective from July 1 through September 30, 1974; and (c) $0.7303 effective on and after October 1, 1974, subject to the terms and conditions as set forth in Order 71-7-111;

2. Further procedures herein shall be in accordance with the rules of practice, 14 CFR, Part 302, and if there is any objection to the rates and charges or to the related findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after the date of service of this order;

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of an order fixing final service mail rates and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the rates herein specified;

4. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR, 302.307; and

5. This order shall be served upon Reeve Aleutian Airways, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.75-9512 Filed 4-10-75;8:45 am]

[2] Appendices I through III filed as part of the original document.

[3] Appendix IV filed as part of the original document.

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

STRUCTURE AND INTERNAL PROCEDURES; RECOMMENDATIONS FOR CHANGE

Hearings

APRIL 7, 1975.

The Commission on Revision of the Federal Court Appellate System has announced six days of hearings on creation of a National Court of Appeals and on other recommendations for change in the structure and internal procedures of the Federal courts of appeal system.

The hearings will be held in Washington, D.C. on April 15 and 16, 1975, in St. Louis on April 21 and 22, and again in Washington on April 28 and 29.

The hearings will focus on the Commission's preliminary report entitled "Structure and Internal Procedures: Recommendations for Change," dated April 1975. That report describes the need for a new national appellate court and makes specific recommendations with respect to its jurisdiction and structure.

In addition, the report details proposals concerning oral argument, opinion writing, and the role of the bar in designing local court rules in the various circuits. Other proposals concern eligibility of judges for senior status and the filling of judicial vacancies.

Copies of the preliminary report are available from the Commission offices:

209 Court of Claims Building, 717 Madison Place NW., Washington, D.C. 20005. Telephone: (202) 382-2943.

The April 15th hearings will be held in Room 212 of the Russell Senate Office Building; the April 16th hearings in Room S-207 of the Capitol. In St. Louis the hearings will be held on both April 21st and 22nd in Courtroom No. 1, U.S. Court of Appeals, 5th Floor, U.S. Court and Custom House, 1114 Market Street, St. Louis, Missouri. The hearings in Washington, D.C. on April 28th and 29th will be held in Room 1114 of the Dirksen Senate Office Building. All hearings are scheduled to begin at 10 a.m. and to continue through the afternoon.

Interested persons who desire to testify at any of the hearings are asked to communicate with the Executive Director of the Commission at the address listed above as soon as possible. The Commission also invites the submission of written statements on subjects covered by its preliminary report.

A. LEO LEVIN,
Executive Director.

[FR Doc.75-9481 Filed 4-10-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from March 31, through April 4, 1975. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements in forty-five (45) days from this FEDERAL REGISTER notice of availability (May 27, 1975). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: David Ward, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3853.

Draft

Rogue River Watershed, Mich., several counties, March 31: This project consists of a combination of land treatment, channel work and a pumping station to reduce the problems of flooding and poor drainage in the Rice Lake problem area and land treatment to improve management and erosion problems throughout Rogue River Watershed in west-central Michigan. The following adverse impacts will result: shift of 94 acres of cropland to grassland; sediment and erosion along 11.6 miles of channel work during construction and until stabilize; and temporary construction noise and disruption of wildlife habitat, and benthos community. (ELR Order No. 50450.)

FOREST SERVICE

Draft

Basket Bay No. 2 Timber Sale, Tongass National Forest, Alaska, April 3: The statement deals with the proposal to salvage ap-

proximately 5.5 million board feet of blowdown timber from the 1968 Thanksgiving Day storm within the Kook Lake watershed on Chichagof Island. No roads would be constructed or reconstructed and the timber would be clearcut utilizing a helicopter yarding system. The project would remove 186 acres from an undeveloped category, and would result in noise that could have an impact on recreation use of Kook Lake cabins. (ELR Order No. 50404.)

Kilkenny Unit Plan, White Mountain National Forest, Coos County, N.H., March 31: The statement concerns a land use plan for 54,000 acres of the White Mountain National Forest. The plan includes major deer yard management, strategic water quality management, timber sales producing over 4 million board feet per year, acquisition priorities on major inholdings, use of fire management for wildlife habitat improvement, and minimal development of recreation facilities. Dispersed off-road recreation will contribute to increased solid waste problems. (ELR Order No. 50464.)

Herbicide Use, Colville, Okanogan, Wenatchee National Forest, several counties in Washington, April 2: The addendum statement concerns vegetation management on Colville, Okanogan, and Wenatchee National Forests from July 1, 1975 through June 30, 1976. The plan involves the use of herbicides 2,4–D, 2, 4,5–T, Dalapon, and Monosodium acid methanearsenate to reduce the competition from native vegetation where it hampers forest management activities. Some nontarget species may be affected. (ELR Order No. 50479).

Final

Elk Summit Unit, Clearwater National Forest, Idaho County, Idaho, March 31: Proposed is a revised land use plan for the 82,627 acre Elk Summit Planning Unit, Powell Ranger District, Clearwater National Forest, under which the Unit would be divided into 11 subunits for management. Under the plan, 41% of the Unit would be available for commercial timber harvest in the standard and marginal components; timber yields would be reduced in special management areas (32% of the Unit); and the remainder of the Unit would be non-commercial or unregulated timber. A total of 36,800 acres will remain roadless but with portions being available for commercial timber harvest by aerial or long line logging systems. A total of 46,200 acres will be available for development with roads. Comments made by: DOI, EPA, and COE. (ELR Order No. 50452.)

Eureka-Gave Creek Unit, Kootenai National Forest, Mont., April 4: Proposed is the implementation of a multiple use plan for the 93,585-acre Eureka-Grave Planning Unit of the Kootenai National Forest. Management values will include wilderness; big game forage; grizzly bear habitat; watershed protection; timber production; recreation; and visual resources. There will be adverse impact from timber harvest and road construction. Comments made by: USDA, EPA, DOI, State and local agencies. (ELR Order No. 50497.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Marion Unit No. 4, Williamson, County, Ill., April 1: The action involves the request for guaranteed loan funds by the Southern Illinois Power Co-op for construction of a new 160,000 net kilowatt generating unit at the Marion Station located in Williamson County, Illinois. The proposed addition will burn a mixture of coal and "gob" refuse. Some oxides of sulfur and nitrogen along with particulate matter will be released into the atmosphere. Also, during the life of the plant there will be environmental effects resulting from the mining of "gob" refuse and coal. (ELR Order No. 50476.)

Reid Plant addition, Henderson, Webster, and McLean Counties, Ky., April 3: The Big Rivers Electric Corporation intends to apply for financial assistance from REA to provide for additional coal-fired steam generating capacity at the existing Reid generating station. In addition, the project will include 50 miles of 161 kv transmission line. Some oxides of sulfur and nitrogen along with particulate matter will be released to the atmosphere from the coal-burning plant, and impact is expected on the Green River. The transmission lines will result in some land use changes, visual impact, and some minor erosion (42 pages). (ELR Order No. 50493).

SOIL CONSERVATION SERVICE

Draft

Cypress Creek Watershed, Alabama and Tennessee, March 31: The statement concerns a project for watershed protection and flood prevention in Lauderdale County, Alabama, and Wayne County, Tennessee. The plan includes 19 floodwater retarding structures and 14.4 miles of channel work. About 420 acres of land will be cleared for sediment pools, dam, and spillway areas. There will be a loss of 1,340 acres of pasture and row crops and 785 acres of forest land within detention pools. An additional 208 acres of wildlife habitat will be lost. (ELR Order No. 50455.)

Draft

Yantic River Watershed (2) New London and Tolland Counties, Conn., March 31: The revised draft statement proposes a project for watershed protection and flood prevention for the 61,400-acre Yantic River Watershed. The dams will permanently inundate about 6,500 feet of trout stream and 250 acres of land, and will temporarily inundate 527 acres and 20,000 feet of stream. The project will also require the relocation of 11 homes and 31 persons (81 pages). (ELR Order No. 50468.)

Second Broad River Watershed, McDowell, Rutherford, and Cleveland Counties, N.C., March 31: The statement concerns a project for watershed protection and flood protection on 15,795 acres of the Second Broad River Watershed and includes construction of 10 single-purpose floodwater retarding structures, and two multiple-purpose structures. The project will inundate 10 miles of stream fishery habitat, 504 acres of wildlife habitat, and 274 acres of productive forest land. (ELR Order No. 50472.)

Pollard Creek Watershed Project, Palo Pinto County, Tex., March 31: Proposed is a project for watershed protection and flood prevention for 7,260 acres of Pollard Creek watershed. The plan includes the installation of two floodwater retarding structures requiring 185 acres of land. The project will result in the destruction of 41 acres of wildlife habitat and the alteration of 10 acres of habitat. (ELR Order No. 50446.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–967–4335.

Draft

Atlantic bluefin tuna as threatened species, March 31: The statement concerns the proposal to list the Atlantic bluefin tuna, Thunnus thynnus thynnus, as a threatened species under the authority of the Endangered Species Act of 1973. The observed decrease in the catch of the tuna by fishermen indicates severe declines in the population of mid- and large-size fish. Listing the tuna as a threatened species would provide management capabilities. (ELR Order No. 50445.)

Old Woman Creek Estuarine Sanctuary, Erie County, Ohio, April 4: The statement concerns a grant to be awarded to the State of Ohio to acquire, develop, and operate an estuarine sanctuary in Erie County. About 980 acres of land and water in Old Woman Creek and surrounding lands would be acquired and protected. Land and water uses would be restricted and mineral exploitation prohibited within sanctuary boundaries. Agriculture within the proposed sanctuary, if allowed, would be limited in extent and strictly controlled. (ELR Order No. 50500.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–6861.

Draft

San Juan Harbor, March 31: The statement proposes to deepen, widen and extend San Juan Harbor navigation channels and turning basins. Approximately 12,795,000 cubic yards of material will be dredged and placed in an open water disposal site two miles offshore. Dredging will kill a number of benthic organisms in the harbor and disposal area. Dissolved zinc and mercury concentrations will rise to pollution levels in the disposal area. Temporary increases in turbidity will also result from the dredging and dumping. (Jacksonville District.) (ELR Order No. 50449.)

Fairfield Vicinity Streams, Solano County, Calif., April 2: The project includes approximately 9.25 miles of channel work on five streams: Ledgewood Creek, Pennsylvania Avenue Creek, Union Avenue Creek, Laurel Creek, and McCoy Creek for purposes of flood protection to 3,570 acres of urban land and potentially urban land. There would be a loss of some 3,300 feet of dense vegetation, 8,000 feet of less valuable vegetation, and the displacement of some wildlife species. The project will encourage urban development. (Sacramento District.) (ELR Order No. 50480.)

Elk City, Fall River, and Toronto Lakes, Montgomery, Greenwood, and Woodson Counties, Kans., March 31: At Elk City, Fall River, and Toronto Lakes consisting of reservoir regulation, flood control, management of leases, and project management and maintenance activities. Adverse impacts include erosion and/or compaction due to heavy recreational use, traffic in unauthorized areas, and alteration of the natural environment through recreational development and other minor construction activities. (Tulsa District.) (ELR Order No. 50469.)

Central Maine Power, Wyman Unit No. 4, Maine, March 31: Proposed is the addition of a 600 megawatt electric generating unit to the present plant capacity of 224 MW. The plant would consume approximately 200 million gallons of fuel oil per year, increasing emissions to the earth's atmosphere. The project also entails dredging from Casco Bay and raising of Casco Bay seawater used for cooling 25 degrees F. Marine life will also be entrained in the cooling system. (Waltham District.) (ELR Order No. 50448.)

Delaware River, adjacent waterways, maintenance, New Jersey, Pennsylvania, and Delaware, March 31: Proposed is the continued operation and maintenance in the

navigable portions of the Delaware River and adjacent waterways including repair of training structures and dredged material disposal on existing and proposed upland and riparian sites. Dredging will reduce water quality and cause temporary turbidity and disposal of dredged materials will destroy vegetation on the disposal site. (Philadelphia District.) (ELR Order No. 50456.)

Robinson's Branch of Rahway River (2) Union County, N.J., April 3: The statement, a revised draft, concerns a plan for flood control on Robinson's Branch of the Rahway and Pumpkin Patch Brook consisting of channel modifications, levees, floodwalls, and flumes. Floodgates or stop-log structures will be installed on two streets in Rahway, N.J. and two bridges will be replaced. Removal of vegetation, some loss of fish and wildlife habitat, changes in channel alignment and the aesthetic effect of the modified appearance of the streams will result from the project. (New York District.) (ELR Order No. 50491.)

Great Sodus Bay, Little Sodus Bay, and Oswego Harbors, several counties, N.Y., March 31: The statement proposes the periodic dredging of about 43,000 cubic yards from Great Sodus Bay Harbor, 37,000 cubic yards from Oswego Harbor for the continued safe deep draft navigation in the harbors. Unpolluted sediments dredged from the Sodus Bay Harbors will be deposited in designated areas of Lake Ontario; polluted sediments dredged from Oswego Harbor will be deposited in a confined disposal facility upon its completion. Dredging will disturb benthic communities, and fish populations resuspend toxic substances, increase turbidity levels, generate noise, odor and dust and release air pollutants. (Buffalo District.) (ELR Order No. 50451.)

Fort Fisher and vicinity, New Hanover County, N.C., March 31: The statement, a revised draft, proposes a project that would preserve the Fort Fisher Historic Site and related facilities by means of a rubble revetment along the entire upland bluff fronting the Site, artificial beach fill, and periodic beach replenishment. Temporary construction disruption would result. (Wilmington District.) (ELR Order No. 50447.)

Diked Disposal Facility No. 3, Ashtabula Harbor, Ohio, Ashtabula County, March 31: Proposed is the construction and operation of a 32-acre rubblemound diked disposal facility to receive polluted sediments to be dredged from Lake Erie harbors at Ashtabula and Conneaut, Ohio for a 10-year period. Residents and water recreationists in the vicinity of the proposed site may experience some odor and noise during discharge of polluted sediments into the completed facility. (Buffalo District.) (ELDR Order No. 50462.)

Presque Island Peninsula Beach Erosion Project, Erie County, Pa., April 3: The statement concerns the construction of three partial breakwaters at strategic points along the north shore of Presque Isle State Park to control beach erosion. Annual or semi-annual maintenance will consist of removing accumulated sand from beaches behind the breakwaters and redistributing it along the beaches. There will be noise, disruption and turbidity for two or three bathing seasons during maintenance following construction. Some lake bottom habitat will be destroyed by the presence of the breakwaters, and the development of sandpits at Gull Point may be affected by reduced quantities of drift (Buffalo District.) (166 pages). (ELR Order No. 50487.)

Cornucopia and Port Wing Harbors Bayfield County, Wis., March 31: The proposed action is the continued operation and maintenance of Cornucopia and Port Wing Harbors on Lake Superior. The harbors are used primarily by commercial fishing and recreation craft. Dredged materials would be deposited in an open-lake site at Port Wing Harbor, causing re-suspension of polluted materials, and in an on-land area at Cornucopia, killing existing vegetation. Temporary stockpiling on the lake shore of polluted dredged material for construction projects will result in leaching. (St. Paul District.) (ELR Order No. 50459.)

Final

Chatfield Lake, Colorado Project, Colorado, April 3: The statement refers to a dam and lake that are being constructed just downstream from the confluence of the South Platte River and Plum Creek. The dam is a rolled earthfill structure, over 13,000 feet long. The lake will have a permanent pool of 1,150 acres; a total of 6,919 acres will be committed to the project. Project purposes are flood control and recreation. There will be some loss of fish habitat, riparian vegetation, and hunting opportunity (Omaha District). Comments made by: USDA, DOT, DOI, HUD, EPA, State and local agencies. (ELR Order No. 50488.)

Bolles Harbor, confined disposal facility, Michigan, April 1: The project involves the construction of a confined disposal facility for polluted dredged materials from the La Plaisance Creek navigation channel at Bolles Harbor. Adverse impacts are the loss of 24.6 acres of La Plaisance bay land and open water, and the creation of a possible habitat for attached phytoplankton (Detroit District). Comments made by: USDA, DOC, HEW, HUD, DOI, DOT, USCG, EPA, State and local agencies. (ELR Order No. 50474.)

Flood Control, Saginaw and Flint Rivers, Genesee County, Mich., April 3: Proposed is a flood control project for the Flint River. Project measures include the realignment and modification of 11,000 feet of the Flint River, and 8,900 feet of Swartz and Thread Creek, tributaries to the Flint. The project is designed to provide protection against a once-in-67-year flood. Adverse impact will include construction disruption, and increases in suspended sediment levels (Detroit District). Comments made by: DOI, EPA, DOC, USDA, USCG, HEW, FPC, State and local agencies. (ELR Order No. 50495.)

Tawas Bay Harbor, Tosco County, Mich., April 4: The statement refers to the establishment of harbor facilities for small craft in Tawas Bay at the City of East Tawas, Tosco County. The proposed development would provide an anchorage area protected on 3 sides by a breakwater system and connected to the open water of Lake Huron by an approach channel. Adverse impacts are damage to aquatic environment during construction, and degradation of water quality due to increased boat traffic (Detroit District). Comments made by: USDA, EPA, DOC, DOT, HUD, DOI, State and local agencies. (ELR Order No. 50496.)

Pat Mayse Lake, Sanders Creek, Lamar County, Tex. March 31: The statement refers to the continued operation and maintenance of Pat Mayse Lake, Sanders Creek, a flood control and reservoir regulation project. Adverse effects of the operation are those which result from heavy recreational use, and the action of pool fluctuation on the shoreline (Tulsa District). Comments made by: EPA, HUD, DOI, DOT, USDA, DOC, HEW, State agencies and conservation interests. (ELR Order No. 50444.)

Aberdeen Creek, maintenance dredging, Gloucester County, Va., April 1: The project involves the maintenance dredging of Aberdeen Creek Channel and turning basin to their authorized dimensions. The action will require the removal of an estimated 65,000 cubic yards of materials which are to be placed in a previously used diked disposal area. Adverse environmental impacts include destruction or relocation of biota in the channel and at the disposal area, possible interference with anadromous fish spawning activities, and elimination of a portion of a marginal tidal wetland (Norfolk District). Comments made by: EPA, DOI, and DOC. (ELR Order No. 50482.)

NAVY

Contact: Mr. Peter M. McDavitt, Special Assistant to the Assistant Secretary of the Navy (Installations and Logistics), Washington, D.C. 20350, 202-692-3227.

Draft

Naval Personnel Administrative Complex, Belle Chas Plaquemines County, La., April 1: The project provides for the construction of a Naval Personnel Complex to house the major functions of the Bureau of Naval Personnel. The plan includes space for 2,050 civilian and military employees and 300 housing units. Adverse impacts include increased demand on city services such as schools and sewer systems, increased traffic in the area, and construction disruption (2 volumes). (ELR Order No. 50478.)

Naval Oceangraphic Center, Bay, St. Louis, Hancock County, Miss., April 2: The proposed action would establish a Naval Oceanographic Center at the National Space Technology Laboratory, Bay, St. Louis, Mississippi. Existing administrative, laboratory and automated data processing spaces will be acquired from the National Atmospheric and Space Administration to house the activities concerned. The action will require the relocation of approximately 1300 employees and their families (2 volumes). (ELR Order No. 50485.)

FEDERAL ENERGY ADMINISTRATION

Contact: Mr. Ernest A. Sligh, Director, Environmental Impact Division, Federal Energy Administration, New Post Office Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, 202-961-6214.

Draft

Energy Independence Act of 1975, related tax proposals April 1: The statement refers to the enactment of proposed legislation that would reduce oil imports by 1 million barrels per day by the end of 1977. Over the mid-term (1975-1985) enactment of the legislation would assure that domestic supplies of energy are increased, the growth rate of demand reduced, and protection from energy emergencies developed. The program will result in further exploitation of domestic resources, including coal, OCS oil and gas, and Alaskan oil. (ELR Order No. 50477.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202-380-6084.

Draft

Bath County Project, Bath County, Va., April 3: The statement concerns consideration of an application for a license to construct and operate a pumped storage project in Bath County, Virginia. Issuance of a license would provide for establishment of two reservoirs, inundating about 950 acres, two transmission lines with a total length of 85 to 89 miles, and a powerhouse reaching the 350,000 kw rating for each of six units. The project would eliminate 3.3 miles of a free-flowing section of Back Creek and 1.5 miles of a free-flowing section of Little Back Creek. (ELR order No. 50492.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, 202-343-4161.

Draft

New Construction-Lease Consolidation, Temple, Bell County, Tex., March 31: The proposed action consists of the leasing of a new office to consolidate Federal activities in Temple, Texas, requiring general office space. The proposed facility will result in new construction consisting of 65,000 square feet of net usable office space. Construction disruption will result (75 pages). (ELR Order No. 50467.)

Final

Federal building and parking facility, Fairbanks, Alaska, April 2: The proposed action involves construction of a Federal Building and parking facility and the continued use of the existing Federal Building in Fairbanks, Alaska. The new building will provide approximately 30,000 sq. ft. of office space, together with service areas to house 200 employees. A total of 300 enclosed parking spaces will be provided. Also included in the project is a GSA motor pool repair space. There will be increased vehicular emissions (167 pages). Comments made by: EPA, DOC, DOI, HUD, USDA, AHP, State and local agencies. (ELR Order No. 50484.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Environmental Quality, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202-755-6295.

Draft

Government Square, Triangle Urban Renewal Projects, Kanawha County, W. Va., March 31: The 113-acre project, located in downtown Charleston, consists of construction of 400 new housing units, a 20-acre enclosed commercial complex, new government buildings, and preservation/rehabilitation of single-family housing units and existing government buildings. A number of families and businesses will be displaced. (ELR Order No. 50461.)

Final

Rapid City Flood Disaster Program, South Dakota, March 31: The statement refers to an urban renewal project for flood disaster recovery, involving two HUD actions. The original, on-going activity involves a 3,078 acre urban area, 754 acres of which are to be cleared and developed as an open floodway; the remaining 2,234 acres are to be redeveloped for residential, commercial, light industrial, and public facilities use. The second action involves an annexed 150-acre area which is to be acquired, cleared, and developed as an open floodway with recreational use. Comments made by: HEW, DOI, COE, AHP, USDA, DOT, DOC, State and local agencies. (ELR Order No. 50473.)

San Patricio Defense Housing, San Juan, Puerto Rico, April 4: Proposed is the conveyance to the Commonwealth of Puerto Rico of the San Patricio Defense Housing Area in San Juan. The Commonwealth would erect 2,200 units of low and moderate income housing on 51.81 acres of the site. There will be construction disruption from the action. Comments made by: AHP, HEW, DOT, EPA, State agencies and interested parties. (ELR Order No. 50498.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BONNEVILLE POWER ADMINISTRATION

Draft

BPA Participation in Regional Interutility Cooperation, April 3: Proposed is the continued participation by BPA in regional program inter-utility cooperation, including performance of functions such as providing bulk power transmission, providing peaking resource from hydro, providing load growth and forced outage reserves, coordinating power operations, and marketing power. The action would result in fewer, more efficient powerplant and transmission facilities, but would cause greater fluctuations in Columbia River water levels downstream from existing dams, with resultant increased impact on shorelines and aquatic resources. (ELR Order No. 50489.)

NATIONAL PARK SERVICE

Draft

Fire Island National Seashore, Suffolk County, N.Y., April 3: The statement concerns a master plan for Fire Island National Seashore to guide park development and management for approximately 15 years as well as legislative actions necessary to implement the master plan. The plan includes increased access to the island and decreased pollution of estuaries. Increased urbanization of communities on Fire Island, particularly west of Point O'Woods may result (2 volumes). (ELR Order No. 50486.)

NUCLEAR REGULATORY COMMISSION

Contact: Mr. A. Giambusso, Director of Division of Reactor Licensing, P-722, NRC, Washington, D.C. 20545, 301-973-7373.

Final

Callaway Plants, Units 1 and 2, Callaway County, Mo., March 31: Proposed is the issuance of a construction permit to the Union Electric Co. for the two unit Plant. Each unit will employ a pressurized water reactor to produce 3,425 MWt and 1,120 MWe (net); future power levels of 3,579 MWt and 1,160 MWe are anticipated. Exhaust steam will be cooled in a close cycle mode, with water drawn from the Missouri River. A total of 1,740 acres would be committed to the project and associated transmission lines. About 67 cfs. of Missouri River water will be consumed, mainly by evaporation from the two natural draft towers. Comments made by: AHP, USDA, DOC, EPA, FPC, HEW, HUD, DOI, DOT, State and local agencies. (ELR Order No. 50458.)

South Texas Project, Units 1 and 2, Matagorda County, Tex., March 31: Proposed is the issuance of a construction permit to the Houston Power and Lighting Co. for a two unit plant. Identical pressurized water reactors will be employed to produce up to 3800 MWt each, with electrical capacity anticipated at 1250 MWe (net) each. Exhaust steam will be cooled by flow from a newly constructed lake, with makeup water from the Colorado River. Return will also be to the Colorado. Consumptive use of the river will be at 2.6% of its average annual historical flow. A total of 12,352 acres will be used for the Station site; 7300 acres will be inundated by the cooling lake. An additional 5685 acres will be committed to 400 miles of transmission line. Comments made by: USDA, COE, DOC, HEW, DOI, DOT, EPA, FPC, AHP, State and local agencies. (ELR Order No. 50457.)

STATE DEPARTMENT

Contact: Mr. Christian Herter, Jr., Special Assistant to the Secretary for Environmental Affairs, Room 7819, Washington, D.C., 202-632-7964.

Draft

Washington Technical Institute and International Center, District of Columbia, April 4: The statement concerns the development of a permanent campus for the Washington Technical Institute and the development of an International Center on the former Bureau of Standards site located at Connecticut Avenue and Van Ness Street NW., Washington, D.C. Increased traffic, air pollution, and storm water runoff, and construction disruption will result from the project. (ELR Order No. 50499.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street, SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Long Beach Freeway, Route 7, Los Angeles County, Calif., March 31: The project consists of construction of a segment of Route 7, Long Beach Freeway, from I-10 to I-210 and includes an interchange with the existing Pasadena Freeway, Route 11. The segment length would range from 6.1 to 7.3 miles and the number of acres required for the right of way would be from 279 to 418. Between 4,670 and 5,560 residents would be displaced. A 4(f) statement is included. (ELR Order No. 50453.)

Coast Highway (SR 1) Bridge, Upper Newport Bay, Orange County, Calif., March 31: The statement refers to the reconstruction of a 0.6 mile, 6-lane bridge over Upper Newport Bay, replacing the existing 4-lane structure and widening the approaches. The project would displace from 15 to 168 people and affect from 27 to 31. An historical landmark monument, commemorating the first boat landing in Newport Beach, will be relocated. (ELR Order No. 50466.)

City Boulevard from Eutaw St. to Russell St. (supplement), Baltimore County, Md., April 2: The statement is a 4(f) supplement to a draft filed with CEQ 23 December 1974 concerning the 24 historic sites, 7 of which were not included in the draft eis, within the corridor being considered for City Boulevard. (ELR Order No. 50481.)

Legislative Route 75, Bridge Replacement, Venago County, Pa., March 31: The statement concerns the relocation of a bridge carrying Legislative Route 75 (Traffic Routes 38 and 208) over the Allegheny River at Emlenton, Pa. The proposed location is within 1.5 to 2.5 miles west of the existing bridge. An unspecified number of families and businesses will be displaced. One of the proposed corridors would take a large portion of the Crawford Memorial Park. (ELR Order No. 50460.)

Final

State Highway 199, Del Norte County, Del Norte, Calif., March 31: The statement presents the California Department of Transportation's proposed actions for improvement to the total 36.4 mile length of State Route 199 in Del Norte County. Adverse impacts are increased water pollution, and temporary negative visual impact. Comments made by: USDA, DOT, DOC, DOI, COE, HEW, and EPA. (ELR Order No. 50454.)

I-35 and I-435 Interchange, Kansas City (supplement), Johnson County, Kans., March 31: The proposed project involves an improved interchange at I-35 and I-435 and the modification of I-435 from four to six lanes between I-35 and Metcalf Avenue. The

supplement reports on an air quality analysis involving eleven representative sites near the proposed improvement. Comments made by: EPA, State and regional agencies. (ELR Order No. 50471.)

L.R. 11050, Cambria County, Pa., March 31: Proposed action involves relocation of 3.2 miles of L.R. 11050. Eighty-seven acres of farm and woodland are required for right-of-way. Seven residences, 1 business and 16 other buildings will be displaced. Comments made by: USDA, DOI, EPA, STAT, DOT, State and local agencies. (ELR Order No. 50470.)

SR 8, Sequatchie County to Warren County, Sequatchie, Van Buren, and Warren Counties, Tenn., March 31: The statement refers to the improvement of State Route 8 beginning at the junction of SR 8 and SR 111 in Sequatchie County and extending in a NW direction from 15.5 miles reaching its terminus at the Collins River Bridge in Warren County. The major adverse effects of the project are the loss of between 160 and 190 acres of wildlife habitat and some pasture and tree nursery lands along the project right-of-way. Comments made by: DOI, TVA, AHP, EPA, DOT, COE, USDA, and State agencies. (ELR Order No. 50463.)

In the FEDERAL REGISTER of February 28, 1975, the FHWA Project SR 67, Clinton-Mississippi State Line Highway, East Feliciana County, Louisiana, was mistakenly noticed as a draft. The statement is a final eis.

U.S. COAST GUARD

Final

New Orleans Vessel Traffic System, Louisiana, April 2: Proposed is the establishment of a Vessel Traffic System which will cover the Mississippi River from Mile 243 AHP to 15 statute miles south of the entrance buoys to the South and Southwest Passes, including the Mississippi River Gulf Outlet. The system will consist of a combination of vessel traffic levels which will include VHF–FM communications, radar surveillance, and a vessel movement reporting system, in part or total. The project is intended to reduce the number of vessel accidents caused by collisions, rammings, and groundings. There will be some adverse impact from construction of system elements (29 pages). Comments made by: DOC, COE, USDA, DOT, DOI, EPA. (ELR Order No. 50483.)

Navigation Regulation Area, Chesapeake Bay, Northampton County, Va., March 31: The statement refers to the proposed amendment of 33 CFR, in order to establish a regulated navigation area for the entrance to Chesapeake Bay. The purpose of the action is the prevention of collisions between vessels, and between vessel and the trestlework of the Chesapeake Bay Bridge-Tunnel (CBBT). Adverse impact of the action will result from increased ship transit time through the regulated area, and expected increased traffic over the CBBT. Comments made by: DOC, DOI, USN, DOT, EPA, State agencies and concerned interests. (ELR Order No. 50465.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-9459 Filed 4-10-75;8:45 am]

ENVIRONMENTAL IMPACT STATEMENTS

Preparation Required

The following list, filed with the Council by the Department of Transportation, Federal Aviation Administration, indicates those administrative actions that FAA has determined will require the preparation of environmental impact statements under NEPA.

LISTING OF DOT/FEDERAL AVIATION ADMINISTRATION ACTIONS FOR WHICH ENVIRONMENTAL IMPART STATEMENTS ARE IN PREPARATION OR ANTICIPATED

Location	*Action*
Truk District—Trust Territory of Pacific Islands.	Airport master plan.
Agana Guam M.I.	G.A. Airport master plan.
Hilo, Hawaii	Lyman Field new passenger terminal.
Liheu, Kauai	Airport master plan.
Saipan—Mariana Islands.	Runway, aprons, and associated lighting, etc.
Kusaie Island	Airport master plan.
Yap District—Trust Territory of Pacific Islands.	Do.
Fort Worth, Tex.	Relocate ILS, establish MALSR.
Clovis, N. Mex.	Runway extension.
Moriarty, N. Mex.	Runway extension, lighting.
Farmington, N. Mex.	Construct new airport.
Gallup, N. Mex.	Land acquisition.
Raton, N. Mex.	Extend runway and taxiway, lighting.
Taos, N. Mex.	Extend runway, taxiways, and apron.
Alpine, Tex.	Construct runway, taxiway lighting
El Paso, Tex.	Construct new runway, taxiway lighting
Hereford, Tex.	Extend primary runway.
Morton, Tex.	Extend primary runway, new taxiway, lights.
Seminole, Tex.	New airport.
Gruver, Tex.	Do.
Tulia, Tex.	Construct new primary, taxiways, install lights.
Midland, Tex.	Extend runway and taxiways.
Ardmore, Okla.	New Mexico.
Arnett, Okla.	New airport.
Hooker, Okla.	Do.
Ada, Okla.	Runway extension.
Durant, Okla.	Airport development.
Elk City, Okla.	Runway extension.
Vinita, Okla.	Reconstruct runway—clear zone.
Frederick, Okla.	Joint-use airport study.
Idabel, Okla.	Runway extension.
Muskogee, Okla.	Airport study.
Woodward, Okla.	Do.
Miami, Okla.	Runway extension, master plan.
Stilwell, Okla.	New airport.
Stroud, Okla.	New runway, taxiway and lights.
Sallisaw, Okla.	Airport study.
Talihina, Okla.	New airport.
Weatherford, Okla.	Runway extension.
Chickasha, Okla.	Extend runway.
Stilwell, Okla.	Runway extension.
Mineral Wells, Tex.	Do.
Richardson, Tex.	New airport.
Beaumont, Tex.	Runway extension.
Wichita Falls, Tex.	Airport master plan.
Fayetteville, Ark.	Do.
Center, Tex.	New airport.
College Station, Tex.	Runway extension.
Bowie, Tex.	Do.
Falifurrias, Tex.	New runway.
Vernon, Tex.	Runway extension.
Jacksonville, Tex.	Do.
Denton, Tex.	Do.
Lack Jackson, Tex.	New runway.
Nacogdeches, Tex.	Runway extension.
San Antonio, Tex.	New runway.
Bastrop, La.	New runway.
Lafayette, La.	Runway extension.
New Orleans, La.	Upgrading of existing airport and site evaluation for new airport.
Ruston, La.	Runway extension.
Hillsboro, Oreg.	Long range development.
Lakeview, Oreg.	Runway installation.
Sunnyside, Wash.	Airport enlargement.
Republic, Wash.	New airport.
Bayview, Wash.	Taxiways, drainage.
Seattle, Wash.	Land acquisition.
Southern, Idaho.	New airport.
Driggs, Idaho	Acquire land, pave runway.
Homedale, Idaho.	New runway.
Hoquiam, Wash.	Navaid installation.
Nightmute, Alaska.	New runway.
Girdwood, Alaska.	Extend runway.
Kenai, Alaska.	ILS.
Pittsburgh, Pa.	Airport master plan.
Ravenswood, W. Va.	New general aviation airport.
Syracuse, N.Y.	Runway extension.
Pipestem, W. Va.	New general aviation airport.
New Haven, Conn.	Approach lights.
Spencer, W. Va.	New general aviation airport.
Beckley, W. Va.	New runway.
Boston, Mass.	Do.
Providence, R.I.	Establish ILS/MALSR.
Norwood, Mass.	Establish ILS.
Warwick, R.I.	Do.
Bridgeport, Conn.	Do.
New Haven, Conn.	Instrumentation.
Panama City, Fla.	Lighting system.
Atlanta, Ga.	Relocate highway.
Raleigh-Durham, N.C.	New runway.
Charleston, S.C.	Do.
Miami, Fla.	New airport.
Miami, Fla.	Runway extension.
Elizabethtown, Ky.	New airport.
Paris Landing, Tenn.	Do.
Perryville, Mo.	Runway extension.
Oelwein, Iowa.	Master plan.
FAA—Office of Environmental Quality.	Washington National Airport policy.
Do.	Noise standards for small propeller aircraft (completed).
Do.	Fleet noise requirements.
European region.	Aircraft type certification—Concorde.
Do.	Aircraft type certification—Mercure.
FAA—Office of Environmental Quality.	SST noise standards.
Do.	Amendment of operations specification for Concorde operation into United States.
Alma, Nebr.	New airport.
Cedar Rapids, Iowa.	Master plan.
Sac City, Iowa.	Do.
Pocahontas, Iowa.	Do.
Nebraska City, Nebr.	Do.
York, Nebr.	Do.
Nevada, Mo.	Airport layout plan.
Onawa, Iowa.	Master plan.
Boon, Iowa.	Do.
Albany, Mo.	Do.
Higginsville, Mo.	Do.
Sikeston, Mo.	Airport layout plan.
Cassville, Mo.	Do.
Lacrosse, Kans.	Do.
Harrisonville, Mo.	Master plan.
Lamar, Mo.	Do.
Omaha, Nebr.	Airport layout plan.

Location	Action
Eldora, Iowa	ADAP.
Riverton, Wyo	Master plan.
Casper, Wyo	Do.
Jackson Hole, Wyo.	Airport improvements.
Aspen, Colo	Master plan.
Colorado Springs, Colo.	Do.
Durango, Colo	Do.
Bismarck, N. Dak	Do.
Logan, Utah	Do.
Salt Lake City, Utah.	New runway.

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-9460 Filed 4-10-75;8:45 am]

FEDERAL MARITIME COMMISSION

JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before May 1, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, NW.
Washington, D.C. 20036

Agreement No. 3103-58 has been entered into by the member lines of the Japan/Korea-Atlantic and Gulf Freight Conference for the purpose of amending Article 25 of the conference agreement in order to reflect the current understanding of the parties with respect to certain revised self-policing practices and procedures of the conference, set forth in said agreement.

By Order of the Federal Maritime Commission.

Dated: April 8, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9514 Filed 4-10-75;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 1, 1975. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue NW
Washington, D.C. 20036

Agreement No. 150-62 has been entered into by the member lines of the Trans-Pacific Freight Conference of Japan/Korea for the purpose of amending Article 25 of the conference agreement in order to reflect the current understanding of the parties with respect to certain revised self-policing practices and procedures of the conference, set forth in said agreement.

By Order of the Federal Maritime Commission.

Dated: April 8, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-9515 Filed 4-10-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP75-44-3]

ALABAMA-TENNESSEE NATURAL GAS CO.

Filing of Petition for Extraordinary Relief

APRIL 3, 1975.

Take notice that on March 24, 1975, United States Steel Corporation (USS) filed in Docket No. RP75-44-3, pursuant to § 1.7 of the Commission's rules of practice and procedure and § 2.78 of the Commission's regulations, a petition requesting that it be granted extraordinary relief from the curtailment imposed by one of its suppliers of natural gas, Alabama-Tennessee Natural Gas Company (A-T).

In support of its petition USS states that it purchases natural gas from A-T under both a firm and interruptible contract. USS states that it is entitled to receive, under its firm contract 1,500 Mcf per day, and up to 3,500 Mcf per day under its interruptible contract with A-T. USS asserts that all of the natural gas received under the aforementioned contracts is and will be utilized as feedstock and process gas in the production of ammonia at its Cherokee, Alabama facility.

USS states that its petition was filed in response to the Commission's order of February 26, 1975 [Texas Eastern Transmission Corporation (North Alabama Gas District) Order Granting Extraordinary Relief, Docket No. RP74-39-8] and USS's need for sufficient natural gas to maintain production of ammonia for nitrogen fertilizer. Accordingly, USS requests that the Commission, grant without hearing, USS's petition for extraordinary relief by suspending A-T's curtailment plan as it applies to USS and require A-T to supply USS its full daily contractual entitlement, or other volume that, together with volumes made available to USS from Texas Eastern Transmission Corporation, and from Tennessee Gas Pipeline Company, will total 17,623 Mcf per day.

A shortened notice period may be in the public interest in this proceeding. Any person desiring to be heard or to protest said petition should on or before, April 18, 1975, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 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 protestants parties to the proceeding. Persons wishing to become parties to the proceeding must file petitions to intervene in accordance with the Commission rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9461 Filed 4-10-75;8:45 am]

[Docket Nos. E-8855 and E-9037]

BOSTON EDISON CO.

Postponement of Hearing

APRIL 2, 1975.

On March 27, 1975, Boston Edison Company filed a motion to postpone the hearing date fixed by order issued July 12, 1974, as most recently modified by notice issued March 14, 1975, in the above-designated matter.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until April 16, 1975, at 10 a.m. (e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9462 Filed 4-10-75;8:45 am]

[Docket Nos. E-8949 and E-8445]

CAMBRIDGE ELECTRIC LIGHT CO.

Further Extension of Procedural Dates

APRIL 2, 1975.

On March 27, 1975, Cambridge Electric Light Company filed a motion to extend the procedural dates fixed by order issued August 30, 1974, as most recently modified by notice issued February 7, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company Rebuttal, April 28, 1975.
Hearing, May 20, 1975 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9463 Filed 4-10-75;8:45 am]

[Docket Nos. RP74-90 and RP73-115]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

APRIL 3, 1975.

Take notice that on February 26, 1975, Consolidated Gas Supply Corporation (Consolidated) tendered for filing its FPC Gas Tariff, Second Revised Volume No. 1 superseding its FPC Gas Tariff, First Revised Volume No. 1. Consolidated states that the proposed tariff is to be made effective March 28, 1975.

Consolidated states that no change in rate or charge is proposed. Consolidated further states that the proposed changes relate to renumbering of tariff sheets, updating the maps, table of contents and index of purchasers, eliminating sheets containing notices of cancellation of rate schedules, and other changes of a minor nature.

Consolidated states that the proposed tariff is being mailed to each of its jurisdictional 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 §§ 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 April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9464 Filed 4-10-75;8:45 am]

[Docket Nos. CP73-132, etc.; CP73-47, etc.]

DISTRIGAS CORP., ET AL. AND EASCOGAS CORP., ET AL.

Local Hearing

APRIL 3, 1975.

By order issued March 21, 1975, in the above-titled proceedings, we directed, inter alia, that a local hearing be convened at a federal facility in Staten Island, New York, to allow the presentation by local citizens of statements and evidence pertaining to the liquefied natural gas (LNG) facilities owned by Distrigas of New York Corporation (DONY) on Staten Island. It appears, however, that there is no federal facility on Staten Island capable of accommodating the hearing scheduled. Accordingly, in order to ensure the citizenry in the area adjacent to the DONY facilities full opportunity to participate and present their views at the hearings provided for, we have arranged for and hereby direct that the local hearing heretofore scheduled shall convene at the Tottenville High School, Deisius and Luton Avenues, Staten Island, 10312 on May 19, 1975, commencing at 4 p.m. (e.d.t.).

It is also apparent that parties to the proceeding in Eascogas LNG, Inc., et al., Docket No. CP73-47, et al. might be affected by DONY's Staten Island facilities, which would be used jointly by the Distrigas Companies and Eascogas LNG, Inc. (Eascogas), and may wish to appear at local hearings. Accordingly, we further amend our order of March 21, 1975, to provide that parties to the Eascogas proceedings may participate at these hearings to the full extent afforded parties in the Distrigas dockets.

Parties wishing to present evidence as opposed to statements of position at these local hearings should, to the extent possible, file with the Commission and serve on all other parties prepared written testimony, on or before May 1, 1975.

The Commission orders. (A) Our order of March 21, 1975, directing that a local hearing be convened at a federal facility on Staten Island, New York, is hereby amended so that the local hearings provided for shall convene at the Tottenville High School, Deisius and Luton Avenues, Staten Island, 10312 on May 19, 1975, commencing at 4 p.m. (e.d.t.).

(B) Our March 15, 1975, order is further amended to provide that any party to the above-named Eascogas proceeding may participate to the full extent provided for parties to the Distrigas proceedings.

(C) Any party to the Distrigas or Eascogas proceedings wishing to present testimony to become part of the evidentiary record in either or both proceedings shall, to the extent possible, file with the Commission and serve on all parties to the respective proceedings, prepared testimony, on or before May 1, 1975.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9465 Filed 4-10-75;8:45 am]

[Docket Nos. E-7548 and E-8170; Opinion No. 711-A]

GEORGIA POWER CO.

Opinion and Order Denying Rehearing

APRIL 3, 1975.

On November 15, 1974, we issued Opinion No. 711 which approved in part a proposed settlement agreement which had been filed on May 8, 1974, by Georgia Power Company (Georgia Power) in the above-mentioned dockets. The proposed settlement agreement was approved and made effective only as it related to Docket No. E-7548 and as it related to the issue of allocating bulk generation and bulk transmission costs among members of The Southern Company in Docket No. E-8170. A hearing was set for the purposes of cross-examination concerning the lawfulness and reasonableness of the rate level and refund provisions of the proposed settlement as it applies to Docket No. E-8170. The hearing was established in response to opposition to the proposed settlement agreement which had been filed by The Water, Light and Sinking Fund Commission, of the City of Dalton, Georgia (Dalton) on May 28, 1974.

Applications for rehearing of Opinion No. 711 were filed by Dalton, Georgia Power, and The Power Section, Georgia Municipal Association and the Cities of Acworth, et al (together the "Cities") on December 13, 1974, and December 16, 1974, respectively. On December 20, 1974, the Georgia Electric Membership Corporation and the Cooperative Intervenors filed a letter adopting the application for rehearing and the supporting arguments therefor filed by cities on December 16, 1974. By order issued January 10, 1975, in these dockets, the Commission granted the above-mentioned applications for rehearing for the purposes of reconsideration.

Dalton's application for rehearing: In its application for rehearing, Dalton alleges that the revenues which Georgia Power is authorized to retain in Docket No. E-7548 are excessive and contrary to the standards of the Federal Power Act. In support of this allegation, Dalton merely restates the claim it had made in its opposition to the settlement, filed May 28, 1974, that

the Initial Decision issued by the Presiding Administrative Law Judge on August 3, 1972 in Docket No. E–7548 provided for a level of refunds in excess of those provided for under the terms of the proposed settlement agreement as it applies to that docket. Dalton further alleges that Opinion No. 711 was in error in that the Commission failed to address the modifications in Georgia Power's cost of service justification of its Docket No. E–7548 rates which had been recommended by the Presiding Administrative Law Judge in his Initial Decision. Dalton also states that the cost of service attached to Opinion No. 711 was not tested on the record, nor concurred in by those customers who assented to the settlement agreement.

Our approval of the settlement agreement as it relates to Docket No. E–7548 was based on the record of that proceeding including the hearing held therein in which Dalton fully participated as a party, the Initial Decision of the Presiding Administrative Law Judge, the briefs filed by the parties, the proposed settlement agreement and Dalton's objections thereto. Our review of this record indicated that the rates established in the proposed settlement of Docket No. E–7548 are just and reasonable. Therefore, contrary to Dalton's assertion, our decision in this matter fully complies with the standards of section 205 of the Federal Power Act. We believe that the record is complete in Docket No. E–7548 and that it fully supports our decision.

In its application for rehearing, Dalton objects to the Commission's rejection, in Opinion No. 711, of Dalton's arguments that Georgia Power's bulk generation and bulk transmission costs should be based on the costs of the Southern Company. Dalton alleges that the disposition of this issue in Opinion No. 711 ignores the procedural history of these proceedings. Dalton noted that in our order issued herein on January 15, 1971,[1] we rejected the complaint of Dalton and other wholesale customers requesting an investigation of Southern Pool transactions and stated that the complainants' interests would be adequately protected within the context of the proceeding in Docket No. E–7548. We note that Dalton and the other wholesale customers were not precluded from introducing evidence in the Docket No. E–7548 proceedings as to the transactions and agreements among members of the Southern Company System and such evidence was, in fact, introduced in that proceeding. Based upon our review of that record and the proposed settlement agreement before us, we have concluded that it would not be proper to base Georgia Power's bulk generation and transmission costs on the system-wide costs of the Southern Company. As we noted in Opinion No. 711, the effect of the adoption of Dalton's argument would be a subsidization by the Southern Company of power costs to wholesale customers in Georgia, and Dalton has failed to present a basis for such a result.[2]

Finally, Dalton states that our reliance on Staff Exhibit 59 to justify the Southern Pool costs is inappropriate since this "represents an unwarranted departure from the cost of service approach heretofore used by the Commission with the approval of the Courts and the adoption in its place of a value of service approach * * *".[3] Our review of Staff Exhibit No. 59 and testimony presented in support thereof indicates that this exhibit does not represent a departure from a cost of service approach. The exhibit contains a comparison of Georgia Power's purchases from the Southern Pool with other purchases made from other companies and with alternatives for meeting that capacity (Tr. 3028) in order to demonstrate that such purchases were not priced in excess of the cost of rendering that service (Tr. 3025). Such analysis, rather than representing a departure from a cost of service approach, served to confirm the cost reasonableness of the rate Georgia Power pays to the Southern Pool.

Cities' application for rehearing. Cities state in their application for rehearing that the Commission should have either accepted or rejected the proposed settlement agreement as a whole. Cities allege that the failure to accept the totality of the settlement agreement contravenes the express language of the agreement which provides that the provisions are not separable and that the parties intend that no provision of the proposed tariff shall become effective unless the Commission approved the tariff without modification. Cities further claim that our failure to accept the settlement in toto jeopardizes the integrity of the settlement process and clashes with the Administrative Procedure Act, Commission regulations, and judicial precedents which encourage settlements.

The Commission recognizes the value of settlements as a means to dispose of cases where the parties are able to resolve their differences and where the result is found to be in the public interest, and we fail to find merit in Cities argument that our action in Opinion No. 711 will jeopardize the integrity of the settlement process. The Commission must closely scrutinize every settlement agreement which is before it to insure that its implementation will be in the public interest. When an affected party objects to a settlement agreement, the Commission is obligated to take those steps necessary to insure that there is adequate support for the settlement agreement in light of the objections and that the rights of the objecting party are protected. In Opinion No. 711, we found that Dalton's opposition to the settlement as it applies to the level of rates in Docket No. E–8170 warranted our withholding judgment on this portion of the settlement pending a hearing on this issue in order to provide a more complete record upon which to base a decision on the propriety of that portion of the settlement and to fully protect Dalton's right to be heard in this proceeding.

Cities admit in their application for rehearing, that the Commission has the power to consider the terms of a proposed settlement which fails to receive unanimous support as a decision on the merits.[4] Therefore, the fact that the settlement agreement provided that its provisions were not separable does not preclude us from accepting part of the agreement and withholding our decision on the remainder of the agreement pending a hearing thereon. It should be noted that this procedure has been approved in "Michigan Consolidated Gas Co. v. F.P.C.," 283 F. 2d 204 (1960), where the court stated:

> Even assuming that under the Commission's rules Panhandle's rejection of the settlement rendered the proposal ineffective as a settlement, it could not, and we believe should not, have precluded the Commission from considering the proposal on its merits * * * Of course, there may be valid objections to the settlement proposal which the Commission has not explained, or which a hearing upon the proposal would reveal. Such considerations may merit modification or total rejection of the proposal.[5]

Cities' argument that judicial precedent requires the Commission to accept or reject in their entirety all settlement agreements which are supported by an overwhelming majority of the parties clearly has no merit. As the court in the Michigan Consolidated Gas case points out, there may be objections to an agreement which require further hearings, as we ordered herein, or modifications to the agreement.

Cities claim in their application for rehearing that our decision in Opinion No. 711 to reject Dalton's argument that Georgia Power's bulk generation and bulk transmission costs should be based on the rolled-together costs of the several parties to the Southern System Pooling Agreement will prejudge the outcome of Southern Services, Inc., Docket No. E–8514 which involves this same issue. Our decision on this issue in the present proceeding is based on our review of the record before us and the proposed settlement agreement. This decision does not preclude Cities or any other parties to the proceeding in Docket No. E–8514

[1] Georgia Power Company, Docket No. E–7548, Southern Electric Generating Company, Docket No. E–7569, Southern Services, Inc., Georgia Power Company, Alabama Power Company, Gulf Power Company, Mississippi Power Company, Docket No. E–7570, order denying request for investigation and consolidation and determining scope of proceeding, issued January 15, 1971.

[2] Opinion No. 711, mimeo, p. 9.

[3] Dalton's application for rehearing, pp. 4–5.

[4] "Placid Oil Co. v. F.P.C.," 483 F. 2d 880 (CA5, 1973); "Cities of Lexington, et al., v. F.P.C.," 295 F. 2d 109 (CA4, 1961); "Pennsylvania Gas and Water Co. v. F.P.C.," 463 F. 2d 1242 (CADC, 1972).

[5] Id., at 224.

from presenting such evidence as they may consider relevant to the issues in that Docket. We will make a determination in that case on the basis of the facts as presented to us on the record of that proceeding. If evidence is introduced in that proceeding showing that the Southern System Pooling Agreement allocates costs among the several systems that are parties to that Agreement in a manner that is unjust and unreasonable, and that an arrangement for allocation of costs on a rolled-together cost basis would be just and reasonable, we will not hesitate to so find and order.

Finally, Cities urge that Opinion No. 711 be amended to require the Presiding Administrative Law Judge to immediately certify the record developed in the hearing in Docket No. E–8170 in order to provide for expeditious review and disposition of Dalton's allegations. We note that on January 16, 1975, Presiding Administrative Law Judge Lande reported to the Commission a motion made at the close of the hearing in Docket No. E–8170 by counsel for Cities to waive the intermediate decision procedure. By notice issued January 24, 1975, the Commission's Secretary, acting by direction of the Commission, denied this motion. We do not believe that the intermediate decision procedure will unnecessarily delay the disposition of this proceeding and accordingly we will deny Cities request for waiver of the intermediate decision by the Presiding Administrative Law Judge.

Georgia Power's application for rehearing: In its application for rehearing, Georgia Power requests that we clarify Ordering Paragraph (D) of Opinion No. 711 which requires Georgia Power to file within 30 days of the issuance of the Opinion "* * * revised tariff sheets and executed or unexecuted service agreements for each customer to conform with the settlement agreement as approved herein." Georgia Power requests that we specify that the tariff sheets and service agreements required to be filed relate to the period January 1, 1971 through December 12, 1973, when rate WR–6 (the subject of Docket No. E–7548) was in effect. Since Opinion No. 711 approved of the proposed settlement as it related to Docket No. E–7548, the tariff sheets and service agreements required to be filed should be those relating to the period that rate WR–6 was in effect, January 1, 1971 through December 12, 1973, and we shall provide for the filing of this material within 30 days of the issuance of this order.

The Commission finds. The applications for rehearing filed herein raise no facts or principles of law which would provide an appropriate basis for modification of Opinion No. 711.

The Commission orders. (A) The applications for rehearing filed by Dalton, Cities and Georgia Power are hereby denied.

(B) Georgia Power shall file the tariff sheets and service agreements required by Ordering Paragraph (D) of Opinion No. 711 as hereinabove clarified within 30 days of the issuance of this order.

(C) Cities' request for waiver of the intermediate decision in Docket No. E–8170 is hereby denied.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the direction of the Commission.

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

[FR Doc.75–9473 Filed 4–10–75;8:45 am]

[Project No. 2004]

HOLYOKE WATER POWER CO.

Application for Amendment of License

APRIL 3, 1975.

Public notice is hereby given that application was filed October 21, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Holyoke Water Power Company (correspondence to: Mr. Leon E. Maglathlin, Jr., Vice President and Chief Administrative Officer, Holyoke Water Power Company, One Canal Street, Holyoke, Massachusetts 01040) for amendment of license for constructed Holyoke (Hadley Falls) Project No. 2004, located on the Connecticut River in the City of Holyoke, Hampden County, Massachusetts and the Town of South Hadley Falls, Hampshire County, Massachusetts.

Applicant states that the South Hadley Canal, a licensed facility located along the north bank of the Connecticut River in the Town of South Hadley Falls is no longer used for power generation purposes but solely as a source of process water by Texon Corporation in its mills adjacent to the Canal.

Applicant seeks Commission authorization (1) to seal off the South Hadley Canal at a point 255 feet downstream from the South Hadley Canal gatehouse by constructing an impervious concrete barrier, retaining for Texon Corporation its source of industrial process water; (2) to remove from the project boundary of Project No. 2004 that portion of the South Hadley Canal extending approximately 2000 feet from this proposed impervious concrete barrier downstream to the canal's confluence with the Connecticut River, thereby relieving licensee of the cost of maintaining this portion of the canal; and (3) to allow a 455-foot segment of the South Hadley Canal, extending from the proposed impervious barrier downstream to an existing concrete spillway, to be filled with inorganic rubble from demolition of an adjacent building by the Texon Corporation which in time would use the reclaimed land as a site for constructing a plant for treatment of process effluent from its manufacturing processes to comply with air and water quality regulations. The remaining portion of the 2000 foot segment of the canal removed from the project boundary, extending from the existing concrete spillway 1545 feet downstream to the canal's confluence with the Connecticut River, would not be filled.

Any person desiring to be heard or to make protest with reference to said application should on or before May 26, 1975 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.75–9466 Filed 4–10–75;8:45 am]

[Docket No. RP75–79]

LEHIGH PORTLAND CEMENT CO. AND FLORIDA GAS TRANSMISSION CO.

Complaint

APRIL 2, 1975.

Take notice that on March 21, 1975, Lehigh Portland Cement Company (Complainant), 718 Hamilton Mall, Allentown, Pennsylvania 18105, filed in Docket No. RP75–79 a complaint against Florida Gas Transmission Company (Defendant), P.O. Box 44, Winter Park, Florida 32789, alleging injury as a result of Defendant's implementation of its curtailment plan for sales of natural gas made pursuant to authorizations issued under the Natural Gas Act and requesting that the Commission establish an end-use curtailment plan for Defendant's system whereby direct and indirect customers using natural gas for similar purposes are curtailed in a similar manner, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.

The complaint asserts that Defendant's curtailment plan, as set forth in section 9 of its FPC Gas Tariff, provides that all direct sale "preferred interruptible" consumers will be curtailed prior to any interruption of resale "preferred interruptible" consumers. Complainant alleges that as a result of this provision, direct industrial consumers, such as Defendant, are now receiving minimal gas service while indirect industrial consumers purchasing from resale distributors are supplied substantial volumes of natural gas from Defendant's system. Complainant states that as a direct "preferred interruptible" consumer it has been notified by Defendant that Complainant's gas service will be curtailed at its Dade County, Florida, facility [1] 341

[1] Complainant is a corporation organized under the laws of the Commonwealth of Pennsylvania, which owns and operates a number of industrial plants engaged in the manufacture of cement. The instant complaint relates only to complainant's Dade County, Florida, cement manufacturing facility.

days during the 1975 calendar year. Complainant asserts in contrast, resale consumers, whether they are regarded as "preferred interruptible" or as "firm" have been subject to substantially less curtailment, if any, as all "preferred interruptible" service is curtailed prior to any interruption of resale customers.

Complainant states as a result of this curtailment by Defendant it has been forced to substitute fuel oil in its cement kilns as process fuel for natural gas volumes previously provided by Defendant. Complainant states fuel oil is more costly than natural gas and that energy costs incurred in the operation of cement kilns constitute a significant part of the total cost of cement production. Complainant alleges that due to the higher cost structure it is now operating under it is at a substantial competitive disadvantage, with respect to a major cement manufacturer serving approximately the same market as Complainant's Dade County cement plant, which is a direct result of its competitor's preferential access to lower cost natural gas from Defendant's system.[1]

Complainant alleges that Defendant's curtailment plan discriminates without regard to end-use against direct industrial pipeline customers in favor of indirect industrial users purchasing gas from distributors. Complainant notes that in issuing Order No. 467,[2] the Commission emphasized that a lawful curtailment plan must provide equal treatment for direct and indirect customers employing gas for similar end-use purposes:

> In establishing the priorities-of-service for the use of the natural gas supply, it is obvious that some direct and indirect customers use their supply of natural gas for similar end-use purposes. Customers with similar usages for the fuel should be accorded the same treatment to avoid any undue discrimination or preference among them. Accordingly, we will place the direct and indirect customers in the same priority-of-service position when their use of natural gas is comparable." 49 F.P.C. 85, 87.

Complainant states that Order No. 467–B's list of priorities requires both direct and indirect customers of the pipeline that use gas for similar purposes to be placed in the same priority of service (49 F.P.C. 85, 87–88), and that the equality of treatment for direct and indirect users specified by Order No. 467 mirrors the requirements of the Natural Gas Act since "section 4 [of the Act] renders unlawful curtailment plans which are preferential, discriminatory, unreasonable or unfair. * * *" *Pacific Gas and Electric Company* v. *FPC*, 506 F.2d 33, 43 (D.C. Cir. 1974).

Complainant argues that by arbitrarily preferring indirect industrial customers over direct industrial customers without regard to end-use, the Defendant's curtailment plan is clearly discriminatory, unreasonable, and grants an undue preference, and thus, under the mandates of the Natural Gas Act, Defendant's curtailment plan is patently unlawful and must be updated to reflect the Commission's declared intention that curtailment of all pipeline customers be based upon an end-use standard.

Complainant requests that the Commission establish an end-use curtailment plan for Defendant's system whereby direct and indirect customers using natural gas for similar purposes are curtailed in a similar manner.

Any person desiring to be heard or to make any protest with reference to said complaint should on or before May 1, 1975, 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 Commision's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9472 Filed 4-10-75;8:45 am]

[1] Complainant states that upon information and belief, it appears that Maule Industries, Inc. (Maule), is receiving substantial natural gas service from City Gas Company of Florida (City Gas), a resale customer of Florida Gas, to fire kilns in Maule's Dade County cement facility located approximately five miles from Complainant's plant. In this connection, Maule is using gas supplied by City Gas in a similar, if not identical, manner, as Complainant employs gas in its manufacturing process when available from Florida Gas. The Complainant states further than in a proceeding involving a request by City Gas to serve expanded requirements of Maule, the Commission consistently characterized Maule as an "interruptible industrial consumer." Florida Gas Transmission Company, 49 F.P.C. 408, rehearing denied, 49 F.P.C. 778 (1973). Complainant states Maule's contract with City Gas dated January 30, 1969, submitted as an exhibit to the City Gas application, states that gas service to Maule is "subject to curtailment or complete interruption" and requires that Maule maintain alternate fuel capacity "to make possible the necessary interruption of natural gas supply" Application of City Gas for Order of FPC Directing Additional Service, Exhibit I (filed August 31, 1972).

[2] 18 CFR 2.78.

[Docket Nos. CP72-224 etc.]

NORTHERN NATURAL GAS CO

Filing of Initial Rate Schedule

APRIL 3, 1975.

Take notice that Northern Natural Gas Company on March 20, 1975, tendered for filing Rate Schedule X–46 for its FPC Gas Tariff, Original Volume No. 2. Updated Table of Contents sheets were also included in this filing for Northern's FPC Gas Tariff, Volumes 1 and 2 and Notice of Cancellation of Rate Schedule X–32 of Original Volume No. 2.

Rate Schedule X–46 is composed of a Sales Agreement between Northern Natural Gas Company (Northern) and Southern Union Gas Company (So. Union) dated August 14, 1974 as amended. Under terms of this Agreement Northern agrees to deliver to So. Union 150,000 Mcf per billing month with an annual limitation of 629,689 Mcf. Rate Schedule X–46 supersedes and cancels Rate Schedule X–32. Northern has requested an effective date of April 20, 1975.

Northern advises that this Sales Agreement of August 14, 1974 has been modified to reflect only the volumes authorized for delivery and summarized below:

	Thousand cubic feet
CP72–224	536,000
CP74–294	47,034
CP75–13	29,220
CP75–106	17,435
Total	629,689

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 1975. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc75-9467 Filed 4-10-75;8:45 am]

[Project No. 2749]

SOUTHSIDE ELECTRIC COOPERATIVE

Application of Preliminary Permit Unconstructed Project

APRIL 3, 1975.

Public notice is hereby given that application for preliminary permit has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Southside Electric Cooperative of Crewe, Virginia (Correspondence to: Mr. Lynwood H. Wilson, Wilson and Boswell, Attorneys, P.O. Box 45, Crewe, Virginia 23930) for proposed Project No. 2749, to be known as the Randolph Project (Virginia), in the counties of Charlotte, Halifax, Pittsylvania, Campbell, Bedford, and Appomattox, Virginia. The proposed project would operate as a pumped storage complex involving up to 13 dams and reservoirs.

According to the application, the proposed Randolph Pumped Storage Project would consist of: (1) A dam creating a reservoir on the Roanoke River about 3 miles upstream from Randolph, Virginia; (2) several other developments including dams and generating stations on Hunting Creek, Wallace Creek, Cub

Creek, Turnip Creek, Roanoke Creek, Falling River (with Seneca-Molly's Creek), Otter River; and (3) the Melrose (at Melrose, Virginia), Seneca (6 miles west of Melrose, Virginia), and Taber (9 miles west of Melrose, Virginia) sites on the Roanoke River.

The application proposes several schemes of development, one of which would be:

(1) The Randolph reservoir would have a normal water level (NWL) of 380 feet and tailwater water level (TWL) of 302 feet discharging into the existing Army Corps of Engineers J. H. Kerr Reservoir; (2) Roanoke Creek and Hunting Creek reservoirs would have NWL's of 410 feet and 436 feet and TWL's of 302 feet discharging into the Kerr Reservoir; (3) Wallace Creek, Cub Creek, Turnip Creek, and Falling River would have NWL's of 426 feet, 440 feet, 514 feet, and 510 feet with TWL's of 380 feet discharging into Randolph Reservoir; (4) Seneca and Molly's Creek would have NWL's of 650 feet and TWL's of 510 feet discharging into Falling River reservoir; (5) The Seneca-Taber development would have a NWL of 485 feet and TWL of 468 feet; (6) The Melrose reservoir would have a NWL of 468 feet and TWL of 420 feet. All of the hydro-electric turbines would be reversible and would pump water to their respective upper reservoirs during off-peak load conditions. Future development on the Cub Creek reservoir would include a 3,200 MW stream electric generating plant. Preliminary studies of applicant indicate an ultimate installed hydroelectric capacity of 3,575 MW at a cost of $1,700,000,000 (excluding Seneca-Taber and Melrose developments) to be constructed over a 16-year period.

Alternative plans of development would retain the basic multiple reservoir pumped storage concept but with certain upper reservoirs discharging into different lower reservoirs and with corresponding changes in NWL and TWL. The size, number, and type of units would be determined under studies to be conducted under the preliminary permit.

The applicant proposes to market the power to its own customers, associated Electric Cooperatives, and municipally-owned electric utility systems in Virginia, North Carolina, and surrounding States. The applicant also proposes to exchange peaking power for off-peak and dump power with VEPCO and Appalachian Power Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 9, 1975, 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. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9468 Filed 4-10-75;8:45 am]

[Docket No. RP74-52]

TRANSWESTERN PIPELINE CO.

Certification of Proposed Settlement Agreement

APRIL 3, 1975.

Take notice that on March 25, 1975, Chief Administrative Law Judge Joseph Zwerdling certified a proposed settlement agreement to the Commission which, if approved, would resolve all issues except the issue of allocation of transmission costs for the portion of Transwestern's system east of Roswell, New Mexico.

The proposed settlement would result in an overall rate of return of 9.75 percent which would yield 12.490 based on the capitalization as of June 30, 1974. The settlement also provides for a revised research and development clause as well as a temporary advance payments tracking provision.

The Presiding Judge set April 8, 1975, as the date for initial comments on the settlement and April 18, 1975, as the date for reply comments. However, in order to comply with notice requirements of the FEDERAL REGISTER, the comment dates are hereby extended as follows:

Initial Comments: April 22, 1975
Reply Comments: May 2, 1975

Any party wishing to file comments on the proposed settlement should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9469 Filed 4-10-75;8:45 am]

[Docket No. E-8798]

WESTERN MASSACHUSETTS ELECTRIC CO.

Procedural Date and Postponing Hearing

APRIL 2, 1975.

On March 31, 1975, Western Massachusetts Electric Company filed a motion to extend the procedural dates fixed by order issued July 19, 1974 as most recently modified by notice issued January 27, 1975, in the above-designated matter. The motion states that the parties have been notified and have no objection.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until 3 p.m. of the previously scheduled day, April 8, 1975. The procedural date for filing rebuttal testimony is suspended. Any further procedural dates required may be set by the Presiding Administrative Law Judge at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-9470 Filed 4-10-75;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR MATHEMATICAL SCIENCES

Open Meeting

The Advisory Panel for Mathematical Science will hold an open meeting on April 28 and 29, 1975, at 9 a.m. in room 338 at 1800 G Street, NW., Washington, D.C.

The panel was created to provide advice and counsel concerning support for research in Mathematical Sciences and funtions in accordance with the Federal Advisory Committee Act (Pub.L. 92-463).

The agenda for this meeting includes:

APRIL 28—MORNING

Introduction and Summary Report on (Preliminary) FY 75 Activities, Head, Mathematical Sciences Section and Staff.
Status of the FY 76 Budget and Related NSF Matters of Interest, Director, Div. of Mathematical and Physical Sciences.

AFTERNOON

International Programs of NSF, Head, Office of International Programs.
Mathematics Research Institutes Prospects and Alternatives, Panel Members and Staff.

APRIL 29—MORNING

Promising Trends in Mathematics, Panel Members.
Adjourn—12:15.

The meeting will be open to the public. Anyone who would like to attend or would like more information about the Panel should contact Dr. William H. Pell, Head, Mathematical Sciences Section, Rm. 302, National Science Foundation, Washington, D.C. 20550, telephone: 202/632-7377.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, Room 248, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

Dated: April 8, 1975.

[FR Doc.75-9556 Filed 4-10-75;8:45 am]

ADVISORY COMMITTEE ON ETHICAL AND HUMAN VALUE IMPLICATIONS OF SCIENCE TECHNOLOGY

Meeting

The Advisory Committee on Ethical and Human Value Implications of Science and Technology will hold a meeting on April 28 at 9:30 a.m. in room 540 at 1800 G Street, NW., Washington, D.C. This meeting (from 9:30 to 2) is being held in collaboration with the Advisory Committee on Science, Technology, and Human Values of the National Endowment for the Humanities (NEH).

This Committee was created to provide advice and recommendations concerning support of scholarly activities in the field

of ethical and human value implications of scientific and technological progress in conjunction with cooperative programs of the National Endowment for the Humanities and the National Science Foundation. This Committee functions in accordance with the Federal Advisory Committee Act (Pub. L. 92-463).

The agenda for this meeting includes:

9:30-2.—(Collaboration session with the NEH, Science, Technology and Human Value's Advisory Committee):

Report on and discussion of results of national survey of college courses and curricular dealing with science and technology related ethical and value issues, conducted under joint NSF-NEH grant by Cornell University's Program on Science, Technology and Society.

Report on and discussion of National Conference on Technology Studies held at Lehigh University, April 21-22, 1975.

Report on and discussion of Interdisciplinary Research Workshop on the Interrelationships between Science and Ethics and Values, conducted under a joint NSF-NEH grant by the American Association for the Advancement of Science.

Discussion of current joint NEH-NSF projects.

Discussion of possible projects for future joint agency support.

2-3.—Discussion of the Ethical and Human Value Implications of Science and Technology (EHVIST) Program priorities for FY 76.

3-5.—Review of specific EHVIST proposals and evaluation of current grants (CLOSED).

From 3 to 5 p.m. the Committee will be reviewing, discusing, and evaluating specific EHVIST proposals and current grants. These proposals and grants contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 522(b), (4), (5), and (6). The closing of this portion of the meeting is in accordance with the determination by the Director of the National Science Foundation dated February 21, 1975, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

The remainder of this meeting is open to the public. Individuals who plan to attend should notify Dr. Robert J. Baum, Manager, EHVIST Program, by COB April 25, by telephone (202/282-7947) or by mail (Rm. 668-W, National Science Foundation, Washington, D.C. 20550). Dr. Baum should also be contacted for additional information about the Committee.

Summary minutes of this meeting may be obtained from the Committee Management Coordination Staff, Management Analysis Office, National Science Foundation, Washington, D.C. 20550.

Dated: April 8, 1975.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc. 75-9557 Filed 4-10-75;8:45 am]

SCIENCE ADVISER WITH SCIENTIFIC AND TECHNICAL SOCIETIES

Change in Meeting Schedule

APRIL 8, 1975.

Due to a conflict in schedule with the memorial service for the late Dr. Hubert Hefner, member of the National Science Board and former Deputy Director of the Office of Science and Technology, the meeting scheduled for Monday, April 14, 1975, by Dr. H. Guyford Stever, Science Adviser, with representatives of scientific and technical societies on the general subject of scientific and technical manpower is rescheduled for Tuesday, May 13, 1975.

The time and location will remain 9:30 a.m. in the Board Room of the National Science Foundation, at 1800 G Street, NW., Washington, D.C. 20550.

RUSSELL C. DREW,
Director, STPO.

[FR Doc.75-9500 Filed 4-10-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50-524A, 50-525A, 50-526A, 50-527A]

ALABAMA POWER CO. (ALAN R. BARTON NUCLEAR PLANT UNITS 1, 2, 3, AND 4)

Petitions for Leave To Intervene

Alabama Electric Cooperative, Inc. has filed a petition for leave to intervene in this proceeding and to participate as a party, and for a hearing on the antitrust aspects of the application of Alabama Power Company for construction permits to construct four nuclear generating units to be known as Alan R. Barton Nuclear Plant, Units 1, 2, 3, and 4. Municipal Electric Utility Association of Alabama has filed a similar petition.

Oral argument is deemed appropriate to assist this Board in ruling on the two petitions for leave to intervene. Parties should be prepared to identify and to address themselves to all significant issues of fact and law which are considered to be raised by the two petitions.

Motions to consolidate this proceeding with the proceeding in matter of Alabama Power Company (Joseph M. Farley Nuclear Plant), Docket Nos. 50-348A and 50-364A, now pending before the Commission, are not within the scope of the authority of this Board.

It is therefore ordered, That oral argument will be held on said petitions in the hearing room of the Atomic Safety and Licensing Board Panel, 12th floor, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland, at 10 a.m. on April 22, 1975.

Issued at Bethesda, Maryland, this 4th day of April 1975.

The Atomic Safety and Licensing Board established to rule on petitions for intervention.

MARSHALL E. MILLER,
Chairman.

[FR Doc.75-9430 Filed 4-10-75;8:45 am]

[Docket No. 50-10]

COMMONWEALTH EDISON CO. (DRESDEN NUCLEAR POWER STATION UNIT 1)

Evaluations Required by Acceptance Criteria for Emergency Core Cooling Systems

In accordance with 10 CFR 50.46(a)(2)(iii), a notice was published in the FEDERAL REGISTER on March 14, 1975 (40 FR 11949), that the Nuclear Regulatory Commission had received and was considering granting a request dated February 18, 1975, from the Commonwealth Edison Company (the licensee) for an extension of time from April 4, 1975 to August 2, 1975, for the submittal of an evaluation consistent with the requirements of Appendix K to 10 CFR Part 50 Acceptance Criteria for Emergency Core Cooling Systems (ECCS) for the Dresden Nuclear Power Station Unit 1 reactor and for an exemption from the "requirements of 10 CFR 50.46 and any underlying requirement with respect to the diverstiy of emergency systems or the diversity and redundancy of power sources, which would relieve Commonwealth Edison of the obligation to file a complete analysis prior to August 2, 1975, and continue in effect the variance previously granted from the Interim Acceptance Criteria." The Notice invited the submission of views and comments by any interested persons on the licensee's request. Comments have not been received.

An extension of time for submittal of the required evaluations has previously been granted from August 6, 1974 until April 4, 1975, by the Commission in its "Determination With Respect to Variance From The Interim Acceptance Criteria and Extension In Submitting Evaluations From the Acceptance Criteria For Emergency Core Cooling System" (10 CFR 50.46(a)(2)(iii))," dated August 5, 1974 (39 FR 29611).

The basis for the licensee's request for a further extension of time is the unavailability of the necessary evalution models and analyses from GE. In support of its request, the licensee states that it does not expect to receive the ECCS evaluation model and analyses from the General Electric Company (GE) for Dresden Unit 1 before June 28, 1975. The licensee requests an extension that will allow 35 days after the receipt of the ECCS evaluation from GE in order for the licensee to review the results of the analyses and develop appropriate Technical Specification changes.

Since the original extension of time was granted, substantial modifications and revisions of the evaluation models have been required as a result of the NRC's review of the GE models for newer plants, such as Dresden Unit 2 and 3. See, for these units, Order for Modification of License, published in the FEDERAL REGISTER on January 9, 1975 (40 FR 1790). The additional time involved in these modifications in the basic vendor evaluation models has delayed the development of appropriate modifications required to provide models and analyses suitable to Dresden 1 which is a plant of older design.

Based upon the NRC staff's experience and its knowledge of the effort on the part of GE to develop adequate evaluation models and analyses for a number of different reactor facilities, the NRC staff believes that the delay by GE in completing the necessary evaluation models and submitting the required analyses constitutes good cause for a further extension of the current April 4, 1975 deadline for the submittal of the information required by 10 CFR 50.46.

The schedule for completing the necessary vendor analyses set forth in the licensee's request is reasonable. Although the licensee did not provide adequate justification for the length of time for its internal review of the GE evaluation before submitting its proposed technical specification changes to the NRC, the licensee has requested 35 days which corresponds to the amount of time which the NRC staff established as a reasonable schedule in its prior Determination of August 5, 1974. The staff believes that this is a reasonable time. However, a number of subsidiary portions of the evaluations which make up the required evaluations, are to be completed by GE and provided to the licensee before the licensee's submittal to the Commission. In order to assure that the Commission is provided relevant information at the earliest possible opportunity, the licensee shall submit to the Commission copies of the various portions of the evaluation as soon as these are received from GE for review by the staff concurrent with the licensee's review.

In connection with the August 5, 1974 determination, the Commission concluded that there was reasonable assurance that the variance from the requirements of the Commission's Interim Acceptance Criteria (IAC) concerning the schedule for installation of certain equipment, would not adversely affect the health and safety of the public. With respect to the extension of time to file an evaluation of ECCS performance in accordance with 10 CFR 50.46, from August 5, 1974 until April 4, 1975, granted by the August 5, 1974 Determination, the licensee was required to submit a preliminary evaluation which provided a conservative assessment of ECCS performance under the Commission's Acceptance Criteria. Upon submission the licensee was required to operate in conformity with such preliminary evaluation and all limitations previously imposed.

Commonwealth Edison submitted a preliminary evaluation of ECCS performance on November 1, 1974, and further supplemented that evaluation on November 13, 1974. The preliminary evaluation concluded that with present operating limitations the calculated peak clad temperature using the Appendix K Models would be below 2200° F and that no additional operating limits are required. The considerations set forth in the August 5, 1974 Determination with respect to the variance from the IAC, are still applicable and provide the bases for continued facility operation. The additional analyses performed for the preliminary evaluation provide further assurance that the extension granted by this Determination will not adversely affect the health and safety of the public.

The licensee also requested an exemption from the requirements of 10 CFR 50.46 and any underlying requirement with respect to the diversity of emergency systems or the diversity and redundancy of power sources, which would relieve Commonwealth Edison of the obligation to file a complete analysis prior to August 2, 1975, and continue in effect the variance previously granted from the Interim Acceptance Criteria. In our August 5, 1974 determination, a variance from the requirements of the Interim Acceptance Criteria was granted until September 1, 1976 provided that the licensee makes additional modifications by September 1, 1976, to reduce the vulnerability of the Dresden Unit 1 ECCS to failure of a single onsite power source, continues inservice inspection at triple the frequency required by the Technical Specifications, and diligently pursues compliance with the IAC. This variance continues in effect as long as these provisions are complied with, and the licensee's request for continuance is unnecessary. However, the licensee is also subject to the requirements of the Commission's Acceptance Criteria set forth in 10 CFR 50.46, and the determination granting the IAC variance extends that variance only until operation in conformity with the acceptance criteria of 10 CFR 50.46 is required. The authorization provided by this determination, extending the time for submittal of the analyses of ECCS cooling performance required by 10 CFR 50.46, until August 2, 1975, extends the time at which any additional restrictions based on the required evaluations must be submitted and become applicable as operating limitations. (See 10 CFR 50.46(a)(2)(iv).) Consequently, no further action is required with respect to the applicant's "request for exemption."

If the licensee determines that an exemption from certain operating limitations will be required for operation after August 2, 1975, he may request such an exemption in accordance with 10 CFR 50.46(a)(2)(vi).

Accordingly, based on the foregoing considerations and for good cause shown, the Commission hereby grants an extension of time to the licensee which extends the date for compliance with the requirements of 10 CFR 50.46(a)(2)(ii) to August 2, 1975, provided that the licensee shall submit to the Commission copies of the ECCS analyses from GE immediately upon its receipt of these analyses.

Dated at Bethesda, Maryland, this 3rd day of April, 1975.

For the Nuclear Regulatory Commission.

EDSON G. CASE,
Acting Director, Office of Nuclear Reactor Regulation.

[FR Doc.75-9432 Filed 4-10-75;8:45 am]

[Docket No. 50-482A]

KANSAS GAS AND ELECTRIC CO. AND KANSAS CITY POWER AND LIGHT CO. (WOLF CREEK GENERATING STATION, UNIT NO. 1)

Assignment of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has assigned the following panel members to serve as the Atomic Safety and Licensing Appeal Board for this anti-trust proceeding:

Alan S. Rosenthal, Chairman
Michael C. Farrar, Member
Richard S. Salzman, Member

Dated: April 2, 1975.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.75-9431 Filed 4-10-75;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 7, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C.

20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Agricultural Research Service, Biological Shipment Records—Beneficial Organization, ARA Form 442, ARA Form 441, on occasion domestic quarantine facilities, Caywood, D.P., 395–3443.

Forest Service, Denver Recreation Preference Study, single-time, households in four Denver, Colo. neighborhoods, Planchon, P., 395–3898.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Project Completion Report, annually, institutes of higher education, Caywood, D.P., 395–3443.

Food and Drug Administration:

Study of Medical X-ray Equipment Operators, FDABHR0328, other (see SF–83), hospitals, clinics, private offices, Hall, George, 395–4697.

Evaluation—Mini Lessons From FDA, EDRO 0305, single-time, individual educators, Planchon, P., 395–3898.

NATIONAL SCIENCE FOUNDATION

1975 Quick Response Survey of Graduate Science and Engineering Enrollment, annually, graduate science department chairmen, Dennis Johnston, 395–3840.

VETERANS ADMINISTRATION

Application for Authority To Close Loans on an Automatic Basis—Nonsupervised Lenders, 26–8736, on occasion, Lenders, Caywood, D. P., 395–3443.

REVISIONS

U.S. CIVIL SERVICE COMMISSION

Civil Service Competitor Survey, on occasion, individuals taking civil service tests, Caywood, D. P., 395–3443.

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service:

Cotton Objective Yield Survey, CE–12–33A, other (see SF–83), cotton producers, Hulett, D. T., 395–4730.

Corn Objective Yield Survey, A. H., other (see SF–83), corn producers, Hulett, D. T., 395–4730.

Food and Nutrition Service, Reimbursement Voucher—School Lunch, Breakfast and Special Milk Programs, FNS–806, monthly, school food authority, Caywood, D. P., 395–3443.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Lenders Request for Payment of Interest on Student Loans, 1166, on occasion, financial institutions, Planchon, P., 395–3898.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service, Weekly Report of Red Tart Cherries Received for Processing Processors in Great Lakes Area, FV–100, weekly cherry processors, Evinger, S.K., 395–3648.

DEPARTMENT OF LABOR

Labor-Management and Service Administration: Eligibility Data, LMSA1010, on occasion, Evinger, S. K., 395–3648.

Receipts and Disbursements Report (Labor Consultants), LM–21, annually, Evinger, S. K., 395–3648.

Agreement and Activities Report, LM–20, on occasion, Evinger, S. K., 395–3648.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–9603 Filed 4–10–75;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on April 8, 1975 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number(s), if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (X) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this daily list may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Program Performance Report (Compares Accomplishments Toward State's Specified Goals and Objectives), OS–18–75, quarterly, State agencies, Caywood, D. P., 395–3443.

Office of Education:

The Public Views Reading Crisis in America, OE–406, single-time, individuals, Planchon, P., 395–3898.

One-Time Survey on Expenditures Under VEA 68 Funds Encumbered/Expended in Correctional Institutions, OE–407, single-time, SEA's, Planchon, P., 395–3898.

DEPARTMENT OF LABOR

Labor-Management and Service Administration, Petition To Consolidate Units, LMSA 65, on occasion, Federal Labor Organizations Representing Federal employees, Caywood, D. P., 395–3443.

EXTENSIONS

ACTION

Survey of Part-Time College Student Volunteer Program, A–138, annually, colleges and universities, Reese, B. F., 395–5630.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75–9668 Filed 4–10–75;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

AIRWAYS ENTERPRISES, INC.

Suspension of Trading

APRIL 4, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, 8 percent convertible subordinated debentures due 1982 and the units of Airways Enterprises, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 9:30 a.m. (e.d.t.) on April 4, 1975 through midnight (e.d.t.) on April 13, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75–9486 Filed 4–10–75;8:45 am]

AMERICAN STOCK EXCHANGE, INC. AND CHICAGO BOARD OPTIONS EXCHANGE, INC.

Joint Options Last-Sale Reporting Program

Notice is hereby given that the Chicago Board Options Exchange, Inc. ("CBOE") and the American Stock Exchange, Inc. ("AMEX") have proposed amendments to their previously filed proposed program for the establishment of a joint options last-sale reporting program which is filed pursuant to Rule 9b–1 (17 CFR 240.9b–1). This program was originally noticed on November 8, 1974, 39 FR 39615. The amendments filed are changes in form rather than substance and include a clarification concerning the fees being charged by OPRA.

The proposed program provides a plan that would allow the establishment of the Options Price Reporting Authority ("OPRA"), a policy-making body to coordinate the establishment and on-going administration of a common option tape on the floors of the participating exchanges and the dissemination of option last-sale data from these exchanges to vendors of interrogation devices. In addition the plan calls for OPRA, after a suitable trial period, to make the common option tape available to interested subscribers for public dissemination in the form of a continuous tape or tapes separate from the existing national networks. (The present AMEX tape, which will become Network B of the consolidated stock tape, will not be utilized for that purpose.)

Pursuant to the program OPRA will charge all subscribers that obtain the

data by means of interrogation and/or display services a monthly qualification fee in addition to the fee charged the subscribers by vendors. The fee OPRA will charge to subscribers will be reasonably related to the costs of OPRA and the exchanges in collecting and disseminating price information and in conducting related market surveillance and will be fairly allocated among subscribers. The proposed monthly OPRA fee will be computed on the basis of $35 per firm office location or $5 per registered representative, whichever results in a lower charge.

The AMEX and CBOE also submitted forms of agreement (Processor Agreement, Vendor Agreement, and Subscriber Agreement) to be used by OPRA. While the specific provisions are matters of private negotiation and are not to be reviewed, they have been placed in the Public Reference Room.

The proposed program will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed program to establish a joint option last-sale reporting program by CBOE and AMEX, and the proposed forms of agreements, either before or after they have become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made either to file number 10–54 or 10–26. The proposed program and forms of agreement are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 1, 1975.

[FR Doc.75-9495 Filed 4-10-75;8:45 am]

[70-5603]

CENTRAL POWER AND LIGHT CO.

Proposed Acquisition of a Note From Pipeline Company

Notice is hereby given that Central Power and Light Company ("CP&L"), 120 North Chaparrel Street, Corpus Christi, Texas 79401, an electric utility subsidiary company of Central and South West Corporation, a registered holding company, has filed an application, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 9(a) and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, as amended, which is summarized below, for a complete statement of the proposed transaction.

CP&L states that in order to help assure a supply of natural gas for its operations, it, among other things, entered into an agreement of August 1, 1974, with Balcones Pipeline Company ("Balcones"). Under this agreement, Balcones undertook to procure a 20 year gas purchase contract covering all gas to be produced from certain wells in Starr County, Texas, to construct a pipeline from that source to CP&L's gas fired generating plant at Mission, Texas, and to transmit and sell such gas to CP&L for a 20 year term, subject to extension. The initial contract price is stated at $1.35 per MMBTU, subject to annual adjustment.

CP&L agreed to advance $400,000 to Balcones, upon completion of the pipeline. The advance was to be repaid, without interest, in 18 equal monthly installments. It was to be secured by a first lien on the pipeline and all other assets of Balcones, and personally guaranteed by two individuals, who are lessor and lessee respectively of the oil and gas leases served by the pipeline.

On December 23, 1974, CP&L made the $400,000 advance to Balcones of which $22,222.22 has been repaid. CP&L had not applied for approval of acquisition of the note as required by section 9(a)(1) of the Act. The Parties have since amended their agreement, as of March 5, 1975, to provide for the issuance of a new note by Balcones, secured and guaranteed in the same manner as above described, to evidence the $377,777.78 balance of the advance. All other terms of the agreement are unchanged, except that the date for payment of the next monthly installment on the note has been deferred until 5 days after CP&L requests such payment.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $5,000, including $2,500 in legal fees.

Notice is further given that any interested person may, not later than April 21, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended, or as it may be further amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.75-9487 Filed 4-10-75;8:45 am]

[70-5663]

COLUMBIA GAS SYSTEM, INC.

Proposed Issuance and Sale of Short-Term Notes to Banks and to Dealers in Commercial Paper; Exception From Competitive Bidding

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), Wilmington, Delaware, a registered holding company, has filed an application-declaration with this Commission pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and rule 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Columbia requests that the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) thereof, relating to the issue and sale of short-term notes, be increased through May 31, 1976, from 5 percent to approximately 15 percent of the principal amount and par value of the other securities of Columbia then outstanding in order to permit Columbia to have outstanding up to $216,000,000 principal amount of proposed short-term notes, consisting of bank notes and commercial paper. Generally, Columbia will make the proceeds from the sale of these notes available to its subsidiary companies for construction, for the purchase of underground storage gas during the summer months, for other miscellaneous inventories, and for other short-term requirements, in accordance with the terms of Columbia's filing for intrasystem financing (File No. 70–5656).

Columbia proposes to issue and sell, from time to time through May 31, 1975, short-term notes in the form of commercial paper and notes to banks, in an aggregate amount not exceeding $216,000,000 at any one time outstanding.

It is Columbia's intention to issue and sell commercial paper to one or more dealers, and it will continue to do so as long as the effective interest rate is less than the effective interest cost which Columbia would have to pay to banks for an equivalent amount of funds as of the date of borrowing, except that, in order to obtain maximum flexibility,

commercial paper may be issued with a maturity of not more than 60 days from the date of issue with an effective interest cost in excess of such effective interest cost on bank borrowings.

The commercial paper will be in the form of promissory notes with maturities not to exceed 270 days and will not be prepayable prior to maturity. The actual maturities will be determined by market conditions, effective interest cost to Columbia, and Columbia's anticipated cash requirements at the time of issue. The commercial paper notes will be issued in denominations of not less than $50,000 and not more than $5,000,000 and will be sold at a discount which will be not in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of the particular maturity and rating.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. Each dealer, as principal, will reoffer such notes at a discount rate of ⅛ of 1 percent per annum less than the discount rate to Columbia. The reoffering will be made to not more than an aggregate of 200 customers of the dealers, such customers to be identified and designated in lists (non-public) prepared in advance. No additions will be made to the customer lists which will consist of institutional investors. It is expected that Columbia's commercial paper notes will be held by customers to maturity, but, if they wish to resell prior thereto, the applicable dealer, pursuant to a repurchase agreement, will repurchase the notes and reoffer the same to others in its specified group of customers.

Columbia requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper. In support of this request, Columbia states that the proposed commercial paper notes will have a maturity of nine months or less, that it is not practical to invite competitive bids for commercial paper, and that current rates for commercial paper for such prime borrowers as Columbia are published daily in financial publications.

Columbia proposes that up to $156,000,000 of the aforesaid commercial paper will be converted into short-term bank loans on or before May 31, 1976, and Columbia intends to secure credit lines from a group of 33 banks in a maximum aggregate amount of $156,000,000, borrowings thereunder to be repaid at or before the maturity date thereof, May 31, 1976, with cash generated from operations. The bank loans will bear interest at the minimum commercial lending rate in effect from time to time at Morgan Guaranty Trust Company of New York and will be prepayable, in whole or in part, at any time without penalty.

It is stated that although banks have not required that Columbia maintain minimum compensating balances, it has been a policy of Columbia to maintain bank balances which on an annual basis are somewhat in excess of 20 percent of its average annual loans. On this basis, the effective cost of the bank borrowings (based on a prime rate of 7¼ percent) would be 9.06 percent per annum.

Columbia has also filed with the Commission an application (File No. 70-5661) to sell $50,000,000 of preferred stock in May, 1975. Any additional financings which become necessary will be the subject of future applications to this Commission.

The expenses to be paid by Columbia in connection with the proposed transaction are estimated at $4,600. Columbia has also requested that authority be granted to file certificates under rule 24 with respect to the proposed transactions on a quarterly basis.

The application-declaration states that no state commission and no federal commission, other than the Securities and Exchange Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than April 29, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9488 Filed 10-4-75;8:45 am]

[Release Nos. 33-5577, 34-11339; File No. S7-551]

ENVIRONMENTAL AND OTHER SOCIALLY SIGNIFICANT MATTERS

Disclosure of Supplemental Information

On February 11, 1975, the Commission announced that a public proceeding, including public hearings, would be held concerning disclosure in registration statements, reports and other documents filed with the Commission or required to be furnished to investors pursuant to the Securities Act and the Securities Exchange Act of environmental and other matters of primarily social rather than financial concern, including equal employment matters. (Securities Act Release No. 5569; Securities Exchange Act Release No. 11236.) (40 FR 7013.)

Through this proceeding the Commission seeks to determine whether its present disclosure rules are adequate in view of the provisions of the National Environmental Policy Act and, if not, what further rulemaking action should be taken. The Commission also seeks information upon which to evaluate the desirability of amending its disclosure requirements with respect to other matters of primarily social rather than financial concern.

The Release has been distributed to persons on the Commission's mailing list for releases issued under the Securities Act of 1933 and the Securities Exchange Act of 1934, and was published in the SEC Docket. In addition, 500 copies were provided to Natural Resources Defense Council, Inc., plaintiff in the action out of which this proceeding arose. The Commission has recently received requests from other organizations for additional copies.

In light of the importance of obtaining in this proceeding the views of a well-balanced cross-section of the investing public and of corporations that might be affected by any rules the Commission might propose to adopt as a result of the proceeding, the Commission has determined to make available a reasonable number of copies of the Release, upon request, to any other group or organization whose membership might be interested in commenting on the matters set forth therein. Interested persons should contact Daniel L. Goelzer, Office of the General Counsel (tel. No. 755-1977), to request copies of the Release.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

APRIL 4, 1975.

[FR Doc.75-9496 Filed 4-10-75;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

APRIL 4, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 7, 1975 through April 16, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9489 Filed 4-10-75;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

APRIL 4, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 7, 1975 through April 16, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9490 Filed 4-10-75;8:45 am]

[70-5366]

MIDDLE SOUTH UTILITIES, INC.

Post-Effective Amendment Regarding Increase in Amount of Authorized Bank Borrowings

Notice is hereby given that Middle South Utilities, Inc., ("Middle South"), Two Eighty Park Avenue, New York, New York 10017, a registered holding company, has filed a sixth post-effective amendment to its declaration in this proceeding pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the following proposed transaction. All interested persons are referred to the declaration, as now amended, for a complete statement of the proposed transaction.

By order dated August 24, 1973 (HCAR No. 18065), the Commission authorized Middle South to issue and sell its unsecured promissory notes in an aggregate amount not to exceed $30,000,000 outstanding at any one time under a $135,000,000 revolving credit agreement ("Credit Agreement") with a group of 7 commercial banks headed by Manufacturers Hanover Trust Company of New York ("Banks"). Middle South now proposes to make additional borrowings from the Banks in the aggregate of $85,000,000. The proportions in which the borrowing will be made, the interest rate, the maturity date, the form of note, and all other terms and conditions of the borrowing will be the same as those terms and conditions set forth in the Credit Agreement and the original filing herein, heretofore described and authorized in the Commission order dated August 24, 1973.

The proceeds of the additional notes to banks will be used to purchase 2,400,000 shares of common stock of Arkansas Power & Light Company aggregating $30,000,000; 5,512,000 shares of common stock of Louisiana Power & Light Company aggregating $35,000,000; and 20,000 shares of common stock of Middle South Energy, Inc., from time to time through June 30, 1975, aggregating $20,000,000 (File Nos. 70-5638, 70-5645, and 70-5647, respectively).

Middle South reaffirms its intention to reduce the principal amount of notes payable outstanding through the issuance of additional shares of its common stock. The issuance of such additional common stock will be the subject of a future filing before the Commission. Any furture borrowings under the Credit Agreement will be subject to subsequent filings with and approval by the Commission.

It is represented that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transaction. No special fees or expenses are anticipated in connection with the transaction proposed herein.

Notice is further given that any interested person may, not later than April 28, 1975, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the previously amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as now amended by this post-effective amendment or as it may be further amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9491 Filed 4-10-75;8:45 am]

[File No. 500-1]

NATURIZER, INC.

Suspension of Trading

APRIL 3, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the class A and class B common stock of Naturizer, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 2 p.m. (e.d.t.) on April 3, 1975 through midnight (e.d.t.) on April 12, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9492 Filed 4-10-75;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

APRIL 4, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 7, 1975 through April 16, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9493 Filed 4-10-75;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

APRIL 4, 1975.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common

stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 7, 1975 through April 16, 1975.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.75-9494 Filed 4-10-75;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

PRELIMINARY SYSTEM PLAN

Identification of Necessary Rail Services; Correction

The following corrections are made to the text of the Preliminary System Plan ("PSP"), dated February 26, 1975, and published in the FEDERAL REGISTER on March 4, 1975, as Part II of Volume 40, (40 FR 9323–1063):

1. In Part IV, Appendix D–1, PSP, (40 FR 9594), add the following items in appropriate sequence:

Project ID	Location	Description of project	Service continued	
			Location	By
MA–9	White River Junction, Vt., Springfield, Mass., Palmer, Mass.	Boston and Maine and Central Vermont to operate on a pooling basis from White River Junction (or similar common point) to/from major Penn Central ConRail) interchange points at Springfield and Palmer (or such similar points as may become major interchange points under the ConRail operating plan).	All points retain local service as at present.	B&M

2. In Part IV, Appendix D–2, PSP, (40 FR 9599, 9600), add the following item in appropriate sequence:

Segment	From	To
	CANADA	
	Intrastate	
716	McGregor	Amherstburg.
	CONNECTICUT	
	Interstate	
40	Webster, Mass.	Southbridge, Mass.
43	Groton, Conn.	Hills Grove, R.I.
678a	Auburn, Mass.	Putnam, Conn.
	DELAWARE	
	Intrastate	
937	Montchanin	Rockland.
	ILLINOIS	
	Intrastate	
600	Paris	Decatur.
610/610a	Decatur	Maroa.
	INDIANA	
	Intrastate	
523	Elwood	Anderson.
524	do	Kokomo.
573	Beeson	Connersville.
574/574a	Lebanon	Brant.
	Interstate	
467	Michigan City, Ind.	Buchanan, Mich.
520a	Richmond, Ind.	Eaton, Ohio.
	MASSACHUSETTS	
	Intrastate	
31/32	Milford	Walpole.
	MICHIGAN	
	Intrastate	
392a	N&W Xing east of Adrian.	Adrian.
395/395a	Clinton	Lenawee Junction.
436	(Oakman Spur at Dearborn)	
455a	Lansing	Saginaw.
	NEW JERSEY	
	Intrastate	
121	Lambertville	Trenton.
121a	do	Phillipsburg.
	NEW YORK	
	Intrastate	
105/107	Riverview	Charlotte.
1025	P&L Junction	Rochester Junction.
	OHIO	
	Intrastate	
372a	Dover	New Philadelphia.
496/496a	Bremen	Circleville.
518	Old River Junction	New River Junction.
538	Ansonia	Meekers.
551	Troy	Arcanum.
640	Bremen	New Lexington.
643a	Freemont	Clyde.
	WEST VIRGINIA	
	Intrastate	
512/512a	Blue Creek	Hitop.

3. In Part IV, Appendix D, PSP, (40 FR 9601), left column:

(a) The second sentence is corrected to read, "Part I lists those proposed extensions which the Association has been unable to determine would not either singly or cumulatively materially impair the profitability of any railroad, including ConRail in the Region," and

(b) The subtitle following the first paragraph is corrected to read, "Major Market Extensions Which USRA Has Been Unable To Determine Would Not Materially Impair Profitability".

4. In Part IV, Appendix D–3, Part I, PSP, (40 FR 9602), delete item Project ID, "D&H–1".

5. In Part IV, Appendix D–3, Part II, PSP, (40 FR 9604–9606):

(a) Under Project ID, CS–5, the description of the project is corrected to read, "Chessie System (Baltimore & Ohio) to acquire trackage or trackage rights from Lurgan via Harrisburg to the Allentown/Bethlehem and Greater Philadelphia areas and from both Allentown and Philadelphia to the Greater Newark Area, with or without access to on-line industry in and between those points.

(b) Under Project ID, N&W–13, indicate as an additional location "Hitop, W.VA.".

(c) Add, in appropriate sequence, the following additional items:

Project ID	Location	Description of project
CS-19	Hilltop, W. Va., Cornelia, W. Va.	Clessie to acquire Penn Central trackage needed to continue service to shippers on the Hilltop and Peter Creek lines.
D&H-1	Wilkes-Barre, Pa., to Alexandria, Va.	Delaware and Hudson to acquire trackage or trackage rights over Penn Central, Lehigh Valley, and Reading, via Allentown, with or without access to on-line industry in and between those points.
P&S-1	Freeport to Pittsburgh, Pa. (west side of Allegheny River).	P&S to acquire existing PC facilities.
P&S-2	Butler Branch from Freeport to Butler, Pa.	Do.
P&S-3	Portion of Lowgrade line Brookville to Redbank, including Sligo Branch.	Do.
P&S-4	W. I. Yard, Brockway to end of track at Brockport.	P&S to acquire existing Erie Lackawanna facilities.
P&W-1	Providence to Cranston.	Providence & Worcester to acquire trackage of Penn Central (ConRail) southward from Providence to Cranston.
P&W-2	Worcester to Auburn, Mass.	Providence & Worcester to acquire Penn Central line between Worcester and Auburn.
USRA-4	Harrisburg, Pa., Allentown, Pa., Bethlehem, Pa., Philadelphia, Pa., Wilmington, Del., Central, Ohio.	Norfolk and Western to acquire trackage or trackage rights from Central Ohio via Harrisburg to the Allentown/Bethlehem, Greater Philadelphia, and Wilmington areas, and from both Allentown and Philadelphia to the Greater Newark area, with or without access to on-line industry in and between those points.

Dated at Washington, D.C. this 7th day of April, 1975.

EDWARD G. JORDAN,
President,
U.S. Railway Association.

[FR Doc.75-9324 Filed 4-10-75;8:45 am]

VETERANS ADMINISTRATION

ADMINISTRATOR'S EDUCATION AND REHABILITATION ADVISORY COMMITTEE

Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Education and Rehabilitation Advisory Committee, authorized by section 1792, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC, on April 28, 1975, at 9:30 a.m. The meeting will be for the purposes of reviewing the Veterans Administration's educational program and the new legislation as enacted by Pub. L. 93-508.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Mr. C. L. Dollarhide, Deputy Director, Education and Rehabilitation Service, Veterans Administration Central Office (phone 202-389-2152), prior to April 23.

Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

Dated: April 7, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-9497 Filed 4-10-75;8:45 am]

HEALTH MANPOWER TRAINING ASSISTANCE REVIEW COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of a meeting of the Health Manpower Training Assistance Review Committee, authorized by the Administrator of Veterans Affairs on August 26, 1974 in the FEDERAL REGISTER Vol. 39, No. 166. This meeting will be in the Veterans Administration Central Office building and the committee will meet as follows: One-third of the members will meet on April 28-29, 1975 at 8:45 a.m.; one-third of the members will meet on May 5-6, 1975 at 8:45 a.m. and the final third of the members will meet on May 8-9, 1975 at 8:45 a.m. The meeting will be for the purpose of review of applications for grant assistance to institutions engaged in health manpower training, which assistance is authorized by Pub. L. 92-541. The committee provides recommendations to the Chief Medical Director concerning approval, deferral, return for revision and disapproval of the applications being considered.

The meeting will be open to the public on the first day up to seating capacity of the room from 8:45 a.m. until 9:30 a.m. to discuss general policies and current status of the program. Because of the limited seating capacity of the room those who plan to attend should contact Dr. Chester W. DeLong, executive secretary of the committee, Department of Medicine and Surgery, Veterans Administration Central Office 810 Vermont Avenue, NW Washington, DC 20420 prior to April 25, 1975. (Telephone (202) 389-3072). The meeting will be closed from 9:30 a.m. until 5 p.m. the first day and on the second day for consideration of individual applications. The closed portion of the meeting involves: discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of individual grant applications, and similar documents which are exempt from disclosure under the intra-agency memoranda exemption (exemption (5)) to section 552(b) of title 5, United States Code. The portion of the meeting which necessitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Minutes of the meeting and rosters of the committee members may be obtained from Dr. DeLong at the address given above.

Dated: April 7, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-9498 Filed 4-10-75;8:45 am]

MEDICAL SCHOOL ASSISTANCE REVIEW COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 of a meeting of the Medical School Assistance Review Committee, authorized by the Administrator of Veterans Affairs on August 26, 1974 in the FEDERAL REGISTER Vol. 39 No. 166. This meeting will be in the Veterans Administration Central Office building, Room 139 on May 1-2, 1975 starting at 8:45 a.m. The meeting will be for the purpose of review of applications from medical schools for assistance in developing their programs, which assistance is authorized by Pub. L. 92-541. The committee advises the Chief Medical Director on the approval, deferral, return for revision, or disapproval of these applications.

The meeting will be open to the public up to the seating capacity of the room from 8:45 a.m. to 9:30 a.m. to discuss the general policies and current status of the program. Because of the limited seating capacity of the room those who plan to attend should contact Dr. Chester W. DeLong, executive secretary of the committee, Department of Medicine and Surgery, Veterans Administration Central Office, 810 Vermont Avenue, NW Washington, DC 20420 prior to April 25, 1975. (Telephone (202) 389-3072).

The meeting will be closed from 9:30 a.m. until 5 p.m. on May 1, 1975 and on May 2, 1975 for consideration of individual applications. The closed portion of the meeting involves: Discussion, examination, reference to, and oral review of site visits, staff and consultant critiques of individual grant applications, and similar documents which are exempt from disclosure under the intraagency memoranda exemption (exemption (5)) to section 552(b) of title 5, United States Code. The portion of the meeting which necessitates examination of these documents will be closed to prevent inadvertent disclosure of these exempt records.

Dated: April 7, 1975.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.75-9499 Filed 4-10-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 U.S.C. 1924 (b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75, published January 29, 1975 (40 FR 4393). In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.

2. Employment trends in the same industry in the local area.

3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.

4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).

5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing on or before April 25, 1975 to: Deputy Assistant Secretary for Manpower, 601 D Street, NW, Washington, D.C. 20213.

Signed at Washington, D.C. this 7th day of April, 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

APPLICATIONS RECEIVED DURING THE WEEK ENDING APRIL 4, 1975

Name of applicant	Location of enterprise	Principal product or activity
Lakeview Care Center	Sidney, Maine	Nursing home.
L. C. Andrew, Inc.	South Windham, Maine	Low-cost prefab homes.
SNK Realty and Financing	Howell, N.J.	Rental office space.
Delmarva Poultry Cooperative, Inc.	Delmar, Del.	Raising, processing, and marketing of poultry.
Ring Processing, Inc.	Martinsburg, W. Va.	Meat processing.
Kenneth M. Fulford	Selma, Ala.	Slaughtering and meat processing and retail sales.
Burton Block & Concrete Co., Inc.	Beaufort Co., S.C.	Ready mixed concrete and concrete products.
Southgate, Inc.	Dayton, Tenn.	Shopping center construction.
Regency, Inc.	Myrtle Beach, S.C.	Restaurant.
Calsilite Corp.	Brunswick, Ga.	Manufacturing high temperature calcium, silicate molded pipe covering and block insulation.
Tell City Chair Co. (lenant of City of Leitchfield, Ky.)	Leitchfield, Ky.	Production of hardwood parts and solid wood panels.
Irish Corp.	Camden, Ala.	Construction of component homes.
Basila Mfg. Co., Inc.	Greene County, Miss.	Manufacture of women's garments.
J. M. P. Enterprises, Inc.	Pikeville, Tenn.	Manufacture of jeans and jackets.
Greenwood Homes, Inc.	Greenwood, Wis.	Manufacture of modular houses and mobile homes.
James F. and Dorothy M. Speth	Spring Grove, Wis.	Motel-restaurant.
Glenwood City Enterprises, Inc.	Boyceville, Wis.	Manufacture of broom and brush handles and dowel pins (wooden).
Hedenquist Motors, Inc.	Jackson, Minn.	Automobile sales and service.
Pilgrim Industries, Inc.	Mt. Pleasant, Tex.	Rendering of offal into poultry feed ingredients.
Garvey International, Inc.	Muskogee, Okla.	Grain handling and storage.
Hydra-Gym Athletic Co.	Belton, Tex.	Assembly and sales of exercise equipment.
United Centrifugal Pumps	Santa Fe, N. Mex.	Manufacture of parts for centrifugal pumps.
Renfro Refuse Service	Reeds Spring, Mo.	Refuse collection and sanitary landfill.
Sand Seed Service, Inc.	Marcus, Iowa	Handling and processing of grain and seed.
Morrow Milling Co.	Carthage, Mo.	Manufacture of animal and poultry feed; poultry processing.
Jones-Normel Foods, Inc.	Weston, Oreg.	Processing of frozen vegetables.

[FR Doc.75-9440 Filed 4-10-75;8:45 am]

FEDERAL ADVISORY COUNCIL ON UNEMPLOYMENT INSURANCE

Meeting

A meeting of the Federal Advisory Council on Unemployment Insurance will be held on April 15, 1975, starting at 9 a.m. and adjourning at approximately 4:30 p.m. Meeting location will be the Meeting Room off the main lobby of the Patrick Henry Building, which is located at 601 D Street, NW., Washington, D.C.

The agenda is as follows:

9 a.m.—Welcome and remarks on the Unemployment Insurance Program and possible legislative changes, John T. Dunlop, Secretary of Labor.

Formal Adoption of Council procedures, Carolyn Shaw Bell, Chairman, presiding.

Report of the Committee on Financing, Father Joseph M. Becker, Committee Chairman.

Council discussion and recommendations with regard to methods of raising needed Federal revenue.

12—Lunch.

1—Program financing discussion continues.

Council discussion and recommendations with regard to benefit adequacy standard.

4:30—Adjournment.

Members of the public are invited to attend the proceedings.

Telephone inquiries and communications concerning this meeting should be directed to:

Mrs. Sally Ehrle, Executive Secretary, Federal Advisory Council on Unemployment Insurance, Room 7000, Patrick Henry Building, 601 D Street, NW., Washington, D.C. 20213.

Mrs. Ehrle's telephone number is Area Code 202-376-7034.

Signed at Washington, D.C. this 9th day of April 1975.

(This emergency meeting was called by the Secretary of Labor in order to solicit the views of the Federal Advisory Council on Unemployment Insurance prior to Congressional testimony).

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.75-9684 Filed 4-10-75;8:45 am]

Office of the Secretary

[TA-W-2]

ESSEX INTERNATIONAL, INC.

Certification of Eligibility to Apply for Adjustment Assistance

On April 3, 1975, the Department of Labor received a petition filed by three workers under section 221(a) of the Trade Act of 1974 (the Act) on behalf of the workers and former workers of the Milford, Utah mine and mill of Essex International, Inc., Fort Wayne, Indiana

(TA-W-2). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with copper concentrates and copper precipitates of the types provided for in items 602.30 and 612.02 of the Tariff Schedules of the United States produced by Essex International, Inc., or an appropriate subdivision thereof, have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of April 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-9444 Filed 4-10-75;8:45 am]

[TA-W-1]

FMC CORP.

Certification of Eligibility To Apply for Adjustment Assistance

On April 3, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 (the Act) by the Textile Workers Union of America, AFL-CIO, on behalf of the workers and former workers of the Parkersburg, West Virginia plant of the Fibers Division of the FMC Corporation, Chicago, Illinois (TA-W-1). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221 (a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with rayon textile yarn, rayon staple, and rayon tow of the types provided for in items 309.30, 309.31, 309.4320, 309.4325, 310.0125, 310.0225, 310.0520, 310.0620, 310.1025, 310.1125, 310.2020, and 310.2120, of the Tariff Schedules of the United States produced by the FMC Corporation, or an appropriate subdivision thereof, have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate as appropriate to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of April 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-9443 Filed 4-10-75;8:45 am]

[TA-W-3]

INMONT CORP.

Certification of Eligibility To Apply for Adjustment Assistance

On April 3, 1975, the Department of Labor received a petition filed under section 221(a) of the Trade Act of 1974 (the Act) on behalf of the workers and former workers of the Winthrop, Maine plant of Inmont Corporation, New York, New York (TA-W-3). Accordingly, the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted an investigation as provided in section 221(a) of the Act and 29 CFR 90.12.

The purpose of the investigation is to determine whether absolute or relative increases of imports of articles like or directly competitive with certain coated or laminated fabrics produced by Inmont Corporation, or an appropriate subdivision thereof, have contributed importantly to an absolute decline in the sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision. The investigation will further relate, as appropriate, to the determination of the date on which such total or partial separations began or threatened to begin and the subdivision of the firm involved. A worker group meeting the eligibility requirements of section 222 of the Act will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90.

Pursuant to 29 CFR 90.13, the petitioner or any other person showing a substantial interest in the subject matter of the investigation may request a public hearing, provided such request is filed in writing with the Acting Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 21, 1975.

The petition filed in this case is available for inspection at the Office of the Acting Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, D.C. 20210.

Signed at Washington, D.C. this 4th day of April 1975.

MARVIN M. FOOKS,
Acting Director, Office of Trade Adjustment Assistance.

[FR Doc.75-9442 Filed 4-10-75;8:45 am]

Wage and Hour Division

SPECIAL MINIMUM WAGES

Certificates Authorizing the Employment of Learners

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended (29 U.S.C. 201 et seq.)), and Administrative Order No. 621 (39 FR 12819) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

The following certificates were issued under the apparel industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.20 to 522.25, as

amended). The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Berlin Mfg. Co., Inc., Berlin, MD; 2-17-75 to 1-31-76; 10 learners. (Ladies' and men's jeans and work shirts)

Chester Mfg. Co., Henderson, TN; 3-1-75 to 2-29-76. (Juveniles' pants)

Colshire Mfg. Co., Inc., Morgantown, WV; 3-1-75 to 2-29-76. (Men's and women's pajamas)

Corbin, Ltd; Huntington, WV; 1-22-75 to 1-21-76. (Men's pants)

Crystal Springs Shirt Corporation, Crystal Springs, MS; 3-4-75 to 3-3-76. (Boys' shirts)

Donlin Sportswear, Inc., New Tazewell, TN; 2-1-75 to 1-31-76. (Men's shirts)

Edison Textiles, Inc., Edison, GA; 3-5-75 to 3-4-76. (Infants' and girls' outerwear)

Elder Mfg. Co., McLeansboro, IL; 2-7-75 to 2-6-76. (Men's and boys' shirts)

Fawn Grove Mfg. Co., Inc., Rising Sun, Md; 2-17-75 to 1-31-75; 10 learners. (Men's work pants)

Flushing Shirt Mfg. Co., Inc., Grantsville, MD; 1-18-75 to 1-17-76. (Men's shirts)

Michael Berkowitz Co., Inc., Frostburg, MD; 3-29-75 to 3-28-76. (Men's pajamas)

Princess Kent, Inc., Fort Kent, ME; 1-15-75 to 1-14-76; 10 learners. (Children's nightwear)

Salant & Salant, Lawrenceburg, TN; 3-1-75 to 2-29-76. (Men's and boys' shirts and outerwear jackets)

Salant & Salant, Loretto, TN; 3-1-75 to 2-29-76. (Men's and boys' pants)

Salant & Salant, Parsons, TN; 3-1-75 to 2-29-76. (Men's pants)

Somerville Mfg. Co., Inc., Somerville, TN; 3-10-75 to 3-9-76. (Men's pants)

Soperton Mfg. Co., Soperton, GA; 2-9-75 to 2-8-76. (Men's shirts)

Steele Apparel Co., Inc., Steele, MO; 12-23-74 to 12-22-75. (Women's dresses)

Tennessee Overall Co., Inc., Tullahoma, TN; 1-29-75 to 1-28-76. (Men's pants)

Wilker Bros. Co., Inc., McKenzie, TN; 3-1-75 to 2-29-76. (Men's and boys' pajamas)

W. S. W. Co. of Sharon, Inc., Sharon, TN; 3-19-75 to 3-18-76. (Children's pajamas)

The following plant expansion certificate was issued authorizing the number of learners indicated.

Continental Apparel Mfg. Co., DeFuniak Springs, FL; 2-1-75 to 7-31-75; 15 learners. (Women's blouses and pants)

The following certificate was issued under the glove industry learner regulations (29 CFR 522.1 to 522.9, as amended and 522.60 to 522.65, as amended.)

Mid West Glove Corporation, Chillicothe, MO; 2-25-75 to 2-24-76; 10 percent of the total number of machine stitchers for normal labor turnover purposes. (Work gloves)

The following learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rate, occupation, learning period, and the number of learners authorized to be employed, are indicated.

CTP Division—General Cigar Co., Inc., Caguas, PR; 1-15-75 to 1-14-76; 10 learners for normal labor turnover purposes in the occupation of machine stripping, for a learning period of 160 hours at the rate of $1.62 an hour. (Tobacco)

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR, Part 528. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before May 6, 1975.

Signed at Washington, D.C. this 4th day of April 1975.

ARTHUR H. KORN,
Authorized Representative of the Administrator.

[FR Doc.75-9441 Filed 10-4-75;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 740]

ASSIGNMENT OF HEARINGS

APRIL 8, 1975.

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.

MC-C-8434, Diggins and Rose, Inc.—Investigation and Revocation of Certificate, now assigned May 15, 1975, at Boston, Massachusetts, is cancelled.

MC 113678, Sub 567, Curtis, Inc., now being assigned May 28, 1975, at New Orleans, Louisiana; in a hearing room to be designated later.

MC 106497, Sub 90, Parkhill Truck Co., now assigned June 3, 1975, at Atlanta, Georgia, is cancelled and the application is dismissed.

MC 140251, Knudsen Trucking, Inc., now being assigned July 16, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 30237, Sub 27, Yeatts Transfer Company, now being assigned July 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 78228, Sub 52, J Miller Express, Inc., now being assigned July 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 128273, Sub 161, Midwestern Distribution, Inc., now being assigned July 9, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 134612, Sub 2, Fast Motor Service, Inc., now being assigned July 1, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 13250, Sub 125, J. H. Rose Truck Line, Inc., now assigned June 3, 1975, at Atlanta, Georgia, is cancelled and the application is dismissed.

Ex Parte No. 277, Sub 3, Adequacy of Intercity Rail Passenger Service, now assigned April 16, 1975, at Boston, Mass., will be held in Room 501, 150 Causeway Street; May 7, 1975, at San Francisco, Calif., in Room 2017, 2nd Floor, 450 Golden Gate Avenue; May 12, 1975, at Los Angeles, Calif., in Room 1529, 312 North Spring Street; May 15, 1975, in Fort Worth, Texas, in City Council Chambers, Second Floor, Municipal Office Building, 10th and Jennings; and June 9, 1975 at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 113981, Sub 10, Vegas Trucking and Moving, Inc., application dismissed.

MC-F-12347, Roadway Express, Inc.—Purchase (Portion)—Red Line, Inc., now being assigned July 14, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 14751, sub 4, Nelson Transfer & Storage Company, now being assigned July 15, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 135379, Sub 7, Eastern Transport, Inc., now being assigned July 16, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 140359, Bufton Associates Limited, now being assigned July 17, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 106644, Sub 194, Superior Trucking Company, Inc., now being assigned July 23, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 117574, Sub 252, Daily Express, Inc., now assigned May 29, 1975, is postponed to July 15, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9517 Filed 4-10-75;8:45 am]

[Rule No. 19; Ex Parte No. 241; Exemption No. 85, Amdt. No. 2]

CHICAGO, MILWAUKEE, ST. PAUL, AND PACIFIC RAILROAD CO. ET AL.

Exemption Under Mandatory Car Service

Correction

In FR Doc. 75-8416 appearing on page 14653 in the issue of Tuesday, April 1, 1975, the docket number should read as set forth above.

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 8, 1975.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the General Rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42970—*Joint Water-Rail Container Rates — Seatrain International, S.A.* Filed by Seatrain International, S.A. (No. 15), for itself and interested rail carriers. Rates on general commodities, between rail terminals on the U.S. Gulf Coast, and ports in Japan,

Hong Kong, Korea, and Taiwan. Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9516 Filed 4-10-75;8:45 am]

[Notice No. 263]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

APRIL 11, 1975.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g), of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 1, 1975, pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75526. By order of April 1, 1975, the Motor Carrier Board on reconsideration approved the transfer to Commercial Transfer, Inc., Fresno, Calif., of the Certificate of Registration in No. MC 9226 (Sub-No. 4), issued May 18, 1964, to C. J. Fortier and C. E. Fortier, a partnership, doing business as Reedley-Selma-Kingsburg Truck Lines, Fresno, Calif., evidencing a right of the holder to engage in transportation in interstate or foreign commerce corresponding in scope to the grant of authority in Decisions No. 9492, dated September 12, 1921; No. 15609, dated November 7, 1925; No. 23350, dated February 2, 1931; and No. 23741 dated June 1, 1931, and transferred to transferor in Decision No. 31838 dated March 20, 1939, by the Public Utilities Commission of California. Granville T. Harper, 140 Montgomery Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-75688. By order of March 13, 1975, the Motor Carrier Board approved the transfer to Sunrise Transportation, Inc., Manteca, Calif., of the operating rights in Permit No. MC 139432 (Sub-No. 1), and Certificate No. MC 119912 (Sub-No. 1), issued December 10, 1974, and August 25, 1961, respectively, to Clifford L. Aksland, doing business as Sunrise Transportation, Manteca, Calif., authorizing the transportation of feed supplements and sugar beet final molasses residuum, in bulk, in tank vehicles, between Nyssa, Oreg., on the one hand, and, on the other, San Jose, Calif., and sugar beet final molasses residuum, in bulk, in tank vehicles, from Twin Falls, Idaho, to San Jose, Calif., under continuing contract with Loomix, Inc., and bakery goods, loose, in racks, and bakery goods, in containers, from San Francisco, Oakland, Berkeley, and Sacramento, Calif., to Reno and Carson City, Nev., and points within 20 miles of Reno. *Dual operations were approved.* Thomas M. Loughran, 100 Bush Street, San Francisco, Calif. 94104, attorney for applicants.

No. MC-FC-75691. By order of March 13, 1975, the Motor Carrier Board approved the transfer to Reagle, Inc., Valentine, Nebr., of the operating rights in Certificate No. MC 110553, issued December 28, 1949, to Alvin M. Reagle, Valentine, Nebr., authorizing the transportation of livestock, agricultural commodities, food, household goods as defined by the Commission, and farm machinery, over a regular route between Valentine, Nebr., and Sioux City, Iowa, and Omaha, Nebr.; livestock and agricultural commodities, between points in Nebraska within 50 miles of Valentine, Nebr., on the one hand, and, on the other, Winner, S. Dak., and points in Todd County, S. Dak., and household goods, livestock, agricultural commodities, food, agricultural machinery, agricultural equipment and parts thereof, and other emigrant movables, between Valentine, Nebr., and points in Nebraska and South Dakota within 25 miles of Valentine, points in Todd County, S. Dak., Crawford, Nebr., points on U.S. Highway 20 between Valentine and Crawford and Alliance, Nebr., on the one hand, and, on the other, Denver, Colo. Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-75698. By order of March 14, 1975, the Motor Carrier Board approved the transfer to C. W. Fox, doing business as C. W. Fox Trucking, Spooner, Wis., of the operating rights in Certificate No. MC 125108, issued March 14, 1968, to Mrs. Rae O. Hummel, doing business as City Dray, Spooner, Wis., authorizing the transportation of general commodities, with the usual exceptions between Spooner, Wis., and Shell Lake, Wis., serving no intermediate points, and restricted to the transportation of traffic interchanged with other motor carriers at Spooner. Paul H. Waggoner, 113 River Street, Spooner, Wis. 54801, attorney for applicants.

No. MC-FC-7577. By order of March 27, 1975, the Motor Carrier Board approved the transfer to Glen A. Olsen, Ricky B. Olsen and Lyle E. Olsen, doing business as G. A. Olsen and Sons, Persia, Iowa, of the operating rights in Certificate No. MC 106986, issued November 8, 1956, to D. L. Hughes, Persia, Iowa, authorizing the transportation of various commodities from, to and between specified points and areas in Nebraska and Iowa.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9518 Filed 4-10-75;8:45 am]

[Notice No. 36]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 4, 1975.

Important notice: The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67, (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8744 (Sub-No. 9TA), filed March 24, 1975. Applicant: CONSOLIDATED MOTOR EXPRESS, INC., 910 Grant Street, Bluefield, W. Va. 24701. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those commodities which because of their size or weight require the use of special equipment), between Tazewell, Va., on the one hand, and, on the other, points in Boone County, W. Va., for 180 days. Supporting shippers: Pyott-Boone, Inc., Box 809, Tazewell, Va. 24651. Gould, Inc., Box 829, Tazewell, Va. 24651. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, 3108 Federal Office Bldg., 500 Quarrier St., Charleston, W. Va. 25301.

No. MC 95876 (Sub-No. 170TA), filed March 26, 1975. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper

Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granite*, from Marathon County, Wis., to points in South Dakota, Minnesota, Iowa, Illinois, Indiana, Ohio, Missouri, Nebraska, Michigan, Kansas, New York (West of N.Y. Highway 96), and Pennsylvania (West of U.S. Highway 15), for 180 days. Supporting shippers: Anderson Bros. & Johnson Co., Inc., East Manson St., Wausau, Wis. Lake Wausau Granite Company, North Second St., P.O. Box 397, Wausau, Wis. Send Protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 111729 (Sub-No. 525TA), filed March 27, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delaney (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory specimens, clinical pathology and blood samples*, between Toledo, Ohio, and Adrian, Mich., for 90 days. Supporting shipper(s): Pathology Laboratories, 2800 West Central Avenue, Toledo, Ohio 43606. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 526TA), filed March 27, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Replacement and repair parts for aircraft*, restricted against the transportation of packages or articles weighing more than 50 pounds from one consignor to one consignee on any one day, from Pittsburgh, Pa. to Cleveland and Youngstown, Ohio, on traffic having an immediately prior movement by air. (2) *Machine repair parts; production machine tools; sample automotive and machinery parts*, restricted against the transportation of packages or articles weighing more than 100 pounds from one consignor to one consignee on any one day, (a) between Hillsdale and Jonesville, Mich., on the one hand, and, on the other, airports serving Detroit, Mich., and Chicago, Ill., on traffic having an immediately prior or subsequent movement by air, (b) between Hillsdale and Jonesville, Mich., on the one hand, and, on the other, points in Illinois, Indiana and Ohio. (3) *Business or office machine parts, supplies, devices, and units*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Mechanicsburg and Pittsburgh, Pa., on the one hand, and, on the other, Martins Ferry and Steubenville, Ohio.

(4) *Drugs, narcotics, pharmaceuticals, toiletries, sundries, proprietaries, and other items related to drug stores and hospitals*, restricted against the transportation of articles or packages weighing more than 50 pounds per shipment or 100 pounds in the aggregate, from one consignor to one consignee on any one day, Between Toledo, Ohio, on the one hand, and, on the other, points in Allen, De Kalb, Elkhart, Kosciusko, Lagrange, Nobel, Steuben, and Whitley Counties, Ind.; and Branch, Genesee, Hillsdale, Ingham, Jackson, Lenawee, Macomb, Monroe, Oakland, St. Joseph, and Washtenaw Counties, Mich., for 180 days. Supporting shipper(s): (1) Beckett Aviation Corporation, Municipal Airport, Youngstown, Ohio. (2) Hillsdale Tool & Manufacturing Co., 135 E. South St., Hillsdale, Mich. (3) International Business Machines Corporation, P.O. Box 10, Princeton, N.J. (4) Walding, Kinnan & Marvin, 3145 Nebraska Ave., Toledo, Ohio. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 111729 (Sub-No. 527TA), filed March 27, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Live laboratory specimens*, from Madison, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio, for 180 days. Supporting shipper(s): Holtzman Company, 421 Holtzman Road, P.O. Box 4068; Madison, Wis. 53711. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113908 (Sub-No. 339TA), filed March 28, 1975. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180 G.S.S., Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and Wine Products*, in bulk, from Atlanta, Ga., to points in Baltimore, Md., Danville, Va., Church Point, La., for 180 days. Supporting shipper: Monarch Wine Company of Georgia, P.O. Box 6847, Atlanta, Ga. 30315. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Bldg., 911 Walnut St., Kansas City, Mo. 64106.

No. MC 117765 (Sub-No. 189TA), filed March 24, 1975. Applicant: HAHN TRUCK LINE, INC., 5315 NW. Fifth, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, petroleum products and roofing materials in containers*, from Wynnewood, Okla., to points in Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Kerr McGee Corporation, Ray F. Fischer, T. M., P.O. Box 25861, Oklahoma City, Okla. 73125. Send protests to: Marie Spillars, Transportation Assistant, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 118560 (Sub-No. 1TA), filed March 25, 1975. Applicant: GENERAL TRUCKING COMPANY, INC., P.O. Box 269, 1100 School Street, Columbia, Tenn. 38401. Applicant's representative: Edward C. Blank, II, P.O. Box 1004, Columbia, Tenn. 38401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag by-products of phosphate furnaces*, in bulk, from plants of Southern Stone Company, Inc., located in Maury County, Tenn., to points in Kentucky, Alabama, and Mississippi, for 180 days. Supporting shipper: Southern Stone Company, Inc., 2111 Eighth Ave. S., Birmingham, Ala. 35233. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Court House, Nashville, Tenn. 37203.

No. MC 119226 (Sub-No. 29TA) (Amendment), filed March 4, 1975, published in the FEDERAL REGISTER issue of March 21, 1975, and republished as amended this issue. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. 46227. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Weed killing compounds, liquid* (in bulk, in tank vehicles), from Lafayette, Ind., to Clinton, Eldorado, E. Paso, Pontiac, Potomac, Pleasant Plains, Ottawa, Springfield, Dewey, and Sheldon, Ill.; and Burlington, Clear Lake, Colfax, Des Moines, Mount Vernon, and Davenport, Iowa, for 180 days. Supporting shipper: Eli Lilly and Company, Elanco Products Division, P.O. Box 618, Indianapolis, Ind. 46204. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204. The purpose of this republication is to add as Illinois destination points the points of Dewey and Sheldon, Illinois.

No. MC 124078 (Sub-No. 642TA), filed March 26, 1975. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53215. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from the plantsite of the Miami Fort Power Plant of the Cincinnati Gas and Electric Company, at or near North Bend, Ohio, to points in Illinois, Indiana, Kentucky, Ohio, Pennsylvania, and West Virginia.

for 180 days. Supporting shipper: Amax Resource Recovery Systems, 3440 Office Park Drive, Dayton, Ohio 45439. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 125785 (Sub-No. 28TA), filed March 26, 1975. Applicant: SATURNE EXPRESS, INC., 7860 F Street, Omaha, Nebr. 68127. Applicant's representative: Michael J. Ogborn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ground, crushed or powdered glass and glass beads;* and (2) *materials, equipment and supplies* used in the application of highway marking strips, from Jackson, Miss., to points in Montana, Idaho, Utah, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Wisconsin, Illinois, and Kentucky. Restrictions: Restricted against the transportation of commodities in bulk and further restricted to a transportation service to be performed under a continuing contract with Ferro Corporation, for 180 days. Supporting shipper: Cataphote Division, Ferro Corporation, B. J. Young, Plant Controller, P.O. Box 2369, Jackson, Miss. 39205. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 126276 (Sub-No. 120TA), filed March 25, 1975. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, container components and materials* used in the sale, manufacture of distribution of containers, from the plant site of American Can Company, located in Edison, N.J., to points in Milwaukee, Wis., for 180 days. Supporting shipper: Richard P. Edwards, Assistant Transportation Manager-Operations, American Can Company, American Lane, Greenwich, Conn. 06830. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126489 (Sub-No. 28TA), filed March 25, 1975. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth Street, P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bone meal*, in bags, from St. Joseph, Mo., to points in Louisiana, Mississippi, and Alabama, for 180 days. Supporting shipper: Swift Chemical Company, 111 West Jackson Blvd., Chicago, Ill. 60604. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Bldg., Wichita, Kans. 67202.

No. MC 127811 (Sub-No. 5TA), filed March 27, 1975. Applicant: BRYNWOOD TRANSFER, INC., 175 8th Avenue SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pre-cast and pre-stressed concrete products* which because of unusual size or weight require special handling and the use of special equipment and; (2) *related parts and equipment* when transported in the same vehicle at the same time with the commodities described in (1) above, from Osseo, Minn., to Grand Forks and West Fargo, N. Dak., for 180 days. Supporting shipper(s): Bladholm Bros., Box H, Osseo, Minn. 55369. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128469 (Sub-No. 2TA), filed March 24, 1975. Applicant: A & A TRANSFER & STORAGE, INC., 113 Hollywood Boulevard NW., Fort Walton Beach, Fla. 32548. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, Calif. 94802. Columbia Export Packers, Inc., 19032 S. Vermont Ave., Torrance, Calif. 90502. Perfect Pak Company, 2015 Airport Way South, Seattle, Wash. 98134. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202.

No. MC 128527 (Sub-No. 53TA) filed March 26, 1975. Applicant: MAY TRUCKING CO., Box 398, Payette, Idaho 83661. Applicant's representative: C. Marvin May (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food businesshouses, *and equipment, materials and supplies* used in the conduct of such business, from points in California to points in Baker, Union, and Umatilla Counties, Oreg., for 180 days. Supporting shipper: LaGrande Fruit Company, LaGrande, Oreg. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, 550 West Fort Street, Box 07, Boise, Idaho.

No. MC 134121 (Sub-No. 3TA), filed March 28, 1975. Applicant: ROBERT FRANK DEASON, doing business as DEASON GRAIN CO., P.O. Box 368, Lewisburg, Tenn. 37091. Applicant's representative: Roland M. Lowell, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and empty containers on return*, from Lewisburg, Tenn., to points in Van Wert, Ohio, for 180 days. Supporting shipper: Marshall County Creamery, Inc., 116 3rd Ave., S. Lewisburg, Tenn. 37091. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A–422, U.S. Court House, Nashville, Tenn. 37203.

No. MC 136423 (Sub-No. 4TA), filed March 27, 1975. Applicant: EMPIRE DIRECT SHIPPERS, INC., 400 Sip Avenue, Jersey City, N.J. 07306. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Granulated sugar substitutes, non-fat dry milk, instant flavored broth and seasoning*, dry, in containers, from New Paltz, N.Y., to points in Dallas, Tex., Chicago, Ill., Atlanta, Ga., and LaHabra, Calif., for 150 days. Supporting shipper: Foodways New York, Inc., 140 Broadway, Hawthorne, N.Y. 10532. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 136446 (Sub-No. 6TA), filed March 26, 1975. Applicant: PRINCETON MESSENGER SERVICE, INC., U.S. Route 1, Princeton, N.J. 08540. Applicant's representative: Harold G. Hernly, Jr., 118 N. St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter, advertising and promotional materials and materials and supplies* used or useful in the manufacture of distribution of the above commodities, in specialized delivery service, between points in Mercer County, N.J., on the one hand, and, on the other, New York, N.Y. and points in its commercial zone. (Restricted against traffic having a prior or subsequent movement by air), for 180 days. Supporting shipper: The Hibbert Company, 21 Muirhead Ave., Trenton, N.J. 08607. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, 428 East State St., Room 204, Trenton, N.J. 08608.

No. MC 136513 (Sub-No. 7TA), filed March 25, 1975. Applicant: TALMADGE C. GRAY, P.O. Box 233, Milford, Utah 84751. Applicant's representative: Talmadge C. Gray (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap*

metal other than shredded, from Vernon, Calif., to points within 10 miles of Tempe, Ariz., for 180 days. Supporting shipper: Vulcan Materials Co., P.O. Box 7497, Birmingham, Ala. 35223. Send protests to: Lyle D. Helfer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5301 Federal Bldg., 125 South State St., Salt Lake City, Utah 84138.

No. MC 136992 (Sub-No. 2TA), filed March 24, 1975. Applicant: T-W TRANSPORT, INC., 2124 Waterworks Way, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine and malt beverages*, from points in Los Angeles, Orange, San Mateo, Santa Clara, Fresno, Madera, Alameda, Stanislaus, and San Francisco Counties, Calif., to points in Washington in and east of Okanogan, Chelan, Kittitas Counties, Washington, and points in Nez Perce, Latah, Benewah, Kootenai, Bonner, Boundary, Shoshone, Clearwater, Lewis, and Idaho Counties, Idaho, for 180 days. Supporting shippers: Pend Oreille Dist., Sandpoint, Idaho. Joey August Distributors, Inc., 3030 E. Trent, Spokane, Wash. Panhandle Dist., Inc., P.O. Box 614, Coeur d'Alene, Idaho. Michael E. Smith Distributors, Inc., Pullman, Wash. Wanke Distributors, Bldg. 308, Ephrata AFB, Ephrata, Wash. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 139531 (Sub-No. 3TA), filed March 26, 1975. Applicant: PEPLOW TRANSPORT LIMITED, 18 Royal Road, Guelph, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exothermic products*, in bulk, in dump vehicles, from East Chicago, Indiana, to ports of entry on the International Boundary line between the United States and Canada at the Detroit and St. Clair Rivers, restricted to traffic in foreign commerce, originating at or destined to plantsites or storage facilities of Foseco Canada Limited, in the City of Guelph, Ontario, Canada, for 180 days. Supporting shipper: Foseco Canada Limited, Guelph, Ontario, Canada. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Bldg., 111 West Huron St., Buffalo, N.Y. 14202.

No. MC 140028 (Sub-No. 2TA), filed March 24, 1975. Applicant: MOULDEN & SONS, INC., P.O. Box 18, 200 Second Street, Enumclaw, Wash. 98022. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pumice rock*, in dump trucks and trailers, from points in Deschutes County, Oreg., to points in Lewis, Thurston, Pierce, and King Counties, Wash.; and (2) *Silicon metal*, in dump trucks and trailers, from Springfield, Oreg., to points in Longview and Wenatchee, Wash., for 180 days. Supporting shippers: Graystone Corporation, 1000 North Washington St., Olympia, Wash. National Metallurgical Co., A Division of Kawecki Berylco Industries, Inc., P.O. Box 56, Springfield, Oreg. 97477. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 858 Federal Bldg., Seattle, Wash. 98174.

No. MC 140754 (Sub-No. 1TA), filed March 27, 1975. Applicant: BELL'S SHELL SERVICE, doing business as KERRY L. BELL, 703 Columbus Avenue, Washington Court House, Ohio 43160. Applicant's representative: Boyd B. Ferris, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, repossessed and stolen motor vehicles and trailers* (except trailers designed to be drawn by passenger automobiles) *and replacement vehicles for wrecked, disabled, repossessed and stolen motor vehicles and trailers* (except trailers designed to be drawn by passenger automobiles), in towing service, between Fayette, Clark, and Franklin Counties, Ohio, on the one hand, and, on the other, points in the states of Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Wilson Freight Co., 3636 Follett Ave., Cincinnati, Ohio 45223. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 140779 (Sub-No. 1TA), filed March 25, 1975. Applicant: TRANSIT SERVICING, INC., 8121-C East 34 Mile Road, Cadillac, Mich. 49601. Applicant's representative: Burton A. Hines, 121 N. Mitchell St., Cadillac, Mich. 49601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture, appliances, and general merchandise* of W. T. Grant Company to be sold at retail, between the warehouse of Transit Servicing, Inc., near Cadillac, Mich., on the one hand, and, the stores and customers of W. T. Grant Company, located in the Lower Peninsula of Michigan but on and north of Michigan State Highway 20 and that part of the Counties of Newaygo Mecosta, Montcalm, Isabella, and Midland lying south of Michigan State Highway 20, and the Counties of Mackinac and Chippewa in the Upper Peninsula of Michigan on the other hand, for 180 days. Supporting shipper: W. T. Grant Company, 6930 Gettysburg Pike, Fort Wayne, Ind. 46818. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 140786 TA, filed March 1975. Applicant: THE UNITED STATES CARGO AND COURIER SERVICE, INCORPORATED, 715 Harmon Plaza, Columbus, Ohio 43223. Applicant's representative: Boyd B. Ferris, 50 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery parts, finished or unfinished, and equipment and supplies* used in the manufacture or repair of mining machinery, in express service, in straight trucks or vehicles not exceeding two axles, between Columbus, Ohio, and points in Colorado, Illinois, Indiana, Kentucky, Michigan, North Dakota, Pennsylvania, Utah, Virginia, West Virginia, and Wyoming, for 180 days. Supporting shipper: Jeffrey Mining Machinery Company, Division of Dresser Industries, Inc., P.O. Box 1879, Columbus, Ohio 43216. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, 220 Federal Bldg., & U.S. Courthouse, 85 Marconi Blvd., Columbus, Ohio 43215.

No. MC 140787 TA, filed March 27, 1975. Applicant: GIVENS TRUCKING COMPANY, INC., 1720 S. Military Highway, P.O. Box 1406, Chesapeake, Va. 23320. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles*, from the facilities of Givens, Inc., on S. Military Highway, Chesapeake, Va., to points in Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, West Virginia, and Wisconsin, under contract with Givens, Inc., for 180 days. Supporting shippers: There are 43 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: C. M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10-502 Federal Bldg., 400 North Eighth St., Richmond, Va. 23240.

No. MC 140788 TA, filed March 20, 1975. Applicant: CONTINENTAL VAN & STORAGE, 425 Orange Avenue, Seaside, Calif. 93955. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Monterey, Santa Cruz, San Benito, Santa Clara, Alameda, San Francisco, San Luis Obispo and Los Angeles Counties, Calif., restricted to the

transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Garrett Forwarding Company, 165 South Pacific Coast Highway, Redondo Beach, Calif. 90277. Delcher Intercontinental Moving Service, 4219 Central Avenue, S. Petersburg, Fla. 33733. Interstate World Forwarders, Inc., 23228 Hawthorne Blvd., Torrance, Calif. 90504. Send protests to: Claud W. Reeves, District Supervisor, Buraeu of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 37004, San Francisco, Calif. 94102.

No. MC 140789 (Sub-No. 1TA), filed March 25, 1975. Applicant: P.D.Q. INC. of MIAMI, 3395 NW. 170th Street, Miami, Fla. 33167. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods, commodities in bulk, commodities requiring refrigeration and commodities requiring special handling and special equipment), between points in Dade and Broward Counties, Fla., restricted to all shipments having a prior or subsequent movement by rail, for 180 days. Supporting: National Carloading Corp. and its Division ABC-Trans National Transport, 201 11th Ave., New York, N.Y. 10001. Streamline Shippers Assn., Inc., 2501 E. 14th St., Los Angeles, Calif. 90021. Nu-Way Shippers Association, Inc., 2800 W. 38th St., Chicago, Ill. 60632. J. M. Fields, Inc., 450 West 33rd St., New York, N.Y. 10001. Industrial Shippers, Association, Inc., 3710 South California Ave., Chicago, Ill. 60632. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Bldg., 5255 NW. 87th Ave., Miami, Fla. 33178.

No. MC 140790 TA, filed March 25, 1975. Applicant: AIR LAND EXPRESS SYSTEMS, INC., Box 2900-2, Evansville, Wyo. 82636. Applicant's representative: John H. Lewis, 1650 Grant St. Bld., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* having a prior or subsequent movement in interstate or foreign commerce, moving in express service, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, restricted to (1) packages or articles each weighing not more than one hundred pounds and (2) against the transportation of more than two hundred pounds in the aggregate from one consignor at one location during a single day, between Casper, Wyo., and Rawlins, Wyo., via U.S. highways 220 and 287, serving all intermediate points; between Casper, Wyo., and Rawlins, Wyo., via U.S. Highway 220 to the junction Wyoming State Highway 487 to junction U.S. Highway 30 at Medicine Bow, Wyo., thence via U.S. Highway 30 and I-80 to Rawlins, Wyo., serving all intermediate points; between Casper, Wyo., and Sheridan, Wyo., via U.S. Highway 87 and I-25, serving all intermediate points, between Buffalo, Wyo., and Gillette, Wyo., via I-90, serving all intermediate points; between Midwest, Wyo., and Gillette, Wyo., via Wyoming State Highway 387 to junction Wyoming State Highway 59 at Douglas, Wyo., thence via Wyoming State Highway 59 to Gillette, Wyo., serving all intermediate points; also between Casper, Wyo., and Gillette, Wyo., via U.S. Highways 20 and 26 to junction Wyoming State Highway 95 at Glenrock, Wyo.

Thence via unnamed state highway to junction Wyoming State Highway 59 at Bill, Wyo., thence via Wyoming State Highway 59 to Gillette, Wyo., serving all intermediate points. Also serving all points in Natrona, Johnson, Sheridan, Campbell, and Converse Counties Wyo., as off-route points.

NOTE.—Applicant intends to hold itself out to perform an express type service, daily to and from air terminals and connecting motor carriers, for shippers in need of expeditious transportation service. Applicant intends to tack and interline with other carriers and requests waiver of tacking and interline restrictions. Applicant intends to tack with Wycoff Company, Inc., MC 89684 at Rawlins, Wyo., and airlines at Casper, Sheridan, Wyo., with tack with other grants in this application at Casper, Midwest, and Buffalo, Wyo. Supporting shippers: There are approximately 100 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: P. A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006, Federal Bldg. & Post Office, 100 East "B" St., Casper, Wyo. 82601.

No. MC 140791 TA, filed March 27, 1975. Applicant: VIRGIL O. HOWLAND, R.R. #1, Kampsville, Ill. 62053. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Louisiana, Missouri, to points in Carrollton, Kampsville, Greenfield, Hardin, Hull, Milton, Pleasant Hill, Payson, and Pittsfield, Ill. (Restricted to movements from March 15th to July 15th and from September 15th to December 30th of each year, for 180 days. Supporting shipper: Marvin Richter, President, Richter Fertilizer Co., Kampsville, Ill. 62053. Send protests to: Harold C. Jolliff, District Supervisor, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 140793 TA, filed March 28, 1975. Applicant: JAMES J. OBROCHTA, 9 Concord Lane, Oakland, N.J. 07436. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream and frozen desserts*, from Lancaster, Pa., to points in New Haven, Conn., Bullville, Southampton, and New York, N.Y., and Asbury Park, N.J., for 180 days. Supporting shipper: Schrafft's Ice Cream Company, Ltd., 333 5th Avenue, Pelham, N.Y. 10803. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9519 Filed 4-10-75;8:45 am]

[Notice No. 37]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 7, 1975.

Important notice: The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 377TA), filed March 28, 1975. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Benzenethiol and paracholorthiophenol*, in bulk, in tank vehicles, from Henderson, Nev., to points in Lemoyne, Ala., for 180 days. Supporting shipper: Stauffer Chemical Company, 636 California Street, San Francisco, Calif. 94119. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 45875 (Sub-No. 10TA), filed March 27, 1975. Applicant: FILM SERVICE, INC., 333 North 25th Street, Milwaukee, Wis. 53233. Applicant's representative: William C. Dineen, 710 North Plankinton Ave., Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail and wholesale department stores except commodities in bulk, from the warehouse facilities of S & S Truck and Air Transfer at Bedford Park, Ill., to points in Wisconsin (except points in Bayfield, Douglas, Ashland, Washburn, Sawyer, Barron, Chippewa, Polk, Burnett, St. Croix, Pierce, Dunn, Buffalo, Rusk, Eau Claire, Pepin, and Trempealeau Counties) and to points in the Upper Peninsula of Michigan restricted to shipments not exceeding 500 pounds in weight, for 180 days. Supporting shipper: S & S Truck & Air Transfer, Inc., 7414 South Cicero Ave., Bedford Park, Ill. 60629. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 087, Milwaukee, Wis. 53203.

No. MC 110525 (Sub-No. 1120TA), filed March 27, 1975. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Ave., Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic plastics*, in bulk, in tank vehicles, from the plantsite of Georgia Pavidic Corp., at or near Plaquemine, La., to points in Arkansas, Arizona, California, Colorado, Delaware, Florida, Iowa, Kentucky, Massachusetts, Mississippi, Missouri, North Carolina, New Jersey, Ohio, Oklahoma, Pennsylvania, Tennessee, and Texas, for 180 days. Supporting shipper: Georgia Pacific Corp., P.O. Box 629, Plaquemine, La. 70764. Send protests to: Peter R. Guman, District Supervisor, Federal Bldg., Room 3238, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 111729 (Sub-No. 528TA), filed March 27, 1975. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media of all kinds*, between Flora, Miss., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Missouri, Ohio, Tennessee, Texas, and West Virginia; (2) *Tapes; magnetic and paper*, between Flora, Miss., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Missouri, Ohio, Tennessee, Texas, and West Virginia; (3) *Microfilm, and microfilm containers and spools*, between Flora, Miss., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Missouri, Ohio, Tennessee, Texas, and West Virginia; and (4) Parts and supplies relating to the microfilm industry, between Flora, Miss., on the one hand, and, on the other, points in Arkansas, Indiana, Iowa, Kentucky, Louisiana, Missouri, Ohio, Tennessee, Texas, and West Virginia, for 90 days. Supporting shipper: Southern Vital Records Center, Inc., P.O. Box 236, Flora, Miss. 39071. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114533 (Sub-No. 319TA), filed March 25, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records, and graphic arts materials*, between Warsaw, Ind., on the one hand, and, on the other, Fort Wayne and Indianapolis, Ind., restricted to shipments having a prior or subsequent movement by air, for 180 days. Supporting shipper: George R. Cumberland, Division Traffic Manager, R. R. Connelley & Sons, Old Route 30 West, Warsaw, Ind. 46580. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations. Intersate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 116763 (Sub-No. 310TA), filed March 25, 1975. Applicant: CARL SUBLER TRUCKING, INC. North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Champaign, Ill., to points in the states of New Hampshire, New Jersey, Connecticut, Maine, Massachusetts, Rhode Island, Vermont, points in Pennsylvania east of I–81, and points in New York east of I–81, restricted to traffic originating at the facilities of Kraft Foods, east of I–81, Division of Kraftco Corporation, Champaign, Ill., for 180 days. Supporting shipper: Kraft Foods Division, Kraftco Corp., 500 Peshtigo Court, Chicago, Ill. 60609. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514–B Federal Bldg., 550 Main St., Cincinnati, Ohio 45202.

No. MC 117815 (Sub-No. 242TA), filed March 28, 1975. Applicant: PULLEY FREIGHT LINES, INC., 405 SE. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni and grain products*, except in bulk, from Prince Macaroni of Michigan at or near Warren, Mich., to points in Shiller Park and Northlake, Ill., for 180 days. Supporting shipper: Prince Macaroni of Michigan, 26115 Groesbeck, Warren, Mich. 40889. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 119789 (Sub-No. 242TA), filed March 27, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo to points in Michigan and Ohio, restricted to traffic originating at, and destined to, named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 119789 (Sub-No. 243TA), filed March 28, 1975. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* in bulk, used automobiles and commodities which because of size or weight require the use of special equipment), from New York, N.Y., to points in Oklahoma City, Okla., and Dallas and Houston, Tex., restricted to (1) traffic originating at the named origin and destined to the named destinations, and (2) restricted to traffic moving on bills of lading issued by Freight Forwarders regulated under Section IV of the Interstate Commerce Act, for 180 days. Supporting shipper: Inter State Express, Inc., 56–25 56th Terrace, Maspeth, Long Island, N.Y. 11378. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce St., Room 13C12, Dallas, Tex. 75202.

No. MC 133992 (Sub-No. 2TA), filed March 25, 1975. Applicant: CAPITAL TRANSPORT, LTD., P.O. Box 3931 Stn. "D", Edmonton, Alberta, Canada. Applicant's representative: Hugh Swenney, P.O. Box 1321, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-fabricated buildings with appliances, fixtures and furniture*, from the International Boundary line between the United States and Canada, situated in the State of Alaska, to Fairbanks, Alaska and Anchorage, Alaska, for 180 days. Supporting shippers: Muttart Industries, Ltd., 10930–84

Street, Edmonton, Alberta, Canada. Neonex Shelter Industries Co., Ltd., Box 200, Spruce Grove, Alberta, Canada TOE 2CO. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Room 222, U.S. Post Office Bldg., Billings, Mont. 59101.

No. MC 136035 (Sub-No. 3TA), filed March 26, 1975. Applicant: W. S. DUNNING & SON, INC., 131 D South Balmar St., West Chester, Pa. 19380. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Avenue, Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, from West Chester, Pa., to points in Charleston, W. Va., for 180 days. Supporting shipper: Grocery Store Products Co., Union & Adams Street, West Chester, Pa. 19380. Send protests to: Peter R. Guman, District Supervisor, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 136390 (Sub-No. 2TA), filed March 27, 1975. Applicant: JOHN B. RUSLING, Box 225, Stephen, Minn. 56757. Applicant's representative: Arthur A. Drenckhahn, 423 North Main, P.O. Box 159, Warren, Minn. 56762. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia* (compressed gas) (1) from Garner, Iowa, to the Stephen, Minnesota Commercial Zone; (2) from Grand Forks, North Dakota, to the Stephen, Minnesota, Commercial Zone; and (3) from the port of entry at or near Noyes, Minnesota, on traffic originating at Brandon, Manitoba, to the Stephen, Minnesota Commercial Zone, for 180 days. Supporting shipper: Far North Ammonia and Chemical Co., Stephen, Minn. 56757. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 138936 (Sub-No. 2TA), filed March 27, 1975. Applicant: DONALD F. OWENS, doing business as FLUFF FREIGHT, 2504 South 8th Street, Manitowoc, Wis. 54200. Applicant's representative: Thomas A. Weir, 761 North Forest Road, Suite B, Buffalo, N.Y. 14221. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid soaps, shampoos, bubble bath, oils, lotions, shoe polishes, car waxes, buffing compounds, and cleaning compounds and toiletries*, from Northern Laboratories, Inc., at Manitowoc, Wis., to points in Connecticut, Illinois, Indiana, Maine, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont. *Liquid soap in drums and pails*, from points in New Jersey to Northern Laboratories, Inc., at Manitowoc, Wis., *Plastic bottles, empty*, from Port Clinton, Ohio to Northern Laboratories, Inc., at Manitowoc, Wis., for 180 days. Supporting shipper: Northern Laboratories, Inc., P.O. Box 808, Manitowoc, Wis. 54220. Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 139460 (Sub-No. 18TA), filed March 27, 1975. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. Applicant's representative: J. Fred Relyea (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Portsmouth, N.H., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, for 180 days. Supporting shipper: Sea-3, Inc., 1 State Street, Boston, Mass. 02109. Send protests to: Robert A. Radler, District Supervisor, 518 Federal Bldg., Albany, N.Y. 12207.

No. MC 140337 (Sub-No. 2TA), filed March 25, 1975. Applicant: JESSE SHERMAN, doing business as SHERMAN TRAILER TRANSPORTATION, P.O. Box 3343, Cheyenne, Wyo. 82001. Applican't representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Wyoming, Colorado, Nebraska, North Dakota, South Dakota, Montana, Idaho, and Utah, for 180 days. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined at the Interstate Commerce Commission, in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul A. Naughton, District Supervisor, Interstate Commerce Commission, Room 1006, Federal Bldg., & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 140396 (Sub-No. 2TA) (Correction), filed March 11, 1975, published in the FEDERAL REGISTER issue of March 26, 1975, and republished as corrected this issue. Applicant: AVTEC SERVICES, INC., 1750 NW. 69th Avenue, Miami, Fla. 33126. Applicant's representative: Richard B. Austin, Palm Coast II Bldg., Suite 214, 5255 NW. 87th Avenue, Miami, Fla. 33178. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk or commodities which, by reason of size or weight, require specialized handling and equipment), (1) between Miami International Airport on the one hand, and, on the other, points in South Carolina and Alabama and (2) between points in Alabama and South Carolina on the one hand, and, on the other, Miami International Airport, restricted to traffic having a poor or subsequent movement by air under a continuing contract or contracts with Span East Airlines, Inc., for 180 days. Supporting shipper: Span East Airlines, 1750 NW. 69th Avenue, Miami, Fla. 33126. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Bldg., 5255 NW. 87th Avenue, Miami, Fla. 33178. The purpose of this republication is to add the commodity exception which was omitted in the previous publication.

No. MC 140650 (Sub-No. 1TA), filed March 28, 1975. Applicant: PENINSULAR MEAT CO., INC., 4401 North Westshore Blvd., Tampa, Fla. 33614. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, from the plantsite of the Mid-American Meats, Inc., Omaha, Nebr., to points in Jacksonville, Tampa and Miami, Fla., for 180 days. Supporting shipper: Mid-American Meat, Inc., 1202 Jones, Omaha, Nebr. Send protests to: Joseph B. Teichert, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Palm Coast II Bldg., Suite 208, 5255 NW. 87th Ave., Miami, Fla. 33178.

No. MC 140673 (Sub-No. 1TA), filed March 24, 1975. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, Ga. 30245. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail discount stores (except foodstuffs), between the distribution center and warehouse facilities of the Zayre Corp., at Forest Park, Ga., and the retail stores of the Zayre Corp., located in or near Birmingham, Bessemer, and Hoover, Ala.; Charlotte, Kannapolis, Winston-Salem, and Greensboro, N.C., and Memphis, Tenn., for 180 days. Supporting shipper: Zayre Corp., 770 Cochituate Road, Framingham, Mass. 01701. Send protests to: William L. Scroggs, District Supervisor, 1252 West Peachtree St., NW., Room 546, Atlanta, Ga. 30309.

No. MC 140792 TA, filed March 28, 1975. Applicant: STANLEY E. WHITEHEAD, 1017 Third Avenue, Monroe, Wis. 53566. Applicant's representative: Wayne W. Wilson, 329 W. Wilson St., Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients and bags*, between the plantsite and warehouse facilities of Milk Specialties Co., a division of Cudahy Foods Co., located at or near Dundee, Ill., on the one hand, and, on the other, the plantsite and warehouse facilities of Milk Specialties Co., a division of Cudahy Foods Co., at or near Browntown, Wis. Restriction: Restricted against the transportation of the named commodities in bulk, in tank vehicles,

and restricted to the transportation of the named commodities under a continuing contract or contracts with Milk Specialties Co., a division of Cudahy Foods Co., for 180 days. Supporting shipper: Milk Specialties Co., a Division of Cudahy Foods Co., P.O. Box 278, Dundee, Ill. 60118. Send protests to: Barney L. Hardin, District Supervisor, 139 W. Wilson St., Room 202, Madison, Wis. 53703.

No. MC 140731 (Sub-No. 1TA), filed March 26, 1975. Applicant: JOHN LAWRENCE, doing business as JOHN LAWRENCE TRAILER TOWING, 3337 N. Manchester, Atwater, Calif. 95301. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel Trailers*, from points in Merced County, Calif., to points in the states of Arizona, Idaho, Nevada, Oregon, Utah, and Washington, for 180 days. Supporting shipper: Wilderness Industries, Inc., P.O. Box 2599, 2047 Grogan Avenue, Merced, Calif. 95340. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-9520 Filed 4-10-75;8:45 am]

[Notice No. 38]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 8, 1975.

Important notice: The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIER OF PROPERTY

No. MC 97009 (Sub-No. 25TA), filed March 12, 1975. Applicant: HERZOG TRUCKNG COMPANY, INC., 200 Delaware Street, Honesdale, Pa. 18431. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are manufactured, sold or distributed by the House of Westmore, its subsidiaries and/or its divisions, located at or near Newburgh and Rochester, N.Y. (except commodities in bulk), in mechanical refrigerated equipment, between the facilities of the House of Westmore, located at or near Newburgh and Rochester, N.Y., on the one hand, and, on the other, El Dorado, Fort Smith, Jonesboro, Little Rock, Pine Bluff, Texarkana, Ark.; Bloomington, Champaign, Chicago, Danville, Decatur, De Kalb, East St. Louis, Granite City, Moline, Peoria, Rockford, Springfield, Ill.; Anderson, Angola, Bloomington, Columbus, Elkhart, Evansville, Fort Wayne, Gary, Hammond, Indianapolis, Kokomo, Lafayette, Marion, Michigan City, Munice, South Bend, Terre Haute, Ind.; Cedar Rapids, Clinton, Council Bluffs, Davenport, Des Moines, Fort Dodge, Iowa City, Mason City, Sioux City, Waterloo, Iowa; Dodge City, Hays, Hutchinson, Kansas City, Liberal, Topeka, Wichita, Kans.; Baton Rouge, Lafayette, New Orleans, Shreveport, La.; Baltimore, Bethesda, Bladensburg, Bowie, Catonsville, Clinton, College City, College Park, Columbia, Forestville, Frederick, Glen Burnie, Hagerstown, Randallstown, Reisterstown, Rockville, Silver Spring, Towson, Westminster, Md.; Ann Arbor, Battle Creek, Bay City, Detroit, Flint, Grand Rapids, Kalamazoo, Lansing, Muskegon, Pontiac, Saginaw, Mich.; Columbia, Independence, Jefferson City, Joplin, Kansas City, Springfield, St. Joseph, St. Louis, Mo.; Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Findlay, Lancaster, Lima, Lorain, Mansfield, Marion, Portsmouth, Sandusky, Springfield, Steubenville, Toledo, Youngstown, Warren, Zanesville, Ohio; Altoona, Butler, Chambersburg, DuBois, Erie, Harrisburg, Johnstown, McKeesport, New Castle, New Kensington, Sharon, Washington, Williamsport, Pa.; Chattanooga, Clarksville, Jackson, Memphis, Nashville, Tenn.; Alexandria, Charlottesville, Lynchburg, Martinsburg, Norfolk, Richmond, Roanoke, Winchester, Va.; Charleston, Huntington, Martinsburg, Wheeling, W. Va.; Milwaukee, Wis., for 180 days. Supporting shipper: House of Westmore, Inc., Pierces Road, Newburgh, N.Y. 12550. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 314 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 10761 (Sub-No. 275TA), filed March 31, 1975. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 5650 Foremost Drive SE., Grand Rapids, Mich. 49506. Applicant's representative: L. R. Knapp (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Elevators, conveyors or parts, including supplies and materials required for installation of conveyor system*, serving the plantsite of E. I. du Pont de Nemours & Co., located at or near Seaford, Delaware, as an off-route point in connection with carrier's regular route operations, between Baltimore, Md., and Philadelphia, Pa., for 180 days. Supporting shippers: E. I. du Pont de Nemours & Co., 1007 Market St., Wilmington, Del. 19898; Rapistan Incorporated, 507 Plymouth NE., Grand Rapids, Mich. 49505. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 102567 (Sub-No. 184TA), filed March 31, 1975. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap Molasses*, mixed with not to exceed 10 percent Urea and with or without not to exceed 6 percent other ingredients, in bulk, in tank vehicles, from Gretna, La., to points in Alabama, Arkansas, Florida, Georgia, and Mississippi, for 180 days. Supporting shipper: National Molasses Company, Willow Grove, Pa. 19090. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Bldg., 701 Loyola Ave., New Orleans, La. 70113.

No. MC 107496 (Sub-No. 996TA), filed March 31, 1975. Applicant: RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Missile fuels and oxidizers*, in bulk, in tank vehicles, from the Naval Ordnance Station, Indianhead, Md., to points in Rocky Mountain Arsenal, Ladora, Colorado, for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department of the Army, Washington, D.C. 20310. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 111672 (Sub-No. 9TA), filed April 1, 1975. Applicant: R & M TRUCK LINE, INC., P.O. Box 422, Oskaloosa, Iowa 52577. Applicant's representative: Larry D. Knox, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured prills* (except in bulk), from Oskaloosa, Iowa, to points in Missouri, for 180 days. Supporting shipper: Binns & Stevens Explosives, Inc., P.O. Box 198, Oskaloosa, Iowa 52577. Send protests to: Herbert W.

Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 111956 (Sub-No. 33TA) (Correction), filed January 27, 1975, published in the FEDERAL REGISTER issue of February 10, 1975, and republished as corrected this issue. Applicant: SUWAK TRUCKING COMPANY, a corporation, 1105 Fayette Street, Washington, Pa. 15301. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper partitions*, from the plantsite of Cleve-Pak Corporation at Eaton, Ind., to Aliquippa, Allentown, Altoona, Ambridge, Beaver Falls, Berwick, Bethlehem, Bradford, Brockway, Brownsville, Butler, Canonsburg, Carlisle, Chambersburg, Clarion, Clearfield, Connellsville, Dubois, Erie, Franklin, Gettysburg, Greensburg, Harrisburg, Hazelton, Indiana, Jeannette, Kecksburg, Knox Lancaster, Latrobe, Lewistown, Marienville, Meadville, New Castle, Oil City, Parker, Philadelphia, Pittsburgh, Port Allegany, Uniontown, Washington, Youngwood, and York, Pa., Akron, Alliance, Aurora, Bedford, Berea, Bucyrus, Canton, Cincinnati, Cleveland, Columbus, Findlay, Lancaster, Plain City, Springdale, Toledo and Zanesville, Ohio; Annapolis, Baltimore, Bethesda, Cambridge, College Park, Cumberland, Easton, Frederick, Hagerstown, Hancock and Ocean City, Md.; Albany, Binghamton, Buffalo, Corning, Elmira, Oswego, Rochester and Syracuse, N.Y.; and Bluefield, Charleston, Fairmont, Huntington, Keyser, Morgantown, Parkersburg, Philippi, and Wheeling, W. Va., for 180 days. Supporting shipper: Clevepark Corporation, 1640 West Silver Spring Drive, Milwaukee, Wis. 53209. Send protests to: James C. Donaldson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Bldg., 1000 Liberty Avenue, Pittsburgh, Pa. 15222. The purpose of this republication is to add Springfield, Ohio, as a destination point, which was omitted in the previous publication.

No. MC 114457 (Sub-No. 228TA), filed April 1, 1975. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared animal food* (except in bulk), from Delavan, Wis., to points in North Dakota, South Dakota, Arkansas, Illinois, Indiana, Kentucky, West Virginia, Virginia, Maryland, Delaware, Rhode Island, Connecticut, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia, for 180 days. Supporting shipper: The Landon Company, Delavan, Wis. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 414 Federal Bldg., & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 114848 (Sub-No. 56TA), filed March 28, 1975. Applicant: WHARTON TRANSPORT CORPORATION, 1498 Channel Avenue, Memphis, Tenn. 38113. Applicant's representative: Terry T. Wharton, P.O. Box 13068, Riverside Branch, Memphis, Tenn. 38113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry grain products*, in bulk, from the loading facilities of New Era Milling Company, Memphis, Tenn., to points in Arkansas, Alabama, Georgia, Kentucky, Mississippi, and Tennessee, for 180 days. Supporting shipper: The New Era Milling Company, P.O. Box 958, Arkansas City, Kans. 67005. Send protests to: Floyd A. Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 435 Federal Office Bldg., 167 North Main St., Memphis, Tenn. 38103.

No. MC 115994 (Sub-No. 9TA), filed March 27, 1975. Applicant: FIDERAK TRUCKING, INC., R.D. #2, Lafayette Ave., Tamaqua, Pa. 18252. Applicant's representative: Paul B. Kemmerer, 1620 N. 19th Street, Allentown, Pa. 18104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent or junk electric storage batteries*, from points in New York City, Nassau and West Chester Counties, N.Y., Jersey City and Newark, N.J., Hartford, Conn., and Providence, R.I., to points in Nesquehoning, Pa., for 180 days. Supporting shipper: Tonolli Corp., R.D. #1, Nesquehoning, Pa. 18240. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 134 U.S. Post Office Bldg., Scranton, Pa. 18503.

No. MC 116459 (Sub-No. 54TA), filed April 1, 1975. Applicant: RUSS TRANSPORT, INC., P.O. Box 4022, Chattanooga, Tenn. 37405. Applicant's representative: Sam Speer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk in tank vehicles, from Vulcan Materials, Knoxville, Tenn., to points in Kentucky, for 180 days. Supporting shipper: Vulcan Materials Company, Chattanooga Division, 250 McClellan Bldg., Chattanooga, Tenn. 37402. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, A–422 Federal Bldg., 801 Broadway, Nashville, Tenn. 37203.

No. MC 124612 (Sub-No. 6TA), filed March 31, 1975. Applicant: CLEMENT RISBERG, doing business as RISBERG TRUCK SERVICE, 2339 SE. Grand Avenue, Portland, Oreg. 97214. Applicant's representative: John G. McLaughlin, 620 Blu Cross Bldg., Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points in Oregon, Washington, Idaho, and California, for 180 days. Supporting shipper: Payless Drug Stores Northwest, Inc., 234 NW. Fifth Avenue, Portland, Oreg. 97204. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 128988 (Sub-No. 60TA), filed March 27, 1975. Applicant: JO/KEL, INC., 159 South Seventh Ave., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk, from the facilities of Westinghouse Electric Corporation at or near Edison, N.J., to points in Arizona, California, Nevada, Oregon, and Washington. Restrictions: Restricted against the transportation of commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, RD #5 Leger Road, North Huntingdon, Pa. 15642. Send protests to: Walter W. Strakosch, District Supervisor, Room 1312 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 129486 (Sub-No. 8TA), filed March 31, 1975. Applicant: PAGE TRUCKING COMPANY, INC., P.O. Box 14, Hines, Minn. 55647. Applicant's representative: Charles E. Johnson, 425 Gate City Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dehydrated soups and stuffing mix*, from Seville, Ohio, to points in Cincinnati, Ohio, Camden, N.J., Syracuse, N.Y., and points in Pennsylvania; and (2) *Materials and supplies* used in the production of dehydrated soups and stuffing mix, from points in Baltimore, Md., Edinburg, Tex., and Moscow, Idaho, to points in Seville, Ohio. Restriction: Restricted to transportation service to be performed under a contract or continuing contract with APRO-PAK, Pikesville, Md., for 180 days. Supporting shipper: Apro-Pak, P.O. Box 5803, Pikesville, Md. 21208. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 134498 (Sub-No. 1TA), filed March 31, 1975. Applicant: FREEWAY TRANSPORT, INC., 635 SE. 11th Avenue, Portland, Oreg. 97214. Applicant's

representative: Earle V. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Long Beach and Wilmington, Calif., to points in Oregon and Washington, for 180 days. Supporting shipper: Safeway Stores, Inc., 16800 S. E. Evelyn, Clackamas, Oreg. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 136574 (Sub-No. 2TA) (Correction), filed March 19, 1975, published in the FEDERAL REGISTER issue of March 31, 1975, and republished as corrected this issue. Applicant: B AND P MOTOR LINES, INC., 710 Oakland Road, P.O. Box 741, Forest City, N.C. 28043. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaners, fuel filters, oil filters, air cleaner cartridges (elements), oil filter cartridges (elements), and materials and supplies used in the marketing or distribution of the foregoing commodities*, from Gastonia, N.C., to points in Des Moines, Iowa, Kansas City, Kans., Minneapolis, and St. Paul, Minn., St. Louis, Mo., Omaha, Nebr., Oklahoma City, and Tulsa, Okla., Dallas and Houston, Tex., and points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Wix Corporation, P.O. Box 1967, Gastonia, N.C. 28052. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205. The purpose of this republication is to state the correct docket number.

No. MC 138104 (Sub-No. 25TA), filed March 31, 1975. Applicant: MOORE TRANSPORTATION CO., INC., 3509 N. Grove Street, Forth Worth, Tex. 76106. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers and trailer-chassis*, in initial movements, other than those designed to be drawn by passenger automobiles, from the plantsite and storage facilities of Aztec Trailer Manufacturing Co., located at 1708 Peyco Drive, South of the city limits of Arlington, Tex., to points in Salt Lake City, Utah and Seattle, Wash., for 180 days. Supporting shipper: Aztec Trailer Manufacturing Co., 1708 Peyco Drive, South, Arlington, Tex. 76010. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Room 9A27 Federal Bldg., 819 Taylor St., Forth Worth, Tex. 76102.

No. MC 140132 (Sub-No. 1TA), filed March 31, 1975. Applicant: GREEN LINE TRUCKING INC., Grenora, N. Dak. 58845. Applicant's representative: Fred E. Whisenand, 113 East Broadway, P.O. Box 1307, Williston, N. Dak. 58801. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *All types (light and heavy) of farm machinery and equipment, including tractors and other power operated farm equipment, as well as all parts and supplies incident thereto*, from the plantsites and distribution centers of John Deere Co., in Illinois, Iowa and Minnesota to points in Sheridan and Hill Counties, Mont., and Divide and Williams Counties, N. Dak., for 180 days. Supporting shippers: Plentywood Power & Equipment Co., Plentywood, Mont. 59254. Grenora Implement Company, Grenora, N. Dak. 58845. Crosby Implement Company, Crosby, N. Dak. 58730. Petersen's Havre Implement Co., Box 1129, Havre, Mont. 59501. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140529 (Sub-No. 2TA), filed April 1, 1975. Applicant: RAY E. MUHLBACH, doing business as REMCO TRUCKING, Ravenna, Nebr. 68869. Applicant's representative: Michael J. Ogborn, Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems*, from Valley, Nebr., to points in Idaho, under a continuing contract or contracts with Kechter Bros., Inc., Burley, Idaho, for 180 days. Supporting shipper: Richard Kechter, General Manager, Kechter Bros., Inc., 226 West 27th St., Burley, Idaho 83318. Send protests to: Max H. Johnston, District Supervisor, 320 Federal Bldg., & Court House, Lincoln, Nebr. 68508.

No. MC 140775 (Sub-No. 1TA), filed March 27, 1975. Applicant: Junius Elmore, Fr., 2007 East Lincolnway, Cheyenne, Wyo. 82001. Applicant's representative: Ward A. White, 1600 Van Lennon Ave., Box 568, Cheyenne, Wyo. 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Mexican style foods, ingredients and related foodstuff items*, from Cheyenne, Wyo.; *and Mexican style food sauces, spices, seasonings, peppers and related foodstuff items*, from Denver, Colo., to wholesale distributors and retail outlets of Taco John's Mexican Food, located in the states of Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Washington, Idaho, Utah, Texas, and Arizona, for 180 days. Supporting shipper: Tortilla Manufacturing and Supply Co., Inc., 515 South Greeley Highway, Cheyenne, Wyo. 82001. Send protests to: P. A. Naughton, District Supervisor, Room 1006, Federal Bldg., & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 140804 TA, filed March 27, 1975. Applicant: HAULERS CO., INC., 7628 E. Alondra Blvd., Paramount, Calif. 90723. Applicant's representative: Paul Henry Doss (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Recycled vinyl hose and scrap vinyl clippings or sweepings*, between the facilities of Vinyl Compounding Incorporated, at Paramount, Calif., and Sparks, Nev., for 180 days. Supporting shipper: Vinyl Compounding Incorporated, 16616 Garfield Avenue, Paramount, Calif. 90723. Send protests to: Walter W. Strakosch, District Supervisor, Room 1312 Federal Bldg., 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140805 TA, filed March 31, 1975. Applicant: BLAINE JANZ, doing business as JANZ TRUCKING, Rural Route 3, Minot, N. Dak. 58701. Applicant's representative: Harris P. Kenner, 615 South Broadway, P.O. Box 36, Minot, N. Dak. 58701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Groceries and all related articles handled by wholesale grocery houses*, from warehouses of Nash-Finch Company in Hennepin County and Ramsey County, Minn., to points in Minot, N. Dak., and (b) *Sugar*, in bags, from Sidney, Mont., to Minot, N. Dak., for 180 days. Supporting shipper: Nash-Finch Company, 3381 Gorham Avenue, Minneapolis, Minn. 55426. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9521 Filed 4-10-75;8:45 am]

[AB 37 (Sub-No. 1)]

OREGON-WASHINGTON RAILROAD AND NAVIGATION CO. AND UNION PACIFIC RAILROAD CO.

Abandonment of Lines

APRIL 2, 1975.

The Interstate Commerce Commission hereby gives notice that: 1. By order served February 26, 1975, applicant was required to publish a notice in Umatilla County, Oreg., that an environmental threshold assessment survey was prepared in the above-entitled proceeding and based on that assessment it was determined that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the February 26, 1975, order and subsequent notice. 3. This proceeding now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9523 Filed 4-10-75;8:45 am]

PETITIONS TO STAY PENDING JUDICIAL REVIEW

MARCH 31, 1975.

Notice to the public: Rule 18 of the Federal Rules of Appellate Procedure provides that an application for a stay of a decision or order of an agency pending direct review in the court of appeals shall ordinarily be made in the first instance to the agency. The purpose of this notice is to inform the public of the procedures to be followed in filing such application (petition) with the Commission.

As such application, in essence, seeks modification of the effective date or other period of a decision or order, it will be considered as a petition filed under rule 101(c) of the Commission's general rules of practice. Accordingly, an original and seven copies of such application (petition) should, if possible, be filed within thirty days after the date of service of the decision or order, and compliance made with rule 21(b).

In addition, the application (petition) must be titled "Petition to Stay Pending Judicial Review". Such title must appear on the upper one-quarter of the covering page and first page of the application (petition).

Due to the amendment to the Judicial Review Act of 1950 (the Hobbs Act), 28 U.S.C. 2341 et seq. parties seeking court review of a Commission decision must file for review with the appropriate U.S. Court of Appeals within 60 days from the date of the administratively final order.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9522 Filed 4-10-75;8:45 am]

[Notice No. 37]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Peffley & Hinshaw Wrecker Service, Inc., MC-138179	MC-138179 Sub-1	Apr. 23, 1974
Truline Corp., MC-138206 Sub 1	MC-138206 Sub-2	Apr. 15, 1974
Big Mountain Transportation, Inc., MC-138224	MC-138224 Sub-1	Mar. 29, 1974
White Plains Transportation, MC-138350 Sub 1	MC-138350	Apr. 17, 1974
D.B.A. Caine Transfer, MC-138388	MC-138388 Sub-2	Apr. 23, 1974
D.B.A. Hubbard Transfer, MC-138433 Sub 1	MC-138433 Sub-2	Apr. 11, 1974
ASI, Inc., MC-138498 Sub 1	MC-138498 Sub-2	Apr. 8, 1974
Cowen Truck Line, MC-138555 Sub 1	MC-138555 Sub-2	Do.
Mumford Horse Transport, MC-138571 Sub 1, 3	MC-138571 Sub-2	Apr. 18, 1974
L. C. W. Trucking, Inc., MC-138578 Sub 1	MC-138578	Apr. 11, 1974
Mouw Transportation, Inc., MC-138621 Sub 1	MC-138621 Sub-2	Apr. 12, 1974
S. & L. Services, Inc., MC-138805 Sub 1, 3	MC-138805 Sub-2	June 10, 1974
Merchants Delivery, Inc., MC-138815	MC-138815 Sub-1	Apr. 1, 1974

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-9425 Filed 4-10-75;8:45 am]

federal register

FRIDAY, APRIL 11, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 71

PART II

FEDERAL COMMUNICATIONS COMMISSION

■

SCHEDULE OF FEES

Adoption of Revised Schedule

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19658; FCC 75-400]

PART 1—PRACTICE AND PROCEDURE

Subpart G—Schedule of Fees Filed With the Commission

By the Commission: 1. The Commission has before it a number of petitions for reconsideration of the Report and order (FCC 75-32) adopting a new schedule of fees. All of the petitions concern either broadcast or common carrier fees.

BROADCAST SERVICES (§ 1.1103)

2. In addition to dealing with the matters raised in the petitions for reconsideration, we will also attempt to remove some misunderstandings of the proceeding apparently held by some parties. In doing this, we note initially that this proceeding was quite extended, and it is necessary to consider the notice of proposed rule making [1] and the further notice of proposed rule making [2] as well as the Report and order [3] and the Second report and order [4] for the full history, rationale, findings and conclusions concerning the 1975 fee schedule.

EFFECTIVE DATE

3. One specific area of the Report and order adopting the schedule that has caused some misunderstanding is paragraph 59 dealing with the effective date of March 1, 1975. We stated that ". . . all applications received by the Commission on or after March 1, 1975, will be subject to the revised schedule of fees . . ." and ". . . all grants of authority made on or after March 1, 1975, will be subject to the new fee schedule regardless of when the application for such grant was filed." We wish to point out that the governing date for the filing fee is the date of filing, without regard to the date of grant, so that an application filed prior to March 1, 1975 will have the filing fee calculated under the prior schedule even though the grant is made after March 1st and the grant fee is calculated under the new schedule. Thus, if the filing fee is higher after March 1, 1975, no additional filing fee is required and, likewise, no refunds will be made if the filing fee is lower after March 1, 1975.

4. Since the amount of a grant fee will be determined by the date the Commission acted and made the grant, if the Commission granted an application for assignment or transfer prior to March 1, 1975, but the consummation did not occur until after March 1, 1975, the grant fee that is payable is the amount determined under the schedule adopted in 1970. This is consistent with past policy because even though a grant of authority is subject to being reopened under the Commission's rules, it is a final action and the grantee may take all actions that a licensee or permittee is allowed, such as the commencement of construction, or the consummation of the assignment or transfer, and is fully responsible for the operation of the station as the new licensee.

INTERNATIONAL BROADCASTING

5. The Commission has, on its own motion, reconsidered the fees that are due in connection with applications for seasonal schedules of international broadcast stations that are due to be filed six months prior to the beginning of a particular season. We are of the opinion that a station should pay a grant fee for the number of transmitter-hours authorized rather than a filing fee for the number of transmitter-hours requested, as is now provided in the schedule of January 15, 1975. Due to the unique nature of these applications, grants tend to be less consistent with the authorizations requested than in other broadcast areas. Therefore, a grant fee appears to be more appropriate. Thus, at the time the Commission notifies the station of the number of transmitter-hours authorized, a grant fee payment notice of the amount of the fee will accompany the authorization, and payment must be made in accordance with the provisions of § 1.1102(b) of the rules.

6. We need to clarify one other area concerning fees for radio stations in the international broadcast service. The filing and grant fees for applications for construction permits listed in § 1.1111(a)(4) apply to applications for new stations and major changes in existing stations. The application fee for minor changes in existing stations will be $100. Section 1.1111(a)(4) is modified accordingly.

ASSIGNMENT AND TRANSFER FEES

ADDITIONAL ACQUISITIONS

7. On our own motion, we have again considered certain aspects of the fees involved in assignment and transfer applications. Because of the retrospective effect of requiring grant fees on acquisitions occurring in installments begun prior to the effective date of the fee schedule, we are revising that portion of the fee schedule so that acquisitions within the two-year period prior to the transaction in which control was acquired will be considered a part of such transaction only if they occur after March 1, 1975. Thus, for example, if the "control acquiring" transaction contract date is October 1, 1975, only those prior acquisitions occurring on or after March 1, 1975 will be consolidated into the grant fee base. Of course, in the example acquisitions occurring during the two-year period after October 1, 1975, will be subject to grant fees. Certain grants were made after March 1, 1975, which incorporated into the fee base acquisitions occurring prior to March 1, 1975. Refunds for the amounts applicable to transactions prior to March 1, 1975 will be made without application by the parties to the assignment or transfer application. As a matter of clarification, the contract date that is the key applicable date is the one that gives rise to the filing of the Form 315 application that covers the change in control.

8. We believe that the adoption of certain procedures concerning acquisitions prior to or subsequent to the contract date of the "control-acquiring" transaction which will be described in Note 4 to § 1.1111(a)(5) will remove uncertainties and be helpful in the administration of the grant fee in those matters. The interests which are considered as being acquired as a part of the transaction in which control is acquired are those interests acquired by the transferee, as hereafter defined, during the applicable period prior to the particular contract date of the acquisition which gives rise to the need for the filing of the Form 315 application. The transferee, as a separate exhibit, will list all acquisitions during the prescribed period prior to the contract date for the acquisition that gives rise to the need for filing the Form 315 transfer application. For example, if the transferee became a 5 percent holder in a licensee as of December 1, 1974, acquires an additional 20 percent interest as of February 1, 1975, an additional 10 percent as of March 3, 1975, and an additional 20 percent as of May 1, 1975 (the final contract date), the transferee would have a 55 percent interest following the May 1, 1975 acquisition. However, he will be required to pay a grant fee calculated on the basis of the 30 percent stock interest acquired after March 1, 1975. As a separate exhibit to the transfer application, the transferee would list the acquisitions and the dates thereof for the 30 percent interest acquired after March 1, 1975.

9. For acquisitions for the two-year period subsequent to the contract date of the "control-acquiring" transaction, the Commission will require the licensee to notify the Commission of all additional acquisitions by the transferee to be certain that the appropriate grants fees are paid.

IDENTIFICATION OF TRANSFEREE

10. Identification of the transferee is a practical problem that pervades the administration of the "additional acquisitions" portion of the grant fees relating to transfer of control applications. In the past parties have filed these applications without specifying precisely all of the individuals who will constitute the controlling group of the licensee subsequent to the transfer requiring Commission approval. This practice makes it impossible for us to determine which prior acquisitions concerning the licensee, if any, should be considered in calculating the grant fee. The particular entity, person, party, or group whose acquisition of control, either positive or negative, requires the filing of the Form 315 transfer of control application, whether or not any parties are in privity, will be the transferee for the purposes of the fee schedule. Parties filing transfer of control applications must now set forth, with specificity, the entity, party,

[1] FCC 72-1140, 38 FCC 2d 587, 37 FR 28574 (1972).
[2] FCC 74-879, 48 FCC 2d 402, 39 FR 30016 (1974).
[3] FCC 75-32, 40 FR 3844 (1975).
[4] FCC 75-182, 40 FR 8186 (1975).

person or group that is the transferee seeking to acquire control so that the real parties in interest, as the controlling group or party, are fully disclosed in the application. The transferee will set forth all acquisitions by the entity, party, person or group for the two-year period or portion thereof occurring after March 1, 1975 that precedes the contract date of the proposed acquisition that requires the filing of the application. For the present, we shall not modify the Form 315 application to specifically request this data, but may do so in the next revision of the form. However, we will revise Note 4 to § 1.1111(a) to reflect the above procedure, and substitute a new Note 5 to set forth a procedure for handling situations wherein control is relinquished and no entity, person, party or group acquires negative or positive control.

FCC FORM 316 GRANT FEES

11. The Commission has re-examined its action concerning the assessment of grant fees for certain FCC Form 316 applications. We recognize that there is value to the recipient in the Form 316 cases just as in the case of long form applications, but the problems in administering grant fees become unduly complex and have certain inherent inequities, especially in the case of corporations vis-a-vis partnerships. Therefore, at this juncture, all grant fees will be eliminated on FCC Form 316 applications, but we shall reinstate the $100 filing fee (rather than $50) for such applications. Any grant fees paid on FCC Form 316 applications granted after March 1, 1975 will be refunded without application by the parties. This action moots the contention of discrimination as to partnerships vis-a-vis corporations raised by the law firm of Fly, Shuebruk Blume & Gaguine in its petition for reconsideration.

SALES OF PART OR ALL OF JOINT AM-FM OPERATIONS

12. We believe that further clarification may also resolve future processing problems with regard to joint AM-FM operations. We believe that gross revenue is the best basis for computation of grant fees when the data has been submitted to the Commission in a routine fashion. Therefore, in a sale to different parties of the AM and FM stations, gross revenue will be used to calculate the grant fee if separate FCC Form 324 reports have been filed for the three years preceding the year of the filing of the application. The grant fee will be based on the respective revenue figures as disclosed in Form 324 reports. If separate reports have not been filed, the grant fees will be based on the consideration that is applicable to each station assigned or transferred.

13. In the case of a sale of either the AM station or the FM station in which one of the stations is retained, gross revenues will be used in cases in which separate FCC Form 324 reports have been routinely filed for the three years preceding the year in which the application is filed. If a combined report has been filed, the grant fee will be based on the consideration for the sale of the station that is being assigned or transferred. We are using consideration as a basis for grant fees in the situation because of the difficulty of allocation and the possible subjective decisions which would go into the subsequent breakdown of revenues applicable to the FM station as set forth on Lines 22 through 25 of FCC Form 324.

PETITIONS FOR RECONSIDERATION

14. One of the parties argues that the Commission has failed to demonstrate the relationship of application processing costs to benefit to licensees. This matter was fully treated in the Report and order at paragraph 6, and no additional arguments have been submitted which require us to elaborate further at this time. Similarly, the renewed claim that large fees have an inhibiting effect on the Commission's regulatory processes has not been borne out through the over four years of regulation since adoption of the 1970 fee schedule. We affirm our conclusions set forth in paragraph 19 of the Report and order in this regard. We also do not find petitioners persuasive in their arguments concerning the collection of annual fees which would have been due during the period following our order suspending collection of these fees. We remain convinced of the propriety of collecting these fees.

15. Other arguments originally made in comments filed subsequent to the issuance of the further notice and renewed here also do not warrant extensive treatment. The argument that the cost of hearings should not be included in the fee base was treated in paragraph 9 of the Report and order. The contention that the Commission erred in including the cost of processing petitions to deny in the cost of processing renewal applications is also essentially dealt with in paragraph 9. Paragraph 9 explains why the cost of hearings resulting from petitions to deny is includable in the fee base; it would be illogical to exclude other costs of Commission work, short of hearings, resulting from these petitions. Petitions to deny must be disposed of prior to the grant of a renewal application. Even where the petition to deny is rejected, its consideration is part of the Commission's work leading to the grant of a valuable license. Therefore, the cost of this processing is recoverable through fees.

16. One party again contends that the grant fees to be paid on gifts (either testamentary or inter vivos), except for the gifts to a spouse or lineal descendants, is unfair to long-time employees, and is discriminatory to unmarried, widowed, separated or childless persons, as well as having an adverse effect on charitable and educational institutions. Elimination of grant fees on FCC Form 316 applications will remedy some of the problems perceived in this area. We adhere to the position on this matter we expressed in paragraph 17 of the Report and order and shall continue to charge grant fees in cases in which Forms 314 or 315 are required and which do not come within the spouse or lineal descendant exception, fully subject to the provisions concerning additional acquisitions.

17. The NAB has raised a question concerning the filing fees that have been prescribed for applications to change antenna/transmitter sites, to increase antenna height, or to change antenna pattern, and urges that the fees should be reduced or eliminated when such a change "is necessitated by an involuntary condition foisted upon the licensee." Such conditions include changes in zoning regulations which require a transmitter move or the construction of high buildings or particular types of plant, e.g., power plants which cause a diminution of service. We believe the NAB suggestion has merit. Therefore, the schedule is amended to provide that in cases involving applications in this class which are required because of a change in state or local law or because of construction near the antenna/transmitter site which causes a severe distortion or deterioration of signal due to circumstances beyond the control of the licensee, the fee will be reduced to fifty percent (50 percent) of the normal fee for these applications.[5]

MINOR EDITORIAL CLARIFICATIONS

18. Questions have been presented regarding the fees for certain applications related to new and changed facilities. The fees listed in § 1.1111(a)(1) for a new Class IV-AM station or a major change in an existing Class IV station are applicable to a full-time operation of this station, i.e., 1 kW day, 250 w night. The fee schedule will be modified by adding this descriptive statement as to Class IV stations. In the "Other Applications" section (§ 1.1111(a)(2)), certain clarifying language and minor changes are being adopted concerning FCC Form 313 applications. Also, the Commission inadvertently set the filing fee at $50 for applications to replace a construction permit for a modification other than a major change, rather than $100 as intended in order to set it at the same level as an application for extension of time on FCC Form 701, which we are herein setting forth as a specific class of application in § 1.1111(a)(2).

COMMON CARRIER

19. The several petitioners seeking reconsideration of the common carrier portion of the fee schedule were unanimous in their opposition to fees for tariff filings. The arguments they presented, similar to those offered in the comments received by the Commission prior to issuance of

[5] For fee purposes, the definition of site change is one that requires new FAA clearance. For fee purposes, the definition of increase in antenna height is an increase of more than 20 feet. The definition of a change in antenna pattern does not include a change in MEOV.

the Report and order, stressed the contention that the filing of tariffs is required principally to protect the public. The carriers ignored the fact, noted by the Commission in paragraph 30 of the Report and order, that the filing of tariffs is required before a carrier may lawfully do business and that work thereby required of the Commission provides value to the carriers. The carriers failed to recognize that the Commission can charge fees for costs it incurs in an activity which provides value to the carrier. We have limited our fees to the activity, which while concededly of public benefit, as are all of our regulatory activities, is directly applicable to authorizing the carrier to engage in a business which may be regulated in the public interest. The common carrier, no more than the broadcaster is paying a fee for work done to permit him to engage in a regulated activity. If the presence of imposed regulation invalidated the fee, the entire statutory basis would likely fall. This result is not indicated by any decision of the courts to date. The arguments against the inclusion of hearing costs in the fee recovery base were similarly made prior to the Report and order. The Commission remains of the opinion, expressed in paragraph 32, that hearings costs are properly recoverable through fees.

20. The Commission's use of a sliding scale system for the tariff fee was assailed both because it required higher fees from larger carriers and because it allegedly discriminates against smaller carriers. The Commission did not adopt a sliding scale based on presumed ability to pay, as alleged by ITT World Communications, Inc. et al., but in recognition of the fact that tariffs provide greater value to larger carriers.

21. The National Telephone Cooperative Association's argument that fees for tariffs filed by issuing carriers on behalf of connecting carriers should not be based on the gross revenue of the issuing carrier, was adopted in the Second report and order in this proceeding. This order was released on February 20, the day following the filing of NTCA's petition for reconsideration.

22. Western Union Telegraph Company argued against the use of fees for section 214 domestic satellite channelizing applications based on mileage. To the extent that this argument was based upon Western Union's application for operation of its WESTAR system, it is moot. This application was granted prior to March 1 and the new fee schedule was thus not applicable. We believe that other arguments concerning section 214 applications were adequately answered in the Report and order.

23. Western Union also appears to argue that a pro rata share of the application fee for point-to-point microwave radio applications should be refunded in those cases in which the application is not granted. It states that "under the existing [1970] schedule, a provision is included for return of a pro rata share of the grant fee if the application is not granted." * This statement is inaccurate. The fee schedule in force prior to March 1 contained separate filing and grant fees applicable to point-to-point microwave radio applications. If an application was denied, there was of course no imposition of a grant fee. There was, however, no return of any portion of any fee. The Commission is not required to refund any part of an application fee if the application is denied. The processing of the application has resulted in costs to the Commission incurred at the request of the applicant. Thus, no partial refund is required. In addition, it has been our experience that point-to-point microwave applications are rarely denied.

24. With respect to its request for clarification, Radio Relay Corporation is correct in its assumption that there are no fees based on the number of one-way paging units served by a base station. This proposal was eliminated after consideration of comments filed in this proceeding by the National Association of Radiotelephone Systems and individual radio common carriers. It is thus unnecessary for us to respond to Radio Relay's arguments against such a fee.

25. On March 20, 1975, Communications Satellite Corporation [hereafter Comsat] filed a petition for modification of the fee schedule with respect to the method adopted for calculating a carrier's gross annual revenue in connection with the fee to be charged for tariff filings. In the Common Carrier portion of the schedule, the footnote applicable to annual gross revenue, footnote 14, provided that it would be calculated on the basis of "total operating revenues of filing carrier and its communications common carrier subsidiaries for the previous calendar year." Comsat argues that since it does not file tariffs which encompass the services of its communications common carrier subsidiary COMSAT General, the operating revenues of COM SAT General should not be included in calculating a fee for a tariff filing by Comsat. It was our intention in amending footnote 14 in the Second report and order in this proceeding to include in the fee calculations the operating revenues of all subsidiaries participating in the tariff offering. The subsidiary telephone companies of AT&T participate in the service offerings set forth in tariffs issued by the Long Lines Department of AT&T and benefit from the revenues realized from the service offering. The AT&T subsidiaries are fully subject carriers with respect to the service offerings and, rather than issue a separate tariff, concur in the tariffs issued by AT&T-Long Lines Department. As Comsat argued, COMSAT General does not participate in the service offerings set forth in tariffs filed by Comsat and does not benefit directly from the revenues realized from Comsat's service offerings. COMSAT General does not concur in Comsat's tariffs inasmuch as it does not offer such services. Since we did not intend that the operating revenues of subsidiary common carriers such as COMSAT General be included in calculating the fee assessed upon their parent corporations, we are revising footnote 14 to more accurately reflect our intention.

26. Other than the changes set forth and adopted in this document, the provisions of the fee schedule as promulgated in the Report and order and amended in the Second report and order in this proceeding are confirmed. Most of the changes adopted herein merely clarify existing provisions of the fee schedule. Others relieve restrictions previously imposed by the fee schedule including lowering fees in several instances. The sole exceptions to this are the increase from $50 to $100 in the filing fee applicable to Form 316 applications and the increase from $50 to $100 in the filing fee applicable to applications to replace construction permits for a modification other than a major change. We hereby find that good cause exists for making the amendments adopted herein effective April 11, 1975, with the exceptions discussed above. The two amendments will become effective on May 27, 1975.

27. As the foregoing paragraphs make clear, major portions of the fee schedule previously adopted by the Commission and made effective as of March 1, 1975, remain unchanged. In the interests of clarity and for ready reference, we are reprinting the entire fee schedule including the changes adopted herein.

28. Authority for the adoption of the amendments herein is contained in section 4(i) of the Communications Act of 1934, as amended (47 U.S.C. 154(i)), and Title V of the Independent Offices Appropriation Act of 1952, 31 U.S.C. 483a.

29. *Accordingly, it is ordered*, That the petitions for reconsideration are either granted or denied, or granted in part or denied in part, as indicated in the determinations set forth above.

30. *It is further ordered*, That the schedule of fees adopted in the Report and order of January 15, 1975 (FCC 75-32, 40 FR 3844) and amended in the Second report and order of February 11, 1975 (FCC 75-182, 40 FR 8186) is revised to read as set forth below.

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

Adopted: April 1, 1975.

Released: April 7, 1975.

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

The revised Subpart G of Part 1 reads as follows:

Subpart G—Schedule of Fees Filed With the Commission

GENERAL INFORMATION

Sec.
1.1101 Authority.
1.1102 Payment of fees.
1.1103 Return or refund of fees.
1.1104 General exceptions.
1.1105 General rule (STA and waiver).

* Petition for reconsideration filed by Western Union Telegraph Co. at 9-10.

Sec.

1.1111 Schedule of fees for Radio Broadcast Services.
1.1113 Schedule of fees for Common Carrier Services.
1.1115 Schedule of fees for the Safety and Special Radio Services.
1.1116 Schedule of fees for Cable Television and Cable Television Relay Services.
1.1117 Schedule of fees for commercial radio operator examinations and licensing.
1.1120 Schedule of fees for equipment type approval, type acceptance and certification.

AUTHORITY: Sec. 501, 65 Stat. 290; (31 U.S.C. 483a).

Subpart G—Schedule of Fees Filed With the Commission

GENERAL INFORMATION

§ 1.1101 Authority.

Authority for this subpart is contained in Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. 483a) which provides that any service rendered by a Federal agency to or for any person shall be performed on a self-sustaining basis to the fullest extent possible. Title V further provides that the head of each Federal agency is authorized by regulation to prescribe such fees as he shall determine to be fair and equitable.

§ 1.1102 Payment of fees.

(a) *Filing fees.* Each application or other filing filed on or after August 1, 1970, for which a fee is prescribed in this subpart, must be accompanied by a remittance in the full amount of the filing fee. In no case will an application or other filing be accepted for filing or processed prior to payment of the full amount specified. Filings for which no remittance is received, or for which an insufficient amount is received, shall be returned to the applicant without processing. In the case of multiple applications for which a single check is drawn to cover all fees for the applications, there should be attached to the remittance an accounting sheet or notice stating what fees are covered by the check or money order.

(b) *Grant fees.* The applicant shall observe the instruction contained in the notice of grant concerning payment of grant fees. Grant fees shall be accompanied by a transmittal advice identifying the purpose of the check. The duplicate copy of the Commission's notice of grant, which will specify the amount of the fee, will suffice.

(c) All remittances should be accompanied by a letter, application, rate card, grant fee notice or other document to properly identify the purpose of the fee.

(d) Where a separate grant fee payment is prescribed in the various services, the fee will be payable within 45 days after grant by the Commission. In the broadcast services the grant fee in assignment and transfer cases must be transmitted by the new licensee immediately following consummation of the transfer or assignment. All grants, approvals, and authorizations issued by the Commission are made subject to payment and receipt of the applicable fee within the required period. Failure to make payment of the applicable fee to the Commission by the required date shall result in the grant, authorization or approval becoming null, void and ineffective after that date.

(e) *Broadcast Annual License fee.* The annual license fee prescribed for broadcast stations must be submitted each year on or before the anniversary date of the expiration date of the station's license. The licensee shall submit the amount of the annual fee together with the station's rate card for the preceding June 1, on which the annual fee is based. (See § 1.1111(a)(6).) Such fee shall be for the twelve-month period immediately preceding the anniversary date on which the fee is payable.

(1) A new station first becomes liable for the annual license fee at the time program test authority is granted. In the first year, the fee will cover the period from the date of grant of program test authority until the next payment (anniversary) date. (Example: If a station is in operation for seven full months prior to the next payment date, the annual license fee is seven-twelfths of the annual rate.)

(2) Each broadcast station shall pay an annual license fee to the Commission for the period April 1, 1973–February 28, 1975. The fee applicable to the period after December 31, 1974 shall be the fee prescribed in § 1.1111(a)(5) of this chapter. The fee applicable to the period April 1, 1973–December 31, 1974 is as follows:

(i) For AM and FM stations: The annual license fee will be a payment equal to 6.7 times the station's highest single "one-minute" spot announcement rate, but in no event shall the annual license fee for each AM and each FM station be less than $25.00.

(ii) For television broadcast stations: The annual license fee will be a payment equal to 3.4 times the station's highest "30-second" spot announcement rate, but in no event shall the annual fee be less than $100.00.

(3) Fees applicable to any twelve-month period ending on or before February 1, 1975 must be submitted on or before August 1, 1975. Fees applicable to any twelve-month period ending after February 1, 1975 must be submitted on or before the anniversary date of the expiration date of the station's license as provided above.

(4) For broadcast stations submitting a fee on August 1, 1975 applicable to the period April 1, 1973–April 1, 1974 or June 1, 1973–June 1, 1974, the rate card on which the fee will be based is that of June 1, 1973. For broadcast stations submitting a fee on August 1, 1975 applicable to the period August 1, 1973–August 1, 1974, October 1, 1973–October 1, 1974, December 1, 1973–December 1, 1974 or February 1, 1974–February 1, 1975, the rate card on which the fee will be based is that of June 1, 1974.

(5) For broadcast stations paying an annual license fee applicable in part to a portion of calendar year 1974 and in part to a portion of calendar year 1975, the broadcast annual license fee will be prorated between the annual fee prescribed in paragraph (e)(2) of this section and the annual fee prescribed in § 1.1111(a)(6) of this chapter. A station's annual license fee will be computed by taking the number of months from the anniversary date to December 31, 1974, divided by 12, times the full year annual fee which is required by paragraph (e)(2) of this section, and adding to that the fee computed by taking the number of months from January 1, 1975 to the anniversary date, divided by 12 times the full year annual fee which is required by § 1.1111(a)(6) of this chapter.

NOTE 1: Example: AM station X has a license expiration date on October 1. Station X's highest single "one-minute" spot announcement rate is $10 as of June 1, 1974 and $20 as of June 1, 1975. Station X is required to pay an annual fee for the period October 1, 1973–October 1, 1974 on August 1, 1975 and an annual fee for the period October 1, 1974–October 1, 1975 on October 1, 1975. The fee due on August 1, 1975 will be $67.00 This is calculated by multiplying 6.7, the fee multiplier specified in paragraph (e)(2) of § 1.1102, times $10.00 the highest single "one minute" spot announcement rate as it appears on the applicable rate card, that of June 1, 1974. The fee due on October 1, 1975 is $161.00. To calculate this fee it is necessary to prorate the fee based on the portion of the twelve-month fee payment period during calendar year 1974 and that during calendar year 1975. The number of months from October 1, 1974 to December 31, 1974 is 3. The first step in calculating the fee is to multiply $\frac{3}{12}$ x 6.7 x $20, the portion of calendar year 1974 covered by the fee ($\frac{3}{12}$) times the applicable fee multiplier (6.7), times the spot rate ($20 here as the June 1, 1975 rate card is used). This portion of the fee is $33.50. Next it is necessary to multiply $\frac{9}{12}$ x 8.5 x $20, the portion of calendar year 1975 covered by the fee ($\frac{9}{12}$) times the fee multiplier from § 1.1111(a)(6) (8.5), times the spot rate. This portion of the fee is $127.50. The annual fee equals the sum of the two amounts $33.50 and $127.50 or $161.00.

(f) *Cable Television Annual Authorization fee.* The annual fee prescribed in § 1.1116(b) of this chapter for cable television systems must be submitted by April 1 of each year for the preceding calendar year. The fee will be based on the average number of subscribers as set out in § 1.1116(b).

(1) A new cable television system becomes liable for the annual authorization fee as of the date it begins to charge for service to 50 subscribers or more. In the first year of operation of the system, the fee will be computed based on the average of the number of subscribers being served on the last day of each calendar quarter of operation up to the end of the calendar year. (Example: If a cable system is in operation on the last day of three quarters prior to the end of the calendar year, the average of those three last-day figures is to be used in computing the fee required.) The fee will cover the number of full months of operation until the end of the calendar year. (Example: If a cable system is in operation for seven full months prior to

the end of the calendar year, the fee is seven-twelfths of the annual rate.)

(2) Each CATV system shall pay an annual authorization fee to the Commission for calendar years 1973 and 1974 to be submitted on or before August 1, 1975. The fee for each system shall be equal to the number of subscribers times 6 cents. The number of subscribers shall be determined by averaging the number of subscribers on the last day of each calendar quarter.

(g) Applications and attached fees should be addressed to Federal Communications Commission, Washington, D.C. 20554, or to the appropriate FCC field office and should not be marked for the attention of any individual bureau or office. Fee payments should be in the form of a check or money order payable to the Federal Communications Commission. The Commission will not be responsible for cash sent through the mails. All fees collected will be paid into the U.S. Treasury as miscellaneous receipts in accordance with the provisions of Title V of the Independent Offices Appropriations Act of 1952 (31 U.S.C. 483a).

(h) Receipts will be furnished upon request in the case of payments made in person, but no receipts will be issued for payments sent through the mails.

(i) Except as provided in §§ 1.1103 and 1.1104, all application filing fees will be charged irrespective of the Commission's disposition of the application. Applications returned to applicants for additional information or corrections will not require an additional fee when resubmitted, unless the additional information results in a major change in the application; the resubmission will then be treated as a new application requiring a new filing fee.

§ 1.1103 Return or refund of fees.

(a) The full amount of any fee submitted will be returned or refunded, as appropriate, in the following instances:

(1) Where no fee is required for the application filed.

(2) Where the application is filed by an applicant who cannot fulfill a prescribed age requirement.

(3) Upon return of an application for renewal of an operator license which is received after expiration of the grace period.

(4) Where the applicant is precluded from obtaining a license by the provisions of section 303(1) or 310(a) of the Communications Act.

(5) Where circumstances beyond the control of the applicant, arising after the application is filed, would render a grant useless.

(6) When applications (accompanied by fees) are filed where not actually required by Safety and Special Radio Services rules (e.g. change of address, pro forma change of corporate name, etc.).

(7) When construction permit holders and licensees make nonsubstantive correction in license grants within a period of 60 days from the grant.

(b) Payment in excess of an applicable fee will be refunded only if the overpayment exceeds $3.

§ 1.1104 General exceptions.

(a) No fee is required for an application filed for the sole purpose of amending an authorization or pending application (if a fee is otherwise required) so as to comply with new or additional requirements of the Commission's rules or the rules of another Federal Government agency affecting the authorization or pending application; however, if the applicant also requests an additional modification or the renewal of his authorization, the appropriate modification or renewal fee must accompany the application. Fee exemptions arising out of this general exception will be announced to the public in the orders amending the rules or in other appropriate Commission notices.

(b) No fee is required for an application filed by an alien pursuant to a reciprocal radio licensing agreement.

(c) A receiver model certificated prior to August 1, 1970, and which will continue to be distributed after August 1, 1970, need not be recertificated and no filing or grant fee shall be required for continued distribution provided it will continue to be distributed under the same trade name and model number and with identical circuitry.

§ 1.1105 General rule (STA and waiver).

Except as otherwise provided no filing fee is required for any application or request for special temporary authority (STA) or waiver of brief duration or minor character in any service or for the grant of either an STA or a waiver of brief duration or minor character. Upon the grant of an application or request for either an STA or a waiver of an important character, the applicant will be notified to remit a fee in the following amount for the respective services:

Broadcast services	$25
Common carrier services	25
Safety and special radio	5
Cable television services	25

§ 1.1111 Schedule of fees for Radio Broadcast Services.

(a) Except as provided in paragraph (b) of this section, the fees prescribed below are applicable to applications and operations in the Radio Broadcast Services:

(1) Construction Permits: Application for construction permit for new station or for major changes in existing station:

	Filing fee	Grant fee
VHF—Top 50 markets [1]	$10,000	$67,500
UHF—Top 50 markets	2,500	22,500
VHF—Next 50 markets	4,000	27,000
UHF—Next 50 markets	1,000	9,000
VHF—Balance	2,000	13,500
UHF—Balance	500	4,500
FM—Class A	200	1,350
FM—Class B and C	400	2,700
AM—Day—50 kW	1,000	6,750
AM—Day—25 kW	800	5,400
AM—Day—10 kW	600	4,050
AM—Day—5 kW	400	2,700
AM—Day—1 kW	200	1,350
AM—Day—500 W	100	675
AM—Day—250 W	50	340
AM—Unlimited 50 kW	2,000	13,500
AM—Unlimited 25 kW	1,600	10,800
AM—Unlimited 10 kW	1,200	8,100
AM—Unlimited 5 kW	800	5,400
AM—Unlimited 1 kW	400	2,700
AM—Unlimited 500 W	200	1,350
AM—Unlimited 250 W	100	675
AM—Class IV, full time, 1 kW day, 250 w night	200	1,350

[1] The market size shall be determined by the ranking of the American Research Bureau, on the basis of prime time households (average ½-hour audience during prime time, all home stations).

(2) Other Applications: The following fees shall accompany each application:

	AM	FM	TV	Auxiliary [1]
Application for construction permit to replace expired permit, FCC Form 321 [2]	$250	$250	$250	$50
Application for modification other than major change, FCC Form 301	(3)	(3)	(3)	(3)
(A) Application to change antenna/transmitter site; or to increase antenna height; or to change antenna pattern.[4]				
(B) All other FCC Form 301 applications	100	100	100	
Application for change of call sign for broadcast station	200	200	200	
Application for authorization in Auxiliary Broadcast Services, FCC Form 313:				
(A) Application for modification of construction permit or license in Auxiliary Broadcast Services				50
(B) Application for new remote pickup mobile station				100
(C) Application for new station construction permit for intercity relay or for studio transmitter link or for remote pickup base station				250
Application for construction permit or license of auxiliary or alternate main transmitter	50	50	50	50
Application for extension on FCC Form 701	100	100	100	50
All other applications in the broadcast services [5]	100	100	100	100

[1] With respect to applications for remote pickup broadcast stations authorized under Subpart D of Part 74 of this chapter, one fee will cover the base station (if any) and all the remote pickup mobile stations of a main station, provided the applications therefor are filed at the same time.

[2] The $250 fee applies to construction permits for new stations or major change in existing stations. An application to replace a construction permit for a modification other than a major change must be accompanied by a fee of $100 in all services except auxiliary broadcast.

[3] One-half the filing fee for an application for construction permit for new station or major change in existing station, but not less than $100 (but see note 1 below).

[4] (a) Site change: one that requires new FAA clearance; (b) increase antenna height: more than 20 feet; (c) change antenna pattern: change in MEOV excluded. (See note 1 below.)

[5] Includes applications for construction permits for other than a new station or a major change in existing station in the international broadcast service.

NOTE 1: In the case of applications to change antenna/transmitter site, to increase antenna height, or to change antenna pattern which are necessitated by a change in state or local law or are due to construction or the later occurrence of some other event beyond the control of the licensee (such as the change in the use of an existing building) that causes distortion or deterioration of the technical operation of a station, the applicable fee will be one-half the filing fee otherwise required for such applications.

(3) Subscription Television: Application for Subscription Television Authorizations:

Application filing fee	$700

(4) International Broadcasting: Construction Permits for new stations and major changes in existing stations:

Filing fee	$70
Grant fee	630

Grant Fee for Application for Seasonal Schedule:

Per transmitter-hour authorized (for 1 day)	$17

(5) Assignments and Transfers: Application for assignment of license or transfer of control—Form 314, Form 315 and Form 316 applications. (Where more than one broadcast station license is involved, the total amount of fees prescribed for each license so involved will be paid in the manner set forth below.):

Sales or Exchanges:

Application filing fee (forms 314 and 315)	$200
Application filing fee (form 316)	$100

Grant Fee on forms 314 and 315 (to be paid immediately following consummation of the assignment or transfer):

For AM stations, and joint assignment or transfer of AM–FM stations, with gross revenue of $400,000 or less.	0.9 percent of gross revenue.
For AM stations, and joint assignment or transfer of AM–FM stations, with gross revenue greater than $400,000.	$3,600 plus 1.4 percent of gross revenue in excess of $400,000.
For all FM stations	0.9 percent of gross revenue.
For television stations with gross revenue of $800,000 or less.	1 percent of gross revenue.
For television stations with gross revenue greater than $800,000.	$8,000 plus 1.6 percent of gross revenue in excess of $800,000.
In all other cases and/or when gross revenue is indeterminable (see note 2).	0.4 percent of consideration for assignment or transfer.

Gifts:

Application filing fees and grant fees for assignments or transfers resulting from gifts are the same as those for sales or exchanges above, with the exception that no grant fee will be assessed for an assignment or transfer by gift from a person to a spouse and/or lineal descendnat.

NOTE 1: Gross revenue will be determined by taking the average of the annual gross revenue figures appearing on line 19 of FCC Form 324 for the respective station(s) for the three years immediately preceding the date of filing the application for the assignment or transfer. Procedures will be initiated to obtain the gross revenue figure for the immediately preceding year in any case in which a grant may be approved prior to the filing of the Form 324.

NOTE 2: In certain FCC Form 314 and 315 situations, gross revenue figures are not available for assessment of a fee on that basis—for example, assignment or transfer of either an AM or FM from what had been a joint AM–FM operation (i.e. one station is assigned or transferred, and the other retained) or both the AM and the FM stations are assigned or transferred to different parties, and separate FCC Form 324 reports have not been filed for the preceding three years prior to the year in which the application is filed; assignment or transfer of a broadcast station license in which gross revenue has been either nonexistent or so intermittent as to be an improper basis upon which to establish a grant fee; assignment or transfer of religious or other stations that do not report gross revenue. In those types of cases, the grant fee will be assessed on the basis of consideration as indicated above.

NOTE 3: In the case of transfer of control filed on FCC Form 315, the transfer grant fee will be based on the percentage of interest acquired which resulted in the transfer of control (except for those situations described in Note 4 below in which additional acquisitions of interest may be subject to the grant fee). (Example: "A" acquires a 60 percent interest in an AM station with gross revenue of $100,000. Assuming "A" holds no other interest in this station that was acquired in the preceding two years, the grant fee is $540–$100,000×0.9 percent×60 percent.)

NOTE 4: In the case of transfers of control that require the filing of a FCC Form 315 application, in which the transferee holds previously acquired interests in the subject broadcast station license, the grant fee will be based on the acquisition which resulted in the transfer of control and on interests acquired during the two-year period, or portion thereof, which occurs after March 1, 1975, preceding the date of the contract that necessitates the filing of FCC Form 315. As a part of such Form 315 application, the transferee (i.e. the person, party, entity, or group that is the real party in interest that is seeking to acquire control) will be fully identified and will list all prior acquisitions by the transferee, as defined herein, together with the dates of the acquisitions of interest. In addition, a grant fee will be assessed against any additional interest in the station acquired within two years following the date of the contract for transfer of control. The transferee will be required to inform the Commission of such additional acquisitions and make certain that the proper grant fees are paid. Such grant fee for additional acquisitions within two years subsequent to transfer of control will be computed on the basis of the same gross revenue figures used in connection with the transfer of control application and such additional fee shall be submitted at the time the supplemental Ownership Report (FCC Form 323) is filed with the Commission pursuant to § 1.615(c) of this chapter. (Example: The transferee as fully identified in the Form 315 application acquires the following interests in a station with $100,000 gross revenue: January 1, 1974—5 percent; January 1, 1975—5 percent; March 10, 1975—35 percent; April 1, 1975 (contract date)—15 percent. The transfer grant fee is $450–$100,000 × 0.9 percent × 50 percent, with the 50 percent figure representing the interest that required the filing of the transfer of control application, plus interests acquired in the two years, occurring after March 1, 1975, which immediately precede the date of the contract which resulted in the transfer of control. If the transferee were to acquire any additional interest in the station prior to April 1, 1977, an additional grant fee would be incurred equivalent to the additional interest acquired times $100,000 times 0.9 percent.

NOTE 5: In cases in which control, either positive or negative, is relinquished by a transferor, and no entity, person, party or group is acquiring control, either positive or negative, the grant fee will be assessed on the basis of the interest passing under the FCC Form 315 application plus all interests that the transferor passed to any entity, person, party or group occurring within two years prior to the contract date that gives rise to the filing of the application. Applicants will set forth the complete information as to all aspects of the "control relinquishing" transactions, including all interests transferred by the transferor's to any entity, person, party or group in the two-year period prior to the contract date, that occurs after March 1, 1975.

(6) Annual License Fee: Each broadcast station shall pay an annual license fee to the Commission based on the station's rate card as of June 1 of each year.[1]

For AM & FM radio stations:

The annual license fee will be a payment equal to 8.5 times the station's highest single "one-minute" spot announcement rate, but in no event shall the annual license fee for each AM and each FM station be less than $25.

For television broadcast stations:

The annual license fee will be a payment equal to 4.25 times the station's highest "30-second" spot announcement rate, but in no event shall the annual license fee be less than $100.

(b) Fees are not required in the following instances:

(1) Applications filed by tax exempt organizations for operation of stations providing noncommercial educational broadcast services, whether or not such stations operate on frequencies allocated for noncommercial, educational use.

(2) Applications in the standard broadcast service requesting authority to determine power of non-directional standard broadcast stations by direct measurement.

(3) Applications for all FM or television translators and all FM or television translator relay stations.

(4) Applications by local government entities in connection with the licensing or operation of a noncommercial broadcast station.

(5) Applications for licenses to cover construction permits in the auxiliary broadcast services.

§ 1.1113 Schedule of fees for Common Carrier Services.

Applications filed for common carrier services shall be accompanied by the fees prescribed below:

(a) DOMESTIC PUBLIC LAND MOBILE RADIO SERVICES[2]

	Application fee
Application for initial construction permit or for relocation of a base station including authority for mobile units, blanket dispatch station authority,[3] and standby transmitters without independent radiating systems[3,4]	$150
If above includes authority for mobile units, blanket dispatch station authority or standby transmitters without independent radiating system add per mobile unit, dispatch station or standby transmitter	6

[1] See § 1.1102(e) of this chapter for explanation of manner of payment and computation of the broadcast annual license fee.

	Application Fee
Application for initial construction permit or for relocation of a dispatch station,[3] auxiliary test station, control station or repeater station [4]	75
Application for other than initial construction permit, modification of construction permit or license for base station, dispatch station, auxiliary test station, control station or repeater station at an existing station location	30
Application for modification of authorization to increase number of mobile units, blanket dispatch stations or standby transmitters without independent radiating systems—per unit or transmitter	6
Application for renewal of base station license	90
If above includes renewal authority for mobile units, blanket dispatch stations or standby transmitters without independent radiating systems, add per mobile unit, dispatch station or standby transmitter	3
Application for renewal of license for dispatch station, auxiliary test station, control station or repeater station	35
Application for license, modification of license or renewal of license for individual mobile stations: [6]	
One mobile unit per application	15
Each additional mobile unit per application	9

(See footnotes at end of tables.)

(b) Rural Radio Service

Application for an initial construction permit or for relocation of central office, interoffice or relay facilities [4]	$120
Application for other than initial construction permit, modification of construction permit, or license for central office, interoffice or relay facilities [4]	45
Application for an initial construction permit or for relocation of rural subscriber facilities [4]	75
Application for other than initial construction permit modification of construction permit or license for rural subscriber facilities	45
Application for license for operation of stations at temporary-fixed locations	20
Application for renewal of license of central office, interoffice or relay station	75
Application for renewal of license of rural subscriber station	15

(c) Point-to-Point Microwave Radio Services

Applications for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to existing points of communication or for relocation of facilities [4 7]	$120
Application for license for operation of a station at temporary-fixed locations	[4] 90
Application for other modifications of construction permit or modification of license [4]	30
Application for renewal of license	75

(See footnotes at end of tables.)

(d) Local Television Transmission Service

Application for construction permit or for modification of construction permit to add or change point(s) of communication or to increase service to an existing station location or for relocation of facilities [4]	$120
Application for license for operation of an STL station at temporary-fixed locations	90
Application for license for operation of a mobile television pickup station	90
Application for other modification of construction permit or modification of license [4]	30
Application for renewal of license	75

(See footnotes at end of tables.)

(e) Multipoint Distribution Service

Application for initial construction permit or for modification involving relocation of station or addition or change of frequencies or increase in power [15]	$150
Application for other modification of construction permit or license	30
Application for renewal of license	75

(f) International Fixed Public Radiocommunication Services

International Fixed Public Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station [4]	$500
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter(s) being replaced if the applications are filed simultaneously) [4]	105
Application for change of location of an authorized station	330
Application for modification of license	75
Application for renewal of license	180
International Control Station:	
Application for an initial construction permit for a new station or an additional transmitter(s) at an authorized station [4]	300
Application for construction permit for a replacement transmitter(s) at an authorized station (no fee will be charged for application for modification of license to delete transmitter being replaced if the applications are filed simultaneously) [4]	180
Application for change of location of an authorized station	300
Application for modification of license	$75
Application for renewal of license	90

(See footnotes at end of tables.)

(g) Other Radio Applications

Application for assignment of an authorization or transfer of control (a separate fee is required for each call sign covered by the application)	$35
All other common carrier radio applications	15

(h) Satellite Communications Services [8]

	Filing fee	Grant fee
Application for initial construction permit for commercial transmit/receive earth station.[4]	$120	½ of 1 percent of construction cost as set forth in the application, not to exceed $15,000.
Application for initial construction permit for a commercial receive-only or transportable earth station.[4]	60	Do.
Application for modification of construction permit or license or for construction permit for additional equipment at an existing commercial earth station.[4]	60	½ of 1 percent of construction cost as set forth in the application.
Application for authority to operate a transportable earth station at a fixed site	180	None.
Application for renewal of license for a commercial transmit/receive earth station	60	$3,000.
Application for renewal of license for a commercial receive-only earth station	330	None.
Application for initial construction permit or modification of construction permit or license for an auxiliary station (boresight) to an earth station or for a telemetry, tracking and control station.[4]	30	½ of 1 percent of construction cost as set forth in the application.
Application for initial construction permit per satellite [4]	150	$3,000.
Application for authority to launch and operate satellites, per satellite	150	½ of 1 percent of satellite construction cost as set forth in the application (due 45 days after successful launch and operation).
Application for renewal of an auxiliary station to an earth station or for a telemetry, tracking and control station.	180	None.
Application for assignment of a commercial transmit/receive earth station or satellite construction permit or license or transfer of control of a licensee or permittee, per earth station or satellite.	45	None.
Application for assignment of a commercial receive-only or transportable earth station construction permit or license or transfer of control of a licensee or permittee, per earth station.	45	None.
Application for communications common carrier for authorization to own stock in the Communications Satellite Corp.	45	None.
Any other application filed under the Communications Satellite Act or the Communications Act of 1934 in the Satellite Communications Services.	45	None.

(i) Common Carrier Nonradio Applications

Sec. 214 application for construction or acquisition of landline domestic cable or waveguide.[16]	$60	$3 per route mile.
Sec. 214 application to establish or supplement domestic facilities by installation or acquisition of carrier equipment on wire, cable, waveguide, or radio routes.[12]	$15	$4.50 per 100 equivalent 4 kHz channel miles authorized.[11 12]
Sec. 214 application to lease channels from other carriers for domestic use [13]	$15	$3.50 per 100 equivalent 4 kHz channel miles authorized.[11 13]
Sec. 214 application to lease satellite transponder for domestic use (per transponder).	$25	None.
Sec. 214 application for overseas cable construction	$600	$30 per route mile (nautical).
Sec. 214 application to establish or supplement international facilities by installation or acquisition of carrier equipment on overseas cable or radio routes (except satellite) or to acquire such facilities on a capital basis other than ownership.	$30	$6 per 100 3 kHz channel miles authorized.[11]
Sec. 214 application to lease channels on overseas cable or radio routes (except satellites).	$30	$3.50 per 100 equivalent 3 kHz channel miles authorized.[11]
Sec. 214 application to lease circuits to interconnect international circuits:		
Circuits outside of the United States	$15	None.
Circuits within the United States or territories	$15	$3.50 per 100 equivalent 3 kHz channel miles authorized.[9 11]
Sec. 214 application to install carrier equipment to establish international channels of communications at an earth station.	$60	One-third of 1 percent of equipment and installation cost as set forth in application.
Sec. 214 application to establish and provide international channels of communication via satellite.	$150	None.
Sec. 214 application to acquire satellite channels for international use	$30	$12 per equivalent 4 kHz channel.[11]
Cable landing license	$120	None.
Sec. 214 application to discontinue, reduce or impair service to the public:		
Telegraph offices and public coast stations [12]	$15	Do.
All other	$60	Do.
Interlocking directorate applications	$30	Do.
Sec. 221 applications	$30	Do.
All other common carrier nonradio applications	$15	Do.

Tariff Filings:	Annual Gross Revenue [14] of Issuing Carrier:	
Each tariff page, original or revised, filed pursuant to Part 61 of the Commission's Rules.	Under $1 million	$50
	$1 million to $100 million	100
	$100 million to $1 billion	300
	$1 billion to $10 billion	500
	Over $10 billion	700

[1] In this service each transmitter at a fixed location is a separate station not withstanding the inclusion of more than 1 such station on a single authorization or under a single call sign.

[2] When included as part of base station applications, a request for blanket dispatch station authority made pursuant to the provisions of § 21.519(a) of this chapter does not require an individual application. A request for such dispatch station authority filed separately from a base station construction permit application requires an application for modification of license and an appropriate fee.

[3] An application for a standby transmitter having its own independent radiating system requires the same fee as a base station application.

[4] No additional fee will be charged for a single application for a license to cover a construction permit unless there is a modification or variation of outstanding authority involved. In that event the appropriate fee for modification is applicable.

[5] This fee applies to any request for dispatch station authority not made pursuant to § 21.519(a) of this chapter.

[6] The fee is not required for applications filed by governmental entities.

[7] For applicants who propose to multiplex their radio systems and who make the supplementary showing required by secs. 21.608 and 21.706 of this chapter in the lead application in lieu of filing a separate application under sec. 214 of the act, an additional grant fee will be payable at the rate prescribed in the schedule for sec. 214 applications to extend or supplement facilities.

[8] The filing fees specified in the schedule for satellite communications services do not apply to initial applications for domestic systems considered in conjunction with that of Western Union; Public Notice FCC 70-953. However, the grant fee will be applicable to any grant. All subsequent applications will be subject to the filing as well as the grant fees.

[9] In the case of connecting circuits for international satellite circuits the mileage is computed as the distance from the U.S. terminal to the nearest Earth station.

[10] Projects undertaken pursuant to grant of continuing authority as prescribed in §§ 63.03(c) and 63.04(c) of this chapter are subject to the grant fee.

[11] Fees for other than 4 kHz or 3 kHz channels will be the appropriate multiple or fractions of the 4 kHz or 3 kHz channel fee. (No grant fee is required for a video and associated audio channels.) Where the transmission of voice or digital data will be accomplished in the digital mode, a 64 kb/s transmission channel is to be considered the equivalent of one 4 kHz analog channel for purposes of calculating the grant fee.

[12] Unless otherwise specified, the grant fees based on channel miles for sec. 214 applications are calculated on the basis of airline mileage between terminal cities (up to a maximum of 2,500 miles between cities). Where domestic satellite channels are to be established between several cities on a demand use basis (as opposed to a point-to-point basis), the grant fee is calculated on the basis of the arithmetic average of the distances between each of the cities being so interconnected. Where the channels being established are one-way (rather than two-way), ½ the normal grant fee will apply.

[13] For blanket applications filed pursuant to §§ 63.67 or 63.68 of this chapter, the grant fee shall apply to each individual main or branch office for which reduction of hours is authorized.

[14] Total operating revenues for the previous calendar year of filing carrier and its communications common carrier subsidiaries which are concurring or connecting carriers in the tariff offering. The fees for tariff filings made by 1 carrier solely on behalf of another carrier shall be based on the total operating revenues of the carrier for which the filing is made.

[15] An additional grant fee of $50 is applied for any application proposing transmitter power in excess of 10 watts

§ 1.1115 Schedule of fees for the Safety and Special Radio Services.

(a) Except as provided in paragraph (c) of this section, the fees set forth in the schedule below shall accompany all formal applications for authorizations filed in the Safety and Special Radio Services:

Applications for all authorizations except as noted below	$4
Ship license that includes interim authorization	10
Operational fixed stations using frequencies above 952 MHz:	
Initial license, 5-year renewal and assignment of license	20
Yearly renewal for stations used in CATV systems	5
Stations using frequencies in the band 806–947 MHz and providing service on a commercial basis—per channel	200
Common carrier public coast stations:	
Initial license, renewal, and assignment of license	75
Amateur service:	
Modification of license without renewal	3
Special call sign (in addition to other applicable fee)	25

(b) Except as provided in paragraph (c) of this section, the fee set forth below shall accompany the following application or requests in the Safety and Special Radio Services:

Duplicate license	2

(c) Fees are not required in the following instances:

(1) Applications filed in the Police, Fire, Forestry Conservation, Highway Maintenance, Local Government and State Guard Radio Services.

(2) Applications filed by governmental entities in any of the Safety and Special Radio Services.

(3) Applications filed by the following in the Special Emergency Radio Service: hospitals, disaster relief organizations, beach patrols, school buses, and non-profit ambulance operators and rescue organizations.

(4) Applications filed in the Disaster Communications Services.

(5) Applications for ship inspections pursuant to the Great Lakes Agreement, the Safety of Life at Sea Convention, and Parts II and III, Title III, of the Communications Act of 1934, as amended.

(6) Application for Novice Class license in the Amateur Radio Service, applications for amateur stations under military auspices, and applications filed in the Radio Amateur Civil Emergency Services (RACES).

(7) Operational Fixed Microwave applications filed for Closed Circuit Educational Television Service.

(8) Applications for Aeronautical Radionavigation Stations, Aeronautical Search and Rescue Stations, and any applications filed by the Civil Air Patrol or its component units in the Safety and Special Radio Services.

(9) Applications for licenses for aircraft stations to operate with only an emergency locator transmitter (ELT); or an application for only an emergency position indicating radio-beacon (EPIRB) station; or an application for modification of a ship station license to include authority for operation of an EPIRB.

(10) Amendments to applications for authorizations in the Safety and Special Radio Services if the amended application on an original filing would not have required a higher fee than that already paid for the application being amended. If a higher fee would have been required than that already paid, the applicant will be required to pay the difference upon filing the amendment. If the fee would have been lower, no refund will be made.

§ 1.1116 Schedule of fees for Cable Television and Cable Television Relay Services.

(a) Applications and petitions filed in the Cable Television and Cable Tele-

vision Relay Services shall be accompanied by the fees prescribed below:

Application in the Cable Television Relay (CAR) Service:	
For a construction permit	$20
For a license or renewal	5
For a modification of construction permit or of a license	5
For reinstatement of expired construction permit or license	5
For assignment of license or of construction permit, or for transfer of control	10
Application for certificate of compliance pursuant to § 76.11	15

NOTE 1: If multiple applications for certificates of compliance are simultaneously filed by cable television systems having a common headend and identical ownership but serving or proposing to serve more than one community, the full $15 fee will be required for only one of the communities; a $5 fee will be required for each of the other communities.

(b) An annual authorization fee shall be paid by each CATV system on or before April 1 of each year for the preceding calendar year. The fee for each system shall be equal to the number of its subscribers times 13 cents. The number of subscribers shall be determined by averaging the number of subscribers on the last day of each calendar quarter. (See § 1.1102(f).)

NOTE 2: Where a system offers bulk-rates to multiple-outlet subscribers, such as apartment house or motel operators, each bulk-rate contract is viewed as a number of subscriptions to be calculated by dividing the total annual charge for the bulk-rate contract by the system's basic annual subscription rate for an individual household. (Thus, for example, if a cable television system charges an apartment house operator $1,000 a year for a bulk-rate contract and charges individual households a basic rate or $50 per year, the bulk-rate contract is counted as 20 subscriptions (i.e., 1,000÷50=20.) Where a variety of "annual subscription rates" for individual households exists (e.g., $50 per year, if paid in one sum, or $60 per year, if paid on a per-month basis), the rate used in the subscriber formula shall be the lowest annual rate which is offered to individual subscribers ($50 here). Likewise, if the bulk-rate contract is on a monthly basis, it shall be divided by the lowest monthly rate which is offered. In the preceding example, a $50 per year charge should be viewed as a charge of $4.17 per month. It is not contemplated, however that such calculations should be made with respect to extra payments for additional cable television outlets within the same individual household.

§ 1.1117 Schedule of fees for commercial radio operator examinations and licensing.

(a) Except as provided in paragraphs (b) and (c) of this section, applications for commercial radio operator examinations and licensing shall be accompanied by the fees prescribed below:

(1) Applications for new operator license or permit:	
1st-class, 2d-class, or 3d-class, either radiotelephone or radiotelegraph	$4
Provisional radiotelephone 3d-class operator certificate with broadcast endorsement, 1-year term	2
Restricted radiotelephone permit	4
Restricted radiotelephone permit (alien), 5-year term	4
(2) Application for endorsement of license or permit	2
(3) Application for renewal of operator license or permit:	
1st-class, 2d-class, or 3d-class, either radiotelephone or radiotelegraph	2
Restricted radiotelephone operator permit (alien)	4
(4) Application for replacement or duplicate license or permit	2
(5) Application for verification card (form 758-F)	2

(b) Whenever an applicant requests both an operator license or permit and an endorsement, the required fee will be the fee prescribed for the license document involved only.

(c) No fee is required for applications for a replacement license or permit for a marriage-related change of name.

(d) When an application is filed for a new license or permit and the applicant fails to appear for the required examination within 18 months, the application will be null and void for failure to prosecute and no refund will be made.

(e) Operator authorizations are issued by the Commission subject to payment and receipt of the applicable fee pursuant to the requirements of § 1.1102 of this chapter. In the case of operator authorizations, when the Commission is unable to collect the prescribed fee by a specified date upon notification mailed to the applicant at his last known address, the authorization will become null, void and ineffective after that date.

§ 1.1120 Schedule of fees for equipment type approval, type acceptance and certification.

Type approval, type acceptance, certification or approval of subscription television systems shall require payment of fees as prescribed below:

(a) Certification:

Item:	Application fee
(1) Application for certification of each receiver model: [3]	
a. Television broadcast receiver	$250
b. FM broadcast receiver (with or without other reception capability)	150
c. Combination TV/FM broadcast receiver (with or without other reception capability)	300
d. All other receivers	150
(2) Application for certification of equipment operating under part 18.[3] (No fee required for registration for use of industrial heating equipment on form 724 in accordance with § 18.116 of the Commission's rules)	150
(3) Application for certification of equipment (other than receivers) operating under part 15.[3]	150

(b) Type acceptance:

Item	
(1) Application for type acceptance for each equipment type [1 2 3 4]	$200
(2) Application for the addition of one or more rule parts to existing type acceptance for each equipment type as identified by manufacturer or trade name and type number	150
(3) Approval of subscription television system	1,500

(c) Type approval:[5]

Item [4]	Filing fee [7]	Grant fee [7]
(1) Applications for type approval of equipment requiring tests: [6, 7]		
a. Part 73:		
1. Broadcast modulation monitors—SCA or stereo	$2,400	$800
2. Broadcast modulation monitors—other	1,200	400
3. Broadcast antenna phase monitors	2,400	800
4. Other Broadcasting equipment	1,200	400
b. Parts 81 and 83:		
1. Ship transmitters, including lifeboat transmitters	1,200	400
2. Radar	900	300
3. Ship automatic alarms	3,000	1,000
4. Ship automatic alarm keyers	750	250
5. Other maritime devices	750	250
c. Part 15:		
1. Wireless microphones	450	150
2. Auditory training transmitters (72-76 MHz)	1,200	400
3. Class I TV devices:		
If rated to operate on 1 or 2 channels	1,500	500
If rated to operate on more than 2 channels, for each channels over 2	750	250
4. Other Part 15 devices	450	150
d. Part 18:		
1. Medical diathermy and Subpart H equipment (13.56, 27.12, 40.68 MHz)	750	250
2. Medical diathermy, microwave ovens and other Subpart H equipment (915 MHz and above)	900	300
3. Ultrasonic	450	150
4. Other Part 18 devices	750	250
(2) Applications for type approval of equipment not requiring tests [8]	75	25
(3) Applications for approval of modifications in existing type approved equipment:		
a. Modifications which require retesting	(10)	(10)
b. All other modifications	75	25
(4) Correction of equipment deficiencies:		
Application for type approval where unit has been previously rejected for deficiency and is resubmitted for testing	(10)	(10)

[1] The receiver part of a transceiver or a unit which includes a transmitter and receiver shall be separately certificated. The application for receiver certification shall be filed simultaneously with, but under separate cover from, the application for type acceptance.

[2] In the case of an equipment in which one or more receivers and transmitters are packaged as an individual equipment and identified by a single type number, each receiver shall be separately certificated and each transmitter shall be separately type accepted. The application(s) for certification for each receiver shall be filed simultaneously with, but under separate cover from, the application(s) for type acceptance.

[3] Application for certification or type acceptance of equipments which bear different identification will be considered separate applications, regardless of whether such equipment may be otherwise identical.

[4] Fees for type acceptance are not required in the following cases: (a) when a request for type acceptance is included in an application for station license and covers only the item of equipment to be authorized in that particular sta-

(Footnotes continued on next page.)

tion; (b) when a request is made by the licensee of a station for approval of modifications to a specific item of existing type accepted equipment authorized in that particular station.

[3] Whenever an item subject to type approval is required to comply with more than 1 set of technical specifications, separate fees will be required for each set of technical specifications for which compliance is examined. For example, a combined frequency and modulation monitor will require the payment of fees applicable to each; a frequency monitor for standard broadcast and FM broadcast will require payment of fees applicable to each. Likewise, combination units of items of the same type, for example, a combination of two radars, will require payment of 2 fees.

[4] A separate application, with payment of appropriate fees, is required for each equipment bearing different identification, whether in trade name or model number, even though such equipment may otherwise be identical to another. However, see note 9 below.

[7] The filing fee must be remitted with the application. The applicant may include the grant fee if he desires; otherwise the grant fee shall be remitted within the prescribed 45 days after grant of type approval. See § 1.1102 of this chapter.

[8] A single application is required for a combination under a single identification of 2 or more equipments which are subject to type approval, such as a combination of 2 radars. However, payment of separate fees will be required for each equipment which is tested. For an equipment which is subject to 2 or more sets of technical specifications in the rules, separate fees will be required for each set of tests.

[9] For a family or series of equipment models having the same radio frequency generator or transmitter and so nearly identical in design and construction that tests on only 1 model will be required, the model tested will be subject to the fees specified in paragraph (c)(1), and the other models in that series will be subject to the fees specified in paragraph (c)(2). For example, this would apply to 2 or more models of microwave ovens identical except for identification, styling, and, minor electrical or mechanical changes. Likewise, it would apply to 2 or more models of marine radars which employ the same transmitter but with different combinations of accessories. However, initial applications for type approval which request use of alternate magnetrons or other critical components will require payment of the fee indicated in paragraph (c)(1) plus the fee required in paragraph (c)(3)a.

[10] 75 percent of the filing and grant fees specified in (1) above for the particular class of equipment.

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in 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 Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective April 11, 1975 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

Georgia	GA75–1039
Minnesota	MN75–2059

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.

California:	
CA75–5016	Feb. 7, 1975
Florida:	
FL75–1034	Mar. 21, 1975
Georgia:	
AR–4064	Dec. 6, 1974
GA75–1019	Feb. 7, 1975
Hawaii:	
H75–5002	Jan. 24, 1975
Illinois:	
AR–3060	Aug. 2, 1974
Maryland:	
AR–2053	Sept. 27, 1974
Michigan:	
AR–3121	Aug. 16, 1974
AR–3141	Aug. 23, 1974
Mississippi:	
AR–4030	Sept. 6, 1974
Montana:	
MT75–5029	Feb. 21, 1975
New Jersey:	
AR–2040; AR–2041; AR–2042	Sept. 13, 1974
AR–2043; AR–2044	Sept. 6, 1974
AR–2073; AR–2074; AR–2075; AR–2076; AR–2077; AR–2078	Nov. 15, 1974
AR–2080; AR–2081; AR–2082; AR–2083	Nov. 22, 1974
AR–2087; AR–2088; AR–2089; AR–2090	Nov. 29, 1974
North Dakota:	
ND75–5031	Feb. 28, 1975
Ohio:	
AR–3033; AR–3040; AR–3042	Aug. 23, 1974
AR–3039	Aug. 29, 1974

Oklahoma:	
AR-80	Nov. 22, 1974
AR-85	Dec. 6, 1974
AR-88; AR-89	Dec. 13, 1974
AR-93	Dec. 27, 1974
OK75-4049; OK75-4050	Feb. 7, 1975
OK75-4069	Mar. 28, 1975
Pennsylvania:	
PA75-3021	Do.
South Carolina:	
SC75-1026	Feb. 28, 1975
SC75-1038	Mar. 21, 1975
Texas:	
TX75-4028; TX75-4031	Jan. 24, 1975
Vermont:	
AQ-3184	June 28, 1974
West Virginia:	
WV75-3007	Feb. 7, 1975
Wyoming:	
WY75-3011	Jan. 31, 1975

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 numbers of the decisions being superseded.

Colorado:	
AR-1022(CO75-5030)	Aug. 23, 1974
CO75-5009(CO75-5049)	Jan. 24, 1975
CO75-5007(CO75-5048)	Jan. 31, 1975
CO75-5027(CO75-5046); CO 75-5030(CO75-5047)	Feb. 28, 1975
Illinois:	
AQ-3095(IL75-5051)	Feb. 15, 1974
Indiana:	
AQ-3095(IL75-5051)	Do.
Michigan:	
AQ-3095(IL75-5051)	Do.
Minnesota:	
AQ-3095(IL75-5051)	Do.
Mississippi:	
AQ-4112(MS75-1044)	May 10, 1974
Missouri:	
AR-79(MO75-4076)	Nov. 15, 1974
New York:	
AQ-3095(IL75-5051)	Feb. 15, 1974
AQ-2128(NY75-3047)	June 28, 1974
AR-2011(NY75-3044)	July 26, 1974
AR-2014(NY75-3033)	Aug. 9, 1974
AR-2017(NY75-3032)	Aug. 16, 1974
AR-2021(NY75-3048)	Sept. 20, 1974
AR-2059(NY75-3036); AR-2063(NY75-3042); AR-2064(NY75-3031); AR-2065(NY75-3037); AR-2066(NY75-3040); AR-2067(NY75-3041); AR-2068(NY75-3043)	Oct. 11, 1974
AR-2069(NY75-3046)	Nov. 1, 1974
AR-2072(NY75-3034)	Nov. 15, 1974
AR-2096(NY75-3035)	Dec. 20, 1974
NY75-3012(NY75-3045); NY75-3013(NY75-3038); NY75-3014(NY75-3089)	Feb. 14, 1975
Ohio:	
AQ-3095(IL75-5051)	Feb. 15, 1974
Pennsylvania:	
AQ-3095(IL75-5051)	Do.
South Carolina:	
AR-4006(SC75-1045)	July 5, 1974
Texas:	
TX75-4024(TX75-4078); TX75-4025(TX75-4077)	Jan. 24, 1975
Wisconsin:	
AQ-3095(IL75-5051)	Feb. 15, 1974

Signed at Washington, D.C., this 4th day of April 1975.

Ray J. Dolan,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Georgia
DECISION NUMBER : GA75-1039
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

COUNTIES: Chattahoochee & Muscogee
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	6.40				
Bricklayers	6.35				
Carpenters	5.42				
Cement masons	4.41				
Electricians	7.45	30	7%		½ of 1%
Glaziers	4.22				
Ironworkers, structural & ornamental	4.11				
Ironworkers, reinforcing	4.29				
Laborers:					
Laborers	2.32				
Air tool op (jackhammer vib.)	2.85				
Mason tenders	2.52				
Pipelayers	3.00				
Lathers	6.00				
Painters brush	5.36				
Plumbers: Chattahoochee County	7.24				.06
Plumbers: Muscogee County	6.12				
Roofers	2.40				
Sheet metal workers	4.89				
Soft floor layers	4.24				
Tile setters	5.60				
Truck drivers	2.32				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	3.75				
Blade grader	3.75				
Bulldozer	3.75				
Cranes, derricks, dragline	4.00				
Distributor	4.00				
Farm tractor with blade	3.00				
Motor grader	3.75				
Oilers	3.62				
Rollers	3.00				
Scrapers	3.75				
Tractors - front end loaders	3.50				
Trenching machine	3.33				

NEW DECISION

STATE: Minnesota COUNTY: Stearns
DECISION NUMBER: MN75-2059 DATE: Date of Publication
DESCRIPTION OF WORK: Building (Including Residential), Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.02	.51	.65		.02
BOILERMAKERS	8.90	.60	1.00		.02
BRICKLAYERS & STONEMASONS	9.00		.15		
CARPENTERS:					
Building:					
Carpenters & Piledrivermen	8.13			.75	
Soft Floor Layers	6.50				
Site Preparation, Excavation & Incidential Paving:					
Carpenters & Piledrivermen:					
North-South line drawn from the Intersection of Stearns, Todd & Morrison Counties	7.47			.75	
Remainder of County	7.62				
CEMENT MASONS:					
Building:					
Cement Masons & Plasterers	8.35				
Site Preparation, Excavation & Incidential Paving:					
Cement Masons	8.35				
ELECTRICIANS	8.45	6½%	4%	9%	1½%
GLAZIERS	6.98	.36			
IRONWORKERS	8.80	.55	.55		
LABORERS:					
General Laborers; Demolition & Wrecking; Concrete Joint Saw Operators; Signal Men	6.65	.20	.15		
Power Buggy Operators	6.70	.20	.15		
Mortar Mixers; Plasterer Tenders	6.75	.20	.15		
Jackhammer Men	6.80	.20	.15		
Underground; Caisson; Cofferdam & Tunnel Work	6.90	.20	.15		
Dynamite Men	6.95	.20	.15		
LATHERS	8.42	.31	.25		
MARBLE SETTERS	7.585	.445	.23	.56	
PAINTERS:					
Brush	5.90				.02
Structural Steel	6.40				.02
Spray	6.90				.02

DECISION NO. MN75-2059

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS & STEAMFITTERS	$8.17	.38	.45	.50	.02
ROOFERS:					
Roofers	7.15				
Helpers	5.70				
SHEET METAL WORKERS	9.63	.42	.50		.06
SPRINKLER FITTERS	9.40	.50	.70		.08
TRUCK DRIVERS	6.65				

Welders - receive rate prescribed for craft performing operation to which welding is incidential.

DECISION NO. MN75-2059

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
CLASS 1	$6.10	.40	.35	.40	
CLASS 2	6.20	.40	.35	.40	
CLASS 3	6.45	.40	.35	.40	
CLASS 4	6.24	.40	.35	.40	
CLASS 5	6.50	.40	.35	.40	
CLASS 6	6.55	.40	.35	.40	
CLASS 7	6.60	.40	.35	.40	

LABORERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

CLASS 1
Bricklayer Tender; Carpenter Tender; Drill Runner Helper; Laborers-Wrecking & Demolition; Lanscape Gardner; Pipe Handler (Water, Gas & Cast Iron); Salamander Heater & Blower Tender; Sod Layer & Nurseryman; Stonemason Tenders; Unskilled Laborers.

CLASS 2
Bituminous Shoveler; Bottom Man (Sewer, Water or Gas Trench); Cement coverman (Batch Trucks); Cement Handler (Bulk or Bag); Chain Saw Man; Compaction equipment (Hand operated); Concrete Mixer (1Bag); Concrete Shoveler Tamper & Puddler (Paving); Concrete Vibrator; Conduit Layers (w/o wiring); Drill Runner (Wagon, Truck, etc.); Formsetter (Municipal Curb & Sidewalk); Formsetter (Pavement); Jackhammerman; Joint Sawer; Kettleman (Bituminous or Lead); Mortar Mixers; Paving Buster; Power Buggy; Tunnel Laborer (Atmospheric pressure).

CLASS 3
Leadman

CLASS 4
Bituminous Raker, Floater & Utility Man; Caisson Work; Cofferdam

CLASS 5
Nozzleman (Gunnite)

CLASS 6
Pipelayer (Sewer, Water & Gas)

CLASS 7
Powderman; Tunnel Miner

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POWER EQUIPMENT OPERATORS: BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
CLASS 1	$12.25	.35	.25		
CLASS 2	9.85	.35	.25		
CLASS 3	9.50	.35	.25		
CLASS 4	9.40	.35	.25		
CLASS 5	9.30	.35	.25		
CLASS 6	9.05	.35	.25		
CLASS 7	8.93	.35	.25		
CLASS 8	8.85	.35	.25		
CLASS 9	8.58	.35	.25		
CLASS 10	8.30	.35	.25		
CLASS 11	7.85	.35	.25		

POWER EQUIPMENT OPERATORS: BUILDING

CLASS 1-Helicopter Operators (Hoisting Material)
CLASS 2-Truck & Crawler Cranes with 200' of Boom & over including Jib
CLASS 3-Truck & Crawler Cranes with 150' of Boom up to & not including 200' of Boom including jib.
CLASS 4-Traveling Tower Crane
CLASS 5-Master Mechanic
CLASS 6-Derrick (Guy & Stiff Leg); Hoist Engineer (3 drums or more); Locomotive Operator; Overhead Crane Operator,(inside Building Perimeter); Truck & Crawler Cranes up to 150' of Boom including jib.
CLASS 7-Air Compressor Operator; Pump Operator & or Conveyor; 2 or more Mechanics; Hoist Engineer (2 drums); Mechanic or Welder; Pumpcrete or Complaco Type Machine Operator; Fork Lift Operator
CLASS 8-Boom Truck Operator; Concrete Mixer Operator; Drill Rigs (Heavy Duty Rotary or Churn Drill when used for caisson drillin or when drilling for elevator cylinder on Building Construction; Front End Loader Opr; Hoist Engineer (1 drum); Power Plant Engineer (100 KWH & over); Straddle carrier Operator; Tractor Operator (Over D-2); Well Point Pump Operator
CLASS 9-Concrete Batch Plant Operator; Gunnite Operator; Tractor Operator (D-2 or similar size & Front End Loader Operator-up to ½ cu. yd.)
CLASS 10-Air Compressor Operator; Pump & or Conveyor Operator; Fireman-Temporary Heat; Brakeman; Pick Up Sweeper (combustion engine operated); Truck Crane Oiler
CLASS 11-Mechanic Space Heater (Temporary Heat) Oiler or Greaser

DECISION NO. M75-2059

POWER EQUIPMENT OPERATORS: EAST OF THE WESTERN RIGHT-OF-WAY OF U.S. HWY. #15	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.05	.35	.25		
GROUP II	8.76	.35	.25		
GROUP III	8.50	.35	.25		
GROUP IV	8.38	.35	.25		
GROUP V	8.28	.35	.25		
GROUP VI	7.60	.35	.25		
GROUP VII	7.30	.35	.25		

POWER EQUIPMENT OPERATORS: EAST OF THE WESTERN RIGHT-OF-WAY OF U.S. HWY. #15

GROUP I Helicopter Pilot

GROUP II Crane with over 135' boom, excluding jib, dragline and/or other similar equipment w/shovel type controls 3 cu. yards. & over Mfg. rates capacity

GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 3LR, Derrick, Dragline and/ or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rates capacity, Dredge Operator or Engineer, Dredge Operator (power) 4 yds. & over, Grader or Motor Patrol Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving op., Road Mile Op., Incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refregeration Plant Engineer, Tandem, Scrapter, Tractor, Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP IV Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer

GROUP V Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary of Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu yds., Hoists Engineer, Hydraulic Tree Planter, Launcherman, Locomotive,all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machine,s Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar tupe, Pick-up Sweeper 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar HP with power tak-off, Tractor Op., over 50 HP without power Take-off, trenching Machine Op., (sewer water, gas) Turnapull Co., (or similar type) Well Point Installation, Dismantling or Repair Mechanic

DECISION NO. M75-2059

POWER EQUIPMENT OPERATORS (CONT'D)
EAST OF THE WESTERN RIGHT-OF-WAY OF U.S. HWY. #15

GROUP VI Air compressor Op. 373 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. Spreader Op., Finishing Machine, Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 1LS and under, Concrete saw Op. (Walt. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader op. (up to & include 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op (D2, TD6 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor Op., Deckhand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Spacer Heater, Oiler, Self-Prop. Vib Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

DECISION NO MM75-2059

POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTY

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
GROUP I	$11.90	.35	.25		
GROUP II	7.72	.35	.25		
GROUP III	7.47	.35	.25		
GROUP IV	7.33	.35	.25		
GROUP V	7.25	.35	.25		
GROUP VI	6.72	.35	.25		
GROUP VII	6.32	.35	.25		

POWER EQUIPMENT OPERATORS: REMAINDER OF COUNTY

GROUP I Helicopter Pilot

GROUP II Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity

GROUP III Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (paving) Concrete Paving Op., Road Mile Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP IV Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer

GROUP V Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" op., Pugmill Op., Roller Op., 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & ballas Mach. Op., Tractor Op. over D2, TD6 or similar HP with power take-off, Tractor Op., over 50 HP without power take-off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) well Point Installation, Dismantling or Repair Mechanic

DECISION NO. MM75-2059

POWER EQUIPMENT OPERATORS (CONT'D)
REMAINDER OF COUNTY

GROUP VI Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 11E and under, concrete saw op. (multi. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & incl. 1 cu. yd.), Grader op. (Motor Patrol), Gunite op. Gunall, Lead Greaser on truck or rack, Loader Op., PowerAdctuated Augers and Boring Mach. Op., Power Acutated Jacks op., Pumps op., Roller., Self-propelled Chip Spreader, Shouldering Mach. op., Stump Chipper., Tractor Op. (D2, TD6 or similar HP with power take-off

GROUP VII Brakeman, Switchman, Conveyor op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greader, Leverman, Mech. Helpers, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or les w/o Power take-off, Truck Crane Oiler

DECISION NO. MN75-2059

TRUCK DRIVERS:
SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
GROUP 1	$7.22	.35	.30		
GROUP 2	6.92	.35	.30		
GROUP 3	6.82	.35	.30		
GROUP 4	6.62	.35	.30		

TRUCK DRIVERS: SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

GROUP 1

Driver (hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train mechanic; Welder; Tractor-trailer; Off road truck.

GROUP 2

Tri-Axle (including 4 Axles); Dump dry batch hauler; Tank truck (gas, oil, road oil & water); Boom & "A" frame; Ready mix concrete; Slurry driver.

GROUP 3

Bituminous distributor driver; Bituminous distributor (1 man operation); Tandem axle.

GROUP 4

Bituminous distributor spray (rear-end oiler); Dumpman; Greaser & truck service man; Tank truck helper (gas, oil, road oil & water); Teamster and stableman; Tractor operator (wheel type used for any purpose); Pilot car; Self-propelled packer; Slurry operator; Single axle.

DECISION #CA75-5016 - Mod. #1
(40 FR 6005 - February 7, 1975)
Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$ 9.95	.65	1.00	.50	.02
Bricklayers; Stonemasons: Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Cos.	10.02	.90	.58	1.00	
Carpenters: Carpenters	10.00	.72	1.15	.75	.04
Hardwood floorlayers; Power saw operators; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	10.15	.72	1.15	.75	.04
Millwrights	10.50	.72	1.15	.75	.04
Cement Masons: Cement Masons	8.46	.90	1.25	1.25	.05
Mastic; Magnesite; All composition masons	8.71	.90	1.25	1.25	.05
Men working from swinging or slip form scaffold	8.71	.90	1.25	1.25	.05
Drywall Installers	10.27	.60	.85	.75	.07
Electricians: Napa and Solano Counties Electricians	9.67	.58	1%+.60		.04
Cable Splicers	10.17	.58	1%+.60		.04

DECISION NO. CA75-5016 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters: Alameda, Contra Costa, Eldorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	$ 10.02	.70	.80	.80	
Spray	10.27	.70	.80	.80	
Tapers	10.72	.70	.80	.80	
Sheet Metal Workers: Alameda, Contra Costa, Napa and Solano Counties	9.75	.48	1.40	12%	.02

DECISION #FL75-1034 - Mod. #1
(40 FR 12970 - March 21, 1975)
Pinellas County, Florida

Change: Plumbers and steamfitters	$8.63	.30	.70		.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # AR-4064 - Mod. #1 (39 FR 42817 - December 6, 1974) Chatham County, Georgia					
Change:					
Asbestos workers	7.49	.35	.40		
Bricklayers:					
Bricklayers and Stonemasons	7.25	.20	.20		
Carpenters:					
Carpenters and Soft floor layers	7.10	.35			
Millwrights	7.60	.35			
Piledrivermen	7.35	.35			
Cement masons	6.50				
Ironworkers:					
Structural and Sheeter	7.75	.45	.50		.03
Ornamental and reinforcing	7.75	.45	.50		.03
DECISION # GA75-1019 - Mod. #1 (40 FR 6020 - February 7, 1975) Fulton Clayton,Cobb and DeKalb Counties, Georgia.					
Omit: Power Equipment Operators schedule originally issued.					
Add: Attached Power Equipment Operators schedule.					

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators					
Group A					
Backhoe operators, clamshell operator, conc. mix operator, cont. 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, fork-lift 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.	8.20	.35	.20		.07
Group B					
Bulldozer operator, dozer shovel operator, drill operator-Quarry master type, firemen-sationary 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.	7.85	.35	.20		.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.	6.18	.35	.20		.07
Group D					
Oiler-truck or locomotive cranes	6.53	.35	.20		.07
Group E					
Oiler-unspecified, pump operator over 4" up to batteries of 4, welding machine operator, batteries of two 300 amps and over.	5.63	.35	.20		.07
Group F					
Concrete mixer operator skip types except paving mixers, concrete finishing machine operator, concrete paving machine operator, roller operator, well drill operator	5.98	.35	.20		.07
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, 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	4.95	.35	.20		.07

DECISION #H75-5062 - Mod. #3
(40 FR 3868 - January 24, 1975)
Statewide, Hawaii

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Add:					
Asphalt Paving Group					
Asphalt Raker	$6.20	.62	1.00	b	
Asphalt Roller	7.16	.62	1.00	b	
Asphalt Spreader	7.48	.62	1.00	b	

Footnote:
b. After completing 2 years' service with employer Vacation of one week or 40 hours straight-time rate; for each year completed thereafter in excess of 5 years, an additional one day or 8 hours; after completing 15 years or more service, 3 weeks or 120 hours at straight-time rate.

DECISION #AR-3060 - Mod. #3
(39 FR 28433 - August 2, 1974)
Marion, Clay, Crawford, Edwards, Effingham, Fayette, Hamilton, Jasper, Jefferson, Lawerence, Richland, Wabash, Wayne & White Counties, Illinois

CHANGE:
Modification #1, Volume 40, Page 14199, dated March 28, 1975 to Modification #2.

DECISION NO AR-2033 - Mod. #2
(39 FR 34900 - September 27, 1974)
Baltimore City, Maryland

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Electricians	$9.10	.90	15+.20		45

DECISION #AR-3121 - Mod. #4
(39 FR 29846 - August 16, 1974)
Wayne, Oakland & Macomb Counties Michigan

Change:					
Carpenters and Pile Drivers	$ 9.3474	.60	8%	10%	.02
Soft Floor Layers	8.42	.55	.55	.67	.03

DECISION #AR-3141 - Mod. #4
(39 FR 30765 - August 23, 1974)
Statewide, Michigan

Change:					
Carpenters Zone 1	9.3474	.60	8%	10%	.02

DECISION # AR-4030 - Mod. #3
(39 FR 32454 - September 6, 1974)
Hinds County, Mississippi

Change:					
Boilermakers	7.50	.40	.90		.02
Elevator Constructors	6.89	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	4.82	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (prob.)	3.445				
Lathers	7.15				.01
Plasterers	6.50	.25	.10		.05
Roofers	6.55		.15		
Helpers	4.65				
Sheet metal workers	7.30	.30	.35		

DECISION #MT75-5029 - Mod. #3
(40 FR 7841 - February 21, 1975)
Cascade, Flathead, Glacier, Hill, Missoula, Sanders and Valley Counties, Montana

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Boilermakers	$8.90	.70	1.00		.02
Electricians:					
Cascade and Glacier Counties					
Electricians	9.38	.32	.25		1/2%
Cable Splicers	9.63	.32	.25		1/2%
Power Equipment Operators:					
Missoula and Valley Counties					
Flathead and Sanders Counties					
(See attached schedules)					

DECISION NO. MT75-5029 (Cont'd)

Missoula and Valley Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 7.78	.45	.45	.10	.03
Air Compressor, single	7.47	.45	.45	.10	.03
Air Compressor, two or more	7.64	.45	.45	.10	.03
Air Doctor	7.94	.45	.45	.10	.03
Asphalt Paving Machine	7.94	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.94	.45	.45	.10	.03
Automatic Finograde, Gurries and other similar types	8.07	.45	.45	.10	.03
Belt Finish Machine	7.64	.45	.45	.10	.03
Bit Grinder	7.94	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.94	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.53	.45	.45	.10	.03
Boring Machine (large)	7.94	.45	.45	.10	.03
Broom, self-propelled	7.61	.45	.45	.10	.03
Cableway Highline	8.45	.45	.45	.10	.03
Cement Silo	7.73	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.19	.45	.45	.10	.03
Chain Bucket Loader	7.66	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.66	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.94	.45	.45	.10	.03
Concrete Batch Plants, three and four mixers	8.14	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.34	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and including two mixers	7.46	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.77	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.94	.45	.45	.10	.03
Concrete Curing Machine	7.94	.45	.45	.10	.03
Concrete Finish Machine Paving	7.94	.45	.45	.10	.03
Concrete Float-Spreader	7.94	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.53	.45	.45	.10	.03

DECISION NO MT75-5029 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Mixer, four bags and over	$ 7.70	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.94	.45	.45	.10	.03
Concrete Travel Batcher	7.94	.45	.45	.10	.03
Conveyor Loader Operator up to and including 42" belt	7.52	.45	.45	.10	.03
Conveyor Loader Operator over 42" belt	7.64	.45	.45	.10	.03
Concrete Conveyor under 40 feet	7.52	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.27	.45	.45	.10	.03
Concrete Pump	8.27	.45	.45	.10	.03
Crane, to and including 80' boom	8.10	.45	.45	.10	.03
Crane, 81' to 130' boom	8.25	.45	.45	.10	.03
Crane, 131' to 150' boom	8.30	.45	.45	.10	.03
Crane, 151' boom and over	8.35	.45	.45	.10	.03
Crane Oiler	7.51	.45	.45	.10	.03
Crusher	7.94	.45	.45	.10	.03
Crusher Oiler and Helper	7.43	.45	.45	.10	.03
Crusher Conveyor, when required	7.40	.45	.45	.10	.03
Distributor	7.94	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.66	.45	.45	.10	.03
Electric Overhead Cranes	8.12	.45	.45	.10	.03
Elevating Grader	7.94	.45	.45	.10	.03
Farm Type Tractor, up to and including 50 HP Engine	7.40	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.48	.45	.45	.10	.03
Field Equipment Serviceman	7.86	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.43	.45	.45	.10	.03
Fireman	7.53	.45	.45	.10	.03
Forklift, on construction job site	7.75	.45	.45	.10	.03
Form Grader	7.71	.45	.45	.10	.03
Gradall	7.94	.45	.45	.10	.03
Grade Setter	7.40	.45	.45	.10	.03
Heavy Duty Drill, all types	7.94	.45	.45	.10	.03
Heavy Duty Driller Helper	7.53	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.48	.45	.45	.10	.03

DECISION NO MT75-5029 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Hoist, single drum	$ 7.71	.45	.45	.10	.03
Hoist, two or more drums	7.94	.45	.45	.10	.03
Helicopter Hoist	8.44	.45	.45	.10	.03
Hot Plant	7.94	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.94	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.43	.45	.45	.10	.03
Hydra lift and similar types	7.84	.45	.45	.10	.03
Industrial Locomotive all classes	7.94	.45	.45	.10	.03
Mechanic and/or Welder on job	8.04	.45	.45	.10	.03
Mechanic and/or Welder helper on job	7.43	.45	.45	.10	.03
Mixermobile	8.02	.45	.45	.10	.03
Motor Patrol	8.07	.45	.45	.10	.03
Mountain Logger or similar type	7.94	.45	.45	.10	.03
Mucking Machine	7.94	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.51	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.43	.45	.45	.10	.03
Oiler, Hoist House, dams	7.84	.45	.45	.10	.03
Pavement Breaker, Ensco and similar	7.94	.45	.45	.10	.03
Paving and Mixing Machine	8.07	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.94	.45	.45	.10	.03
Power Mixer, single or double drum	7.94	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.94	.45	.45	.10	.03
Pumpcrete or Grout Machine	7.94	.45	.45	.10	.03
Pumpman	7.47	.45	.45	.10	.03
Push Tractor	7.94	.45	.45	.10	.03
Quad Cat	8.24	.45	.45	.10	.03
Quad Loader and similar type	8.52	.45	.45	.10	.03
Raygo Giant	8.52	.45	.45	.10	.03
Refrigerator Plant	7.94	.45	.45	.10	.03
Retort	7.53	.45	.45	.10	.03
Roller, on blade or hot mix oil paving	7.94	.45	.45	.10	.03

DECISION NO. MT75-5009 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Roller, on other blade or hot mix paving	$ 7.64	.45	.45	.10	.03
Roller, 25 ton or over	7.94	.45	.45	.10	.03
Ross and similar type Carriers, on construction site	7.94	.45	.45	.10	.03
Rubber-tired Dozer	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard and under	7.65	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard to and including 3 yards	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	8.06	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	8.16	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	8.26	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yards	8.36	.45	.45	.10	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	7.94	.45	.45	.10	.03
Scraper, single or twin engine pulling belly dump trailer	8.32	.45	.45	.10	.03
Scraper, single engine	8.07	.45	.45	.10	.03
Scraper, twin engine	8.17	.45	.45	.10	.03
Scraper, Tandem engine	8.43	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.94	.45	.45	.10	.03
Shovels, including all attachments, under 1 cu. yd.	7.94	.45	.45	.10	.03
Shovels, including all attachments, 1 cu. yds. to and including 3 cu. yds.	8.12	.45	.45	.10	.03
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	8.39	.45	.45	.10	.03
Shovels, including all attachments, over 5 cu. yds.	8.52	.45	.45	.10	.03

DECISION NO. MT75-5009 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovel Oiler, 3 yards and under	$ 7.43	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yards	7.84	.45	.45	.10	.03
Slip Form Paver	8.07	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.39	.45	.45	.10	.03
Track-type Front End Loaders; up to and including 5 cu. yds.	7.94	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and including 10 cu. yds.	8.17	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	8.27	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.37	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.94	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.12	.45	.45	.10	.03
Trenching Machine	7.94	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.94	.45	.45	.10	.03
Wagner Roller and similar type	7.94	.45	.45	.10	.03
Whirley Crane	8.47	.45	.45	.10	.03
Whirley Crane Oiler	7.84	.45	.45	.10	.03
Water Pull when used for compaction	7.94	.45	.45	.10	.03
Washing and Screening Plant	7.94	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.43	.45	.45	.10	.03

DECISION NO. MT75-5009 (Cont'd)

Flathead and Sanders County	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 7.78	.45	.45	.10	.03
Air Compressor, single	7.47	.45	.45	.10	.03
Air Compressor, two or more	7.64	.45	.45	.10	.03
Air Doctor	7.94	.45	.45	.10	.03
Asphalt Paving Machine	7.94	.45	.45	.10	.03
Asphalt Paving Machine Screed	7.94	.45	.45	.10	.03
Automatic Finegrade, Gurries and other similar types	8.07	.45	.45	.10	.03
Belt Finish Machine	7.64	.45	.45	.10	.03
Bit Grinder	7.94	.45	.45	.10	.03
Bituminous Mixer Paving, Travel Plant	7.94	.45	.45	.10	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	7.53	.45	.45	.10	.03
Boring Machine (large)	7.94	.45	.45	.10	.03
Broom, self-propelled	7.61	.45	.45	.10	.03
Cableway Highline	8.45	.45	.45	.10	.03
Cement Silo	7.73	.45	.45	.10	.03
Central Mixing Plants, Concrete dam and stationary	8.19	.45	.45	.10	.03
Chain Bucket Loader	7.66	.45	.45	.10	.03
Chip or Gravel Spreader, self-propelled	7.66	.45	.45	.10	.03
Concrete Batch Plant, one and two mixers	7.94	.45	.45	.10	.03
Concrete Batch Plants, three and four mixers	8.14	.45	.45	.10	.03
Concrete Batch Plant, five mixers and over	8.34	.45	.45	.10	.03
Concrete Batch Plant Oiler, up to and including two mixers	7.46	.45	.45	.10	.03
Concrete Batch Plant Oiler, three mixers and over	7.77	.45	.45	.10	.03
Concrete Bucket Dispatcher	7.94	.45	.45	.10	.03
Concrete Curing Machine	7.94	.45	.45	.10	.03
Concrete Finish Machine Paving	7.94	.45	.45	.10	.03
Concrete Float-Spreader	7.94	.45	.45	.10	.03
Concrete Mixer, three bags and under	7.53	.45	.45	.10	.03

DECISION NO. MT75-5009 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Concrete Mixer, four bags and over	$ 7.70	.45	.45	.10	.03
Concrete Power Saw, self-propelled	7.94	.45	.45	.10	.03
Concrete Travel Batcher	7.94	.45	.45	.10	.03
Conveyor Loader Operator up to and including 42" belt	7.52	.45	.45	.10	.03
Conveyor Loader Operator over 42" belt	7.64	.45	.45	.10	.03
Concrete Conveyor under 40 feet	7.52	.45	.45	.10	.03
Concrete Conveyor over 40 feet	8.27	.45	.45	.10	.03
Concrete Pump	8.27	.45	.45	.10	.03
Crane, to and including 80' boom	8.10	.45	.45	.10	.03
Crane, 81' to 130' boom	8.25	.45	.45	.10	.03
Crane, 131' to 150' boom	8.30	.45	.45	.10	.03
Crane, 151' boom and over	8.35	.45	.45	.10	.03
Crane Oiler	7.51	.45	.45	.10	.03
Crusher	7.94	.45	.45	.10	.03
Crusher Oiler and Helper	7.43	.45	.45	.10	.03
Crusher Conveyor, when required	7.40	.45	.45	.10	.03
Distributor	7.94	.45	.45	.10	.03
DW 10, 15, or 20 Tractor pulling roller	7.66	.45	.45	.10	.03
Electric Overhead Cranes	8.12	.45	.45	.10	.03
Elevating Grader	7.94	.45	.45	.10	.03
Farm Type Tractor, up to and including 50 HP Engine	7.40	.45	.45	.10	.03
Farm Type Tractor, over 50 HP Engine	7.48	.45	.45	.10	.03
Field Equipment Serviceman	7.86	.45	.45	.10	.03
Field Equipment Serviceman Helper	7.43	.45	.45	.10	.03
Fireman	7.53	.45	.45	.10	.03
Forklift, on construction job site	7.75	.45	.45	.10	.03
Form Grader	7.71	.45	.45	.10	.03
Gradall	7.94	.45	.45	.10	.03
Grade Setter	7.40	.45	.45	.10	.03
Heavy Duty Drill, all types	7.94	.45	.45	.10	.03
Heavy Duty Driller Helper	7.53	.45	.45	.10	.03
Herman-Nelson Heaters and similar type	7.48	.45	.45	.10	.03

DECISION NO. HE75-5009 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Hoist, single drum	$ 7.71	.45	.45	.10	.03
Hoist, two or more drums	7.94	.45	.45	.10	.03
Helicopter Hoist	8.44	.45	.45	.10	.03
Hot Plant	7.94	.45	.45	.10	.03
Hot Plant Fireman, when in Operation	7.94	.45	.45	.10	.03
Hot Plant Oiler, 100 ton per hour or over	7.43	.45	.45	.10	.03
Hydra lift and similar types	7.84	.45	.45	.10	.03
Industrial Locomotive all classes	7.94	.45	.45	.10	.03
Mechanic and/or Welder on job	8.04	.45	.45	.10	.03
Mechanic and/or Welder Helper on job	7.43	.45	.45	.10	.03
Mixermobile	8.02	.45	.45	.10	.03
Motor Patrol	8.07	.45	.45	.10	.03
Mountain Logger or similar type	7.94	.45	.45	.10	.03
Mucking Machine	7.94	.45	.45	.10	.03
Oiler-Driver, Rubber-tired Cranes	7.51	.45	.45	.10	.03
Oilers, other than Shovels and Cranes	7.43	.45	.45	.10	.03
Oiler, Hoist House, dams	7.84	.45	.45	.10	.03
Pavement Breaker, Ensco and similar	7.94	.45	.45	.10	.03
Paving and Mixing Machine	8.07	.45	.45	.10	.03
Power Auger, Large Truck or Tractor mounted	7.94	.45	.45	.10	.03
Power Mixer, single or double drum	7.94	.45	.45	.10	.03
Power Saw, multiple cut, self-propelled	7.94	.45	.45	.10	.03
Pumpcrete or Crout Machine	7.94	.45	.45	.10	.03
Pumpman	7.47	.45	.45	.10	.03
Push Tractor	7.94	.45	.45	.10	.03
Quad Cat	8.24	.45	.45	.10	.03
Quad Loader and similar type	8.52	.45	.45	.10	.03
Raygo Giant	8.52	.45	.45	.10	.03
Refrigerator Plant	7.94	.45	.45	.10	.03
Retort	7.53	.45	.45	.10	.03
Roller, on blade or hot mix oil paving	7.94	.45	.45	.10	.03

DECISION NO. HE75-5009 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Roller, on other blade or hot mix paving	$ 7.64	.45	.45	.10	.03
Roller, 25 ton or over	7.94	.45	.45	.10	.03
Ross and similar type Carriers, on construction site	7.94	.45	.45	.10	.03
Rubber-tired Dozer	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard and under	7.65	.45	.45	.10	.03
Rubber-tired Front End Loader, 1 yard to and including 3 yards	7.94	.45	.45	.10	.03
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	8.06	.45	.45	.10	.03
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	8.16	.45	.45	.10	.03
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	8.26	.45	.45	.10	.03
Rubber-tired Front End Loader, over 15 yards	8.36	.45	.45	.10	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	7.94	.45	.45	.10	.03
Scraper, single or twin engine pulling belly dump trailer	8.32	.45	.45	.10	.03
Scraper, single engine	8.07	.45	.45	.10	.03
Scraper, twin engine	8.17	.45	.45	.10	.03
Scraper, Tandem engine	8.43	.45	.45	.10	.03
Self-propelled Sheepfoot and similar type	7.94	.45	.45	.10	.03
Shovels, including all attachments, under 1 cu. yd.	7.94	.45	.45	.10	.03
Shovels, including all attachments, 1 cu. yds. to and including 3 cu. yds.	8.12	.45	.45	.10	.03
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	8.39	.45	.45	.10	.03
Shovels, including all attachments, over 5 cu. yds.	8.52	.45	.45	.10	.03

DECISION NO. NJ75-5089 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Shovel Oiler, 3 yards and under	$ 7.43	.45	.45	.10	.03
Shovel Oiler, over 3 cu. yards	7.84	.45	.45	.10	.03
Slip Form Paver	8.07	.45	.45	.10	.03
Stiff Leg Derrick and Guy Derrick	8.39	.45	.45	.10	.03
Track-type Front End Loaders; up to and including 5 cu. yds.	7.94	.45	.45	.10	.03
Track-type Front End Loaders; over 5 cu. yds. to and including 10 cu. yds.	8.17	.45	.45	.10	.03
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	8.27	.45	.45	.10	.03
Track-type Front End Loaders, over 15 cu. yds.	8.37	.45	.45	.10	.03
Track-type Tractor with or without attachments	7.94	.45	.45	.10	.03
Track-type Tractor, on Euclid Loader	8.12	.45	.45	.10	.03
Trenching Machine	7.94	.45	.45	.10	.03
Turnhead Conveyor, or Head Tower on Batch Plant	7.94	.45	.45	.10	.03
Wagner Roller and similar type	7.94	.45	.45	.10	.03
Whirley Crane	8.47	.45	.45	.10	.03
Whirley Crane Oiler	7.84	.45	.45	.10	.03
Water Pull when used for compaction	7.94	.45	.45	.10	.03
Washing and Screening Plant	7.94	.45	.45	.10	.03
Washing and Screening Plant Oiler	7.43	.45	.45	.10	.03
Yo-Yo Cat, Both ends	8.14	.45	.45	.10	.03

DECISION #AR-2040 - Mod. #3

(39 FR 33164 - September 13, 1974)
Middlesex County, New Jersey

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + e	.02
Helpers	5.92	.445	.29 + a	b + e	.02
Probationary Helpers	4.76				
Glaziers	10.05	.61	.65		.02
Ironworkers:					
Plainsboro	9.74	.64	1.06	10%	.05
Sprinkler Fitters:					
New Brunswick, Milltown, Old Bridge, Browntown, and north thereof	10.53	.50	.70		.07

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years receive 3 weeks.

e. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.

MODIFICATIONS P.19

DECISION #AR-2041 - Mod. #3
(39 FR 33172 - September 13, 1974)
Morris County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Change:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + g	.02
Helpers	5.92	.445	.29 + a	b + g	.02
Probationary Helpers	4.76				
Sheet Metal Workers	9.75	5%	4% +.03		.07

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years of service receive 3 weeks.

g. Employees with 6 months of service butless than 5 years' service receive 2 weeks; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.

MODIFICATIONS P. 20

DECISION #AR-2042 - Mod. #6
(39 FR 33179 - September 13, 1974)
Passaic County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Change:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.50	.445	.29 + a	b + e	.02
Helpers	5.92	.445	.29 + a	b + e	.02
Probationary Helpers	4.76				
Glaziers	9.27	.45	1.00		.01
Sheet Metal Workers	9.91	4% + .055	4% + .055	8%	.01

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks.

e. Employees with 6 months of service but less than 5 years' service receive 2 weeks; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks

DECISION #AR-2043 - Mod. #4

(39 FR 32456 - September 6, 1974)
Somerset County, New Jersey

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	9.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + g	.02
Helpers	5.92	.445	.29 + a	b + g	.02
Probationary Helpers	4.76				
Glaziers:					
Bernardsville, Basking Ridge, Watchung	10.05	.61	.65		.02

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years receive 3 weeks.

g. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.

DECISION #AR-2044 - Mod. #5

(39 FR 32464 - September 6, 1974)
Union County, New Jersey

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	
Helpers	7.14	.445	.29 + a	b + c	
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	
Helpers	6.56	.445	.29 + a	b + c	
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + f	
Helpers	5.92	.445	.29 + a	b + f	
Probationary Helpers	4.76				
Glaziers:					
Carteret, Port Reading, Fords and Woodbridge	10.05	.61	.65		.02

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years receive 3 weeks.

f. Employees with 6 months of service but less than 5 years' service receive 2 weeks; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.

MODIFICATIONS P. 23

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2073 - Mod. #2 (39 FR 40371 - November 15, 1974) Salem County, New Jersey					
Change:					
Elevator Constructors:					
Mechanics	$ 10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
Sheet Metal Workers	10.74	.87	.50		.02
DECISION #AR-2074 - Mod. #3 (39 FR 40370 - November 15, 1974) Warren County, New Jersey					
Change:					
Carpenters & Insulators	9.73	6%	6%		.02
Elevator Constructors:					
Construction:					
Mechanics	9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + h	.02
Helpers	5.92	.445	.29 + a	b + h	.02
Probationary Helpers					
Phillipsburg:					
Mechanics	9.75	.445	.29	3%+d+e	.02
Helpers	6.825	.445	.29	3%+d+e	.02
Probationary Helpers	4.875				
Millwrights	9.98	6%	6%		.02

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years receive 3 weeks.

MODIFICATIONS P. 24

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2074 (Cont'd)					
FOOTNOTES: (Cont'd)					
h. Employees with 6 months of service but less than 5 years of service receive 2 weeks; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.					
DECISION #AR-2075 - Mod. #2 (39 FR 40386 - November 15, 1974) Sussex County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + a	b + f	.02
Helpers	5.92	.445	.29 + a	b + f	.02
Probationary Helpers	4.76				

FOOTNOTES:

c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years receive 3 weeks.

f. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.

DECISION #AR-2076 - Mod. #3
(39 FR 40393 - November 15, 1974)
Hunterdon County, New Jersey

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + c	a+b	.02
Helpers	7.14	.445	.29 + c	a+b	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + c	a+b	.02
Helpers	6.56	.445	.29 + c	a+b	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanics	7.90	.445	.29 + c	a+g	.02
Helpers	5.92	.445	.29 + c	a+g	.02
Probationary Helpers	4.76				
Tile Setters	8.20	.55	1.75		

FOOTNOTES:

b. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years receive 3 weeks.

g. Employees with 6 months of service but less than 5 years service receive 2 weeks vacation; 5 years but less than 15 years of service receive 3 weeks; 15 years or more service receive 4 weeks.

DECISION #AR-2077 - Mod. #4
(39 FR 40467 - November 15, 1974)
Atlantic and Cape May Counties, New Jersey

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$ 10.52	.50	.50		
Carpenters, Millwrights & Insulators	9.91	.40	6%		.02
Elevator Constructors:					
Mechanics	10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
Glaziers	6.90		.30		
Soft Floor Layers	9.91	.40	6%		.02

DECISION #AR-2078 - Mod. #4
(39 FR 40473 - November 15, 1974)
Bergen County, New Jersey

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Elevator Constructors:					
Construction:					
Mechanics	9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repairs					
Mechanics	7.90	.445	.29 + a	b + e	.02
Helpers	5.92	.445	.29 + a	b + e	.02
Probationary Helpers	4.76				
Glaziers	9.27	.45	1.00		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2078 (Cont'd)					
FOOTNOTES:					
c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years receive 3 weeks.					
e. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 years but less than 15 years service receive 3 weeks; 15 years or more service receive 4 weeks.					
DECISION #AR-2080 - Mod. #4					
(39 FR 41130 - November 22, 1974)					
Burlington County, New Jersey					
Change:					
Asbestos Workers:					
Bass River and Washington Twps.	$ 10.52	.50	.50		
Elevator Constructors:					
Mechanics	10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
DECISION #AR-2081 - Mod. #2					
(39 FR 41139 - November 22, 1974)					
Camden and Gloucester Counties, New Jersey					
Change:					
Carpenters, Millwrights, Insulators and Soft Floor Layers	9.91	.40	6%		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2081 - (Cont'd)					
Change:					
Elevator Constructors:					
Mechanics	$ 10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
Sheet Metal Workers	10.74	.87	.50		.02
DECISION #AR-2082 - Mod. #4					
(39 FR 41146 - November 22, 1975)					
Cumberland County, New Jersey					
Change:					
Asbestos Workers	10.52	.50	.50		
Carpenters, Insulators, Millwrights and Soft Floor Layers	9.91	.40	6%		.02
Elevator Constructors					
Mechanics	10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
DECISION #AR-2083 - Mod. #2					
(39 FR 41153 - November 22, 1974)					
Essex County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization:					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repair:					
Mechanic	7.90	.445	.29 + a	b + f	.02
Helpers	5.92	.445	.29 + a	b + f	.02
Probationary Helpers	4.76				
Sheet Metal Workers	9.91	4% +.055	4% +.055	8%	.01

DECISION #AR-2083 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
FOOTNOTES:		H & W	Pensions	Vacation	App. Tr.
c. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 or more years of service receive 3 weeks vacation.					
f. Employees with 6 months of service but less than 5 years of service receive 2 weeks vacation; 5 years but less than 15 years receive 3 weeks; 15 or more years of service receive 4 weeks.					
DECISION #AR-2087 - Mod. #2					
(39 FR 41671 - November 29, 1974) Hudson County, New Jersey					
Change:					
Elevator Constructors:					
Construction:					
Mechanics	$ 9.52	.445	.29 + a	b + c	.02
Helpers	7.14	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Modernization					
Mechanics	8.75	.445	.29 + a	b + c	.02
Helpers	6.56	.445	.29 + a	b + c	.02
Probationary Helpers	4.76				
Contract Repairs:					
Mechanics	7.90	.445	.29 + a	b + f	.02
Helpers	5.92	.445	.29 + a	b + f	.02
Probationary Helpers	4.76				
Soft Floor Layers	9.50	6%	5% + .30		
FOOTNOTES:					
c. Employees with 6 months of service but less than 5 years' service receive 2 weeks vacation; 5 or more years service receive 3 weeks .					

DECISION #AR-2087 (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
FOOTNOTES: (Cont'd)		H & W	Pensions	Vacation	App. Tr.
f. Employees with 6 months of service but less than 5 years' service receive 2 weeks; 5 years but less than 15 years of service receive 3 weeks; 15 years or more years' service receive 4 years.					
DECISION #AR-2088 - Mod. #3					
(39 FR 41677 - November 29, 1974) Mercer County, New Jersey					
Change:					
Elevator Constructors:					
Mechanics	$ 10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers					
DECISION #AR-2089 - Mod. #2					
(39 FR 41685 - November 29, 1974) Monmouth County, New Jersey					
Change:					
Elevator Constructors:					
Mechanics	10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				
Glaziers	10.05	.61	.65		.02
DECISION #AR-2090 - Mod. #1					
(39 FR 41693 - November 29, 1974) Ocean County, New Jersey					
Change:					
Asbestos Workers:					
Twps. of Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton and Union	10.52	.50	.50		
Elevator Constructors:					
Mechanics	10.68	.445	.29	3% +a +b	.02
Helpers	7.48	.445	.29	3% +a +b	.02
Probationary Helpers	5.34				

DECISION #ND75-5031 - Mod. #2
(40 FR 8747 - February 28, 1975)
Burleigh, Cass, Grand Forks, Morton, Richland, Steele, Walsh, and Ward Counties, North Dakota

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers (except Walsh Co.)	$8.90	.70	1.00		.02
Sheet Metal Workers:					
Cass and Richland Counties	8.05	.40	.10		.01

DECISION #AR-3033 - Mod. #1
(39 FR 30774 - August 23, 1974)
Butler County, Ohio

Change:					
Asbestos Workers:					
Middletown & Vicinity	$ 9.97	.35	.60		.01
Electricians & Linemen:					
Electricians & Linemen	10.10	.30	.50+1%		1/8of1%
Cable Splicers	10.60	.30	.50+1%		1/8of1%
Elevator Constructors	9.62	.445	.29	3%+a+b	.02
Elevator Constructors' helper	6.73	.445	.29	3%+a+b	.02
Elevator Constructors' helper (Prob)	4.81				
Glaziers:					
Middletown and vicinity	9.08				.01
Ironworkers:					
Middletown & Northeastern part of County	9.66	.55	.55		.03
Oxford, Hamilton and balance of county					
Structural and Ornamental	9.995	.55	.55		.03
Reinforcing	9.445	.55	1.05		.02
Millwrights	9.84	.40	.65		.05
Marble Setters	9.50	.45	.35		
Painters:					
Industrial					
Brush	7.98				
Spray	8.48				
Commerical					
Brush	7.83				
Spray	8.33				
Plumbers & Steamfitters					
North ½ of County	10.45	.45	.50		.05
South ½ of County	9.93	.55	.90		.01
Sheet Metal Workers	9.80	.40	.60		.12
Soft Floor Layers	8.45	.45	.55		.05
Sprinkler Fitters	9.80	.50	.70		.08
Stone Mason	9.985	.45	.35		
Tile & Terrazzo Workers	9.50	.45	.35		
Terrazzo Workers' helpers	9.285				

DECISION #AR-3039 - Mod. #1
(39 FR 30786 - August 28, 1974)
Licking County, Ohio

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos Workers	$10.39	.30	.66		.02
Bricklayers, Stone Masons and Tile Setters	8.75	.45	.50		.02
Carpenters & Soft Floor Layers	8.60	.35	.20		.02
Millwrights and Piledrivermen	8.90	.35	.20		.02
Elevator Constructors	9.715	.445	.29	3%+a+b	.02
Elevator Constructors' helper	6.80	.445	.29	3%+a+b	.02
Elevator Constructors' helper (Prob.)	4.86				
Laborers	6.33	.50	.35		.02
Air tool operator (Jackhammer, Vibrator)	6.55	.50	.35		.02
Mason tender, Hod Carriers, Scaffold builders	6.55	.50	.35		.02
Mortar mixers and mortar Mixer Operator	6.55	.50	.35		.02
Pipelayers, Plasterers tenders Power driven tool and power buggy	6.55	.50	.35		.02
Linemen	9.73	.30	3%		1/8of1%
Plasterers	8.30	.45	.10		.01
Plumbers & Steamfitters	9.67	.55	.80		.05
Roofers	9.275	.60	.65		.02
Sheet Metal Workers	9.21	.45	.51		.05
Tile Setters	8.75	.45	.50		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3040 - Mod. #1 (39 FR 30663 - August 23, 1974) Lorain County, Ohio					
Change:					
Bricklayers, Stonemasons, Plasterers, Tile setter	$ 9.95		.30		.01
Elevator Constructor	10.265	.445	.29	3%+a+b	.02
Elevator Constructors' helper	7.185	.445	.29	3%+a+b	.02
Elevator Constructors' helper (prob.)	5.13				
Laborers:					
(Group A)	8.16	.50	.30		.02
(Group B)	8.36	.50	.30		.02
Gunnite Operator	8.76	.50	.30		.02
Plumbers	10.105	.45	.80		.025
Sheet Metal Workers	10.58	.35	.40		.04
DECISION #AR-3042 - Mod. #1 (39 FR 30790 - August 23, 1974) Mahoning County, Ohio					
Change:					
Asbestos Workers	$10.24	.35	.50		.02
Elevator Constructors	9.20	.445	.29	3%+a+b	.02
Elevator Constructors' helper	6.44	.445	.29	3%+a+b	.02
Elevator Constructors' helper (Prob.)	4.60				
Linemen & Cable Splicer	10.79	.30	7%		
Painters:					
Commerical:					
Brush, Paperhanging waterproof, and wall washing	9.265	.40	.40		
Drywall Taping	9.415	.40	.40		
Spray	9.76	.40	.40		
Industrial:					
Brush & Bridges	9.47	.40	.40		
Spray & Sandblasting	10.17	.40	.40		
Power Equipment Operators:					
Class I	9.87	.50	.50		.12
Class II	9.18	.50	.50		.12
Class III	8.82	.50	.50		.12
Class IV	8.41	.50	.50		.12
Class V	8.31	.50	.50		.12
Class VI	10.14	.50	.50		.12

DECISION NO. AR-30 - Mod. 44 (39 FR 41167 - November 22, 1974) Comanche County, Oklahoma	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
TRUCK DRIVERS:					
Group I	$6.02				
Group II	6.02				
Group III	5.72				
Truck Drivers Classification Definition:					
Group II					
Heavy earth moving equipment such as dump trucks and euclid					
POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.90	.35	.40		.12
Group VIII	6.50	.35	.40		.12
ELECTRICIANS	8.15	.20	1%		1/4%

DECISION NO. AR-85 - Mod. #3
(39 FR 42801 - December 6, 1974)
Garfield County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
TRUCK DRIVERS:					
Group I	$6.02				
Group II	6.02				
Group III	5.72				
Truck Drivers Classification Definition:					
Group II					
Heavy earth moving equipment such as dump trucks and euclids					
POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.80	.35	.40		.12
Group VIII	6.50	.35	.40		.12
Add:					
Glaziers	7.20				

DECISION NO. AR-88 - Mod. #4
(39 FR 43454 - December 13, 1974)
Pittsburg County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
POWER EQUIPMENT OPERATORS:					
Group I	$8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.50	.35	.40		.12
Group VIII	6.80	.35	.40		.12

DECISION NO. AR-89 - Mod. #3
(39 FR 43456 - December 13, 1974)
McIntosh County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
POWER EQUIPMENT OPERATORS:					
Group I	$8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.50	.35	.40		.12
Group VIII	6.80	.35	.40		.12

DECISION NO. AR-93 - Mod. #3
(39 FR 44903 - December 27, 1974)
Wagoner County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
POWER EQUIPMENT OPERATORS:					
Group I	$8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.50	.35	.40		.12
Group VIII	6.80	.35	.40		.12

DECISION NO. OK75-4049 - Mod. #3
(40 FR 6112 - February 7, 1975)
Oklahoma, Cleveland, Canadian, Lincoln, McClain, Pottawatomie and Seminole Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
TRUCK DRIVERS:					
Group I	$6.02				
Group II	6.02				
Group III	5.72				
Truck Drivers Classification Definition:					
Group II					
Heavy earth moving equipment such as dump trucks and euclid					
POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.40		.12
Group II	8.00	.35	.40		.12
Group III	7.75	.35	.40		.12
Group IV	7.50	.35	.40		.12
Group V	7.00	.35	.40		.12
Group VI	7.10	.35	.40		.12
Group VII	6.80	.35	.40		.12
Group VIII	6.50	.35	.40		.12

DECISION NO. OK75-4050 - Mod. #3
(40 FR 6115 - February 7, 1975)
Tulsa and Creek Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
POWER EQUIPMENT OPERATORS:					
Group 1	$8.25	.35	.40		.12
Group 2	8.00	.35	.40		.12
Group 3	7.75	.35	.40		.12
Group 4	7.50	.35	.40		.12
Group 5	7.00	.35	.40		.12
Group 6	7.10	.35	.40		.12
Group 7	6.50	.35	.40		.12
Group 8	6.80	.35	.40		.12

DECISION NO. OK75-4069 - Mod. #1
(40 FR 14257 - March 25, 1975)
Muskogee, Adair and Cherokee Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
POWER EQUIPMENT OPERATORS:					
Group 1	$8.25	.35	.40		.12
Group 2	8.00	.35	.40		.12
Group 3	7.75	.35	.40		.12
Group 4	7.50	.35	.40		.12
Group 5	7.00	.35	.40		.12
Group 6	7.10	.35	.40		.12
Group 7	6.50	.35	.40		.12
Group 8	6.80	.35	.40		.12

Decision #75-PA-3001 - Mod. # 2
(40 FR 12947 - March 20, 1975)
Cameron, Clarion, Clearfield, Jefferson Counties, Pennsylvania

Change:
Laborers:
Remaining Counties to read:
Clarion & Jefferson
Cameron County:
(See Schedule Below)

Dec. No. 75-PA-3021 - Mod. # 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
Laborers:						
Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building materials handlers (Loading and Unloading), concrete pitman, puddler, mason tender.	$7.02	.40	.40		1%	
Mechanical tampers (power) powered wheelbarrows and buggies & work-lifts, sweepers and similar, mortar mixer, bell botton man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper (Includes drill mounted truck, track or similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burner-cutting torch, carryayable pumps, chain saw operator, pipe layers, all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carrier, plaster tender, form cleaning machine operator, plaster applicating and/or pump machine operator, paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman blacksmith, tool dresser (cable tools	7.27	.40	.40		1%	
Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and tamper, welder, driller (cable tools)	7.82	.40	.40		1%	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # SC75-1026 - Mod. #1 (40 FR 3692 - February 28, 1975) Beaufort County, South Carolina					
Change:					
Carpenters	4.75				
Cement Masons	4.45				
Plumbers	4.03				
DECISION #SC75-1038 - Mod. #1 (40 FR 12951 - March 21, 1975 Greenville County, South Carolina					
Change:					
Power Equipment Operators:					
Motor graders	$3.56				
DECISION #TX75-4028 - Mod. #2 (40 FR 3938 - January 24, 1975) Kleberg & Nueces Counties, Texas					
Change:					
Power Equipment Operators:					
Group 1	$6.65	.18	.45		
Group 2	5.825	.18	.45		
Group 3	5.225	.18	.45		
Group 4	5.375	.18	.45		
DECISION #TX75-4031 - Mod. #2 (40 FR 3942 - January 24, 1975) Travis County, Texas					
Change:					
Carpenters:					
Carpenters	7.91	.38	.40		.04
Millwrights	8.16	.38	.40		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-3184 - Mod. #2					
(39 FR 24203 - June 28, 1974)					
Statewide, except Rutland County, Vermont					
Change:					
Truck Drivers:					
Two Axle Equipment	$ 5.35				
Three Axle Equipment					
Caledonia County	6.00				
Remaining Counties	5.50				
Specialized Earth Moving Equipment					
Caledonia County	6.10				
Remaining Counties	5.60				
DECISION #WV75-3007 - Mod. #4					
(40 FR 6136 - February 7, 1975)					
Barbour, Boone, Brooks, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmen, Hancock, Harrison, Jackson, Kanawha, Lewis, Marion, Marshall, Mason, Monongalia, Ohio, Pleasants, Putnam, Ritchie, Tyler, Upshur, Wayne, Wetzel, Wirt and Wood Counties, West Virginia					
Change:					
Elevator Constructors: -					
Zone 1:					
Mechanics	$ 9.27	.445	.29	3% +a +b	.02
Helpers	6.49	.445	.29	3% +a +b	.02
Probationary Helpers	4.635				
Zone 2:					
Mechanics	9.55	.445	.29	3% +a +b	.02
Helpers	6.685	.445	.29	3% +a +b	.02
Probationary Helpers	4.775				
Zone 3:					
Mechanics	8.86	.445	.29	3% +a +b	.02
Helpers	6.20	.445	.29	3% +a +b	.02
Probationary Helpers	4.43				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #WY75-3011 - Mod. #1					
(40 FR 4879 - January 31, 1975)					
Statewide, Wyoming					
Change:					
Line Construction:					
All work over 34.5 KV, all work on steel towers and/or multiple wood structures, all cross country underground communications work, and all motor traffic controlling, street and highway lighting:					
Cable Splicer	$8.04	.35	1%		3/4%
Linemen	7.31	.35	1%		3/4%
Equipment Operator	6.68	.35	1%		3/4%
Groundmen	5.49	.35	1%		3/4%
All work 34.5 KV and under					
Lineman	7.31	.35	1%		3/4%
Line Equipment Operator	6.40	.35	1%		3/4%
Groundman	5.49	.35	1%		3/4%
DECISION #WY75-5028 - Mod. #1					
(40 FR 7887 - February 11, 1975)					
Converse, Goshen, Laramie, Natrona, Niobrara, and Platte Counties, Wyoming					
Change:					
Boilermakers	$8.90	.70	1.00		.02
Bricklayers					
Converse, Natrona, and Niobrara Counties	8.50				
Cement Masons:					
Cement Masons	7.35				
Working with composition material; Scaffold, Swinging Stage or temporary platform over 8' high; Operator of power machines	7.60				
Working on scaffold, swing stage or temporary platform over 20' high	7.85				
Marble, Tile and Terrazzo Workers					
Converse, Natrona and Niobrara Counties	8.50				
Millwrights	7.58	.48	.60	.40	.05

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Las Animas, Otero and Pueblo

DECISION NUMBER: CO75-5046

DATE: Date of Publication

Supersedeas Decision No. CO75-5027 dated February 28, 1975, in 40 FR 8714

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

DECISION NO. CO75-5046

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS	8.67	.30	.50		.04
CARPENTERS	7.34	.48	.60	.40	.05
CEMENT MASONS	6.65	.44	1.10	.60	.07
ELECTRICIANS:					
Zone I (0-12 miles from P.O.)					
Electricians	9.25	.42	1%+.25		1/10%
Cable Splicers	10.18	.42	1%+.25		1/10%
Zone II (12-20 miles from P.O.)					
Electricians	9.65	.42	1%+.25		1/10%
Cable Splicers	10.58	.42	1%+.25		1/10%
Zone III (20-40 miles from P.O.)					
Electricians	10.00	.42	1%+.25		1/10%
Cable Splicers	10.93	.42	1%+.25		1/10%
Zone IV (Over 40 miles from P.O.)					
Electricians	10.75	.42	1%+.25		1/10%
Cable Splicers	11.68	.42	1%+.25		1/10%
Electrical contracts less than $5,000 in Zones III and IV	6.91	.42	1%+.25		1/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MARBLE & TILE SETTERS, TERRAZZO WORKERS	8.30	.56	.50	.25	.04
MILLWRIGHTS	7.58	.48	.60	.40	.05
PAINTERS:					
Brush, Roller, Taper, Hand Texture	6.28	.30			.03
Steel; Paperhangers	6.78	.30			.03
Spray, Tapers using Automatic tools	6.88	.30			.03
Spray steel	7.38	.30			.03
PLASTERERS	$ 8.69				.01
PLUMBERS:					
Zone I (0-15 miles from P. O.)	9.40	.55	.65		.05
Zone II (15-20 miles from P. O.)	9.97	.55	.65		.05
Zone III (20-40 miles from P. O.)	10.15	.55	.65		.05
Zone IV (Over 40 miles from P.O.)	10.775	.55	.65		.05
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS (Las Animas Co.)	7.10	.35	.45	.30	.05
SOFT FLOOR LAYERS (Pueblo County)	6.40	.35	.55	.20	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays:

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

DECISION NO. C075-5046

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.70	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, 1t used	5.80	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.90	.40	.30	.30	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tanders, tandem axle	5.95	.40	.30	.30	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	6.00	.40	.30	.30	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	6.05	.40	.30	.30	
MULTI-PURPOSE TRUCK - Specialty and hoisting	6.10	.40	.30	.30	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor - Semi; Liquid and bulk tanders, euclid, electric or similar; Dumptor, Yongbuggy, Jumbo and similar type equipment	6.15	.40	.30	.30	
MECHANICS	6.20	.40	.30	.30	

DECISION NO. C075-5046

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.25	.40	.30	.30	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.30	.40	.30	.30	
DUMP TRUCKS, Over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.40	.40	.30	.30	
CEMENT MIXER, Agitator over 15 cu. yds.	6.55	.40	.30	.30	
DUMP TRUCKS, Over 39 cu. yds. to and including 54 cu. yds.	6.60	.40	.30	.30	
DUMP TRUCKS, Over 54 cu. yds. to and including 79 cu. yds.	6.80	.40	.30	.30	
DUMP TRUCKS, Over 79 cu. yds. to and including 104 cu. yds.	7.00	.40	.30	.30	
DUMP TRUCKS, Over 104 cu. yds.	7.20	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

DECISION NO. C075-5046

LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	ZONE 1	ZONE 2	ZONE 3				
Group 1	$ 5.00	$5.45	$5.90	.42	.45		.07
Group 2:							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Pueblo and Trinidad.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in the above named Cities

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in the above named Cities

DECISION NO. C075-5046

LABORERS (cont'd)
(Building Construction)

GROUP DESCRIPTION

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS	7.14	.48	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.29	.48	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

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LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Training
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines) All mainline sewers; Water mains; Gas, oil or any product pipeline Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILES SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

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LABORERS (Cont'd)
(Heavy Construction)

Group 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and planting of trees, shurbs and flowers; Stake chaser; Gabion baskets and teno mattresses

Group 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammer; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Streeser or stretcherman on post tension or pre-stressed concrete on or off job site; Tool room man and checkers; Cement fimisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, Mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frost-proofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

Group 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

Group 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12';Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

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LABORERS
(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

Group 1: Pipe plants and yards; Stringing or pipe or skids; Handling and signaling on line work

Group 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 5: (Relining Pipe)
Relining Pipe

Group 5-A: Mixer Man

Group 6: Pipelayer

LABORERS
(Tunnels)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

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LABORERS (Cont'd)
(Tunnels)

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's Work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life bwlt or block and tackle

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POWER EQUIPMENT OPERATORS ** (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
Group 1	$ 6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

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POWER EQUIPMENT OPERATORS**
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Breaker; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C. F. M. of less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 inc.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic, Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yds.); Concrete paver 34E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-welder (heavy duty); Mixer mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 50 cu. yds. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Delta, Garfield, Gunnison, Mesa, Montrose, and Pitkin

DECISION NUMBER: C075-5047

DATE: Date of Publication

Supersedes Decision C075-5030 dated February 28, 1975, in 40 FR 8730

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Pitkin County	7.45	.45	.60	.25	.05
Remaining Counties	7.45	.45	.60	.25	.05
CARPENTERS:					
P.O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from nearest basing point)	7.79	.48	.60	.40	.05
Zone III (60 miles and over from nearest basing point)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	6.65	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	6.90	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	8.40	.55	.80		.06
MILLWRIGHTS	7.58	.48	.60	.40	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush and roller	$ 8.51	.50	.45		.04
Drywall finisher; Paperhangers	8.71	.50	.45		.04
Spray; Swingstage	8.99	.50	.45		.04
PLUMBERS	7.55	.50	.45	1.00	.10
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	7.76	.35	.55	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS

(Building Construction) Garfield and Pitkin Counties	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	ZONE 1*	ZONE 2*	ZONE 3*				
Group 1	$ 5.80	$5.25	$5.70	.42	.45		.07
Group 2							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.43		.07

*ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities; Aspen, Glenwood, Springs, and Rifle.
*ZONE 2: That area encompassed by 20 to 70 driving miles from the main Post Office of above named cities.
*ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

Delta, Gunnison, Mesa & Montrose Counties	ZONE 1**	ZONE 2**	ZONE 3**				
Group 1	5.00	5.45	5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

**ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following cities; Grand Junction, Gunnison, Montrose, and Naturita.
**ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named cities.
**ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office of above named cities.

LABORERS (Cont'd)
(Building Construction)

GROUP DESCRIPTION FOR ALL COUNTIES

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS	7.14	.48	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.29	.48	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.70	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.80	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.90	.40	.30	.30	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tanders, tandem axle	5.95	.40	.30	.30	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	6.00	.40	.30	.30	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	6.05	.40	.30	.30	
MULTI-PURPOSE TRUCK - Specialty and hoisting	6.10	.40	.30	.30	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor - Semi; Liquid and bulk tanders, euclid, electric or similar; Dumptor, Yongbuggy, Jumbo and similar type equipment	6.15	.40	.30	.30	
MECHANICS	6.20	.40	.30	.30	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.25	.40	.30	.30	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.30	.40	.30	.30	
DUMP TRUCKS, Over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.40	.40	.30	.30	
CEMENT MIXER, Agitator over 15 cu. yds.	6.55	.40	.30	.30	
DUMP TRUCKS, Over 39 cu. yds. to and including 54 cu. yds.	6.60	.40	.30	.30	
DUMP TRUCKS, Over 54 cu. yds. to and including 79 cu. yds.	6.80	.40	.30	.30	
DUMP TRUCKS, Over 79 cu. yds. to and including 104 cu. yds.	7.00	.40	.30	.30	
DUMP TRUCKS, Over 104 cu. yds.	7.20	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

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LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines) All mainline sewers; Water mains; Gas, oil or any product pipeline Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILES SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS (Cont'd)
(Heavy Construction)

Group 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and planting of trees, shurbs and flowers; Stake chaser; Gabion baskets and teno mattresses

Group 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammer; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off job site; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, Mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frost-proofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

Group 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

Group 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12';Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS
(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

Group 1: Pipe plants and yards; Stringing or pipe or skids; Handling and signaling on line work

Group 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 5: (Relining Pipe)
Relining Pipe

Group 5-A: Mixer Man

Group 6: Pipelayer

LABORERS
(Tunnels)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

LABORERS (Cont'd)
(Tunnels)

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's Work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life bwlt or block and tackle

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POWER EQUIPMENT OPERATORS ** (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS**
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C. F. M. of less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Classons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 inc.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yds.); Concrete paver 34E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-welder (heavy duty); Mixer mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 50 cu. yds. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado

COUNTIES: Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld

DECISION NUMBER: C075-5048

DATE: Date of Publication

Supersedes Decision No. C075-5007 dated January 31, 1975, in 40 FR 4792

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons:					
Eagle County	7.45	.45	.60	.25	.05
Boulder and Grand Counties	8.35	.45	.50		.05
Elbert, Lake and Park Counties	8.50	.45	.50		.04
Larimer County	8.80	.45	.50	.25	.05
Remaining Counties	8.25	.45	.60	.25	.05
CARPENTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Elbert, Grand, Gilpin, Jefferson, and Park (Northern area) Counties					
Area (a) Denver Metropolitan Area including Louisville, Golden, Boulder and Longmont basing points					
Zone I (0 to 20 miles)	8.135	.48	.60	.40	.05
Zone II (20 to 50 miles)	9.15	.48	.60	.40	.05
Zone III (50 miles and over)	10.17	.48	.60	.40	.05
Morgan and Weld Counties:					
Area (b) Denver Northeastern Area of Colorado incl. Greeley, Loveland and Fort Morgan basing points					
Zone I (0 to 20 miles)	8.135	.48	.60	.40	.05
Zone II (20 to 50 miles)	9.15	.48	.60	.40	.05
Zone III (50 miles and over)	10.17	.48	.60	.40	.05
Larimer County (S. E. portion within Loveland basing point, Zone I)	8.135	.48	.60	.40	.05
Larimer (Remainder of County), Eagle, Lake, Park (south 40 miles) and Summit Counties					
Zone I (0-30 miles from P. O. in Leadville or Fort Collins)	7.54	.48	.60	.40	.05
Zone II (30-60 miles from P.O. in Leadville or Fort Collins)	$7.79	.48	.60	.40	.05
Zone III (All work outside of the 60 mile radius from P. O. in Leadville or Fort Collins)	8.04	.48	.60	.40	.05
CEMENT MASONS:					
Eagle and Summit Counties:					
Cement Masons	6.75	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.00	.40	1.10	.60	.07
Remaining Counties (including Elbert County, except S. E. corner and S½ of Park County)					
Cement Masons	7.00	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.25	.44	1.10	.60	.07
ELECTRICIANS:					
Electricians (Elbert and Park Counties)	9.07	.42	1%+.25		
Electricians (Remaining Cos.)	9.04	.65	1%+.25		
Cable Splicers (Remaining Cos.)	9.29	.65	1%+.25		
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS	8.40	.55	.80		.06
MARBLE MASONS	8.30	.56	.50	.25	.04
MILLWRIGHTS	7.58	.48	.60	.40	.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
PAINTERS:					
Park County (Southern half)					
Brush, roller, taper, hand texture	$7.20	.50	.20		.03
Steel and paperhanger	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
Remaining Counties including N½ of Park County*					
Brush and roller	8.51	.50	.45		.04
Drywall finisher; Paperhanger	8.71	.50	.45		.04
Spray; Swing stage	8.99	.50	.45		.04
PLASTERERS	8.69				.01
PLUMBERS; Pipefitters:					
Southern portions of Douglas, Elbert and Park Counties (See ** below)	8.28	.55	.65	1.17	.05
Boulder County	8.60	.55	.65	.50	.05
Larimer County	8.60	.55	.65	.50	.05
Remaining Counties (including Northern portions of Douglas, Elbert and Park Counties)	8.60	.55	.65	.50	.05
ROOFERS:					
Eagle and Southern portions of Lake, Jefferson, Park, Douglas, and Elbert Counties (See** below)	7.91	.42	.10		
Remaining Counties including Northern portions of Lake, Park, Jefferson, Douglas and Elbert Counties	8.25	.55			.08
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	7.76	.35	.55	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	8.30	.56	.50	.25	.04
TILE SETTERS:					
Elbert, Lake, and Park Counties	7.41	.45	.50		
Remaining Counties	8.30	.56	.50	.25	.04
TILE, MARBLE, & TERRAZZO HELPERS	6.22	.56	.50	.40	

*Park County dividing line: A line from the S.W. corner of Jefferson County to the S.E. corner of Lake County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
**Area south of an east-west line from west border of Lake County to a point 2 miles north of the city of Leadville to a point 1/2 miles north of the City of Limon at the west border of Lincoln County					

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.

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LABORERS (Building Construction)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
AREA A	ZONE 1	ZONE 2	ZONE 3				
Group 1	$ 5.00	$ 5.45	$ 5.90	.42	.45		.07
Group 2:							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.50	5.95	6.40	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	5.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07
AREA B							
Group 1	4.80	5.25	5.70	.42	.45		.07
Group 2:							
Class A	4.80	5.25	5.70	.42	.45		.07
Class B	5.08	5.53	5.98	.42	.45		.07
Group 3	4.95	5.40	5.85	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.00	5.45	5.90	.42	.45		.07
Group 6	5.12	5.57	6.02	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

AREA A

Adams, Arapahoe, Boulder, Denver, Lake, Larimer and Summit Counties. Douglas and Jefferson Counties lying north of the south line of Township 7 south; Elbert County lying west of the east line of Range 65 West and North of the south line of Township 7 South. Weld County lying south and west of the following described line: Beginning at the northwest corner of Township 4 North, Range 68 West of the 6th p.m.; thence east along the north line of said Township six (6) miles,more or less, to the east line of said Township; thence south along the east line of said Township three (3) miles, more or less, to the southeast cornet of Section 13, Township 4 North, Range 68 West; thence east along the eastwest center line of Township 4 North, Range 67 West, six (6) miles, more or less, to the east line of said Township; thence south along the east line of Range 67 West, being the east lines of Township 4 North, 3 North, 2 North, and 1 North, Range 67 West, sixteen (16) miles to the southeast corner of Section 1, Township 1 North, Range 67 West; thence east and parallel to the Base Line twelve (12) miles, more or less, to the southeast corner of Section 1, Township 1 North, Range 65 West; thence south along the east line of Range 65 West, five (5) miles, more or less, to the Base Line being the south line of Weld County.

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LABORERS (Cont'd)
(Building Construction)

AREA A (Cont'd)

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Boulder, Denver, Dillon, Englewood, Fort Collins, Golden, Greeley and Leadville

Zone 2: That area encompassed by 30 to 70 driving miles from the main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office of above named Cities

AREA B

Douglas, Elbert, Jefferson, and Weld Counties lying outside of the area as described in Area A, and all of Clear Creek, Eagle, Gilpin, Grand, Morgan, and Park Counties.

Zone 1: That area encompassed by 0 to 30 driving miles from the main Post Office in each of the following Cities: Eagle, Fort Morgan, Golden Grandby, Greeley and Vail.

Zone 2: That area encompassed by 30 to 70 driving miles from main Post Office of above named Cities

Zone 3: That area encompassed by 70 driving miles and over from the main Post Office in above named Cities

LABORERS (Cont'd)
(Building Construction)

GROUP DESCRIPTION FOR AREAS A AND B

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS	7.14	.48	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.29	.48	.60	.40	.05
CEMENT MASONS:					
Construction (outside Denver Metropolitan Area)	6.22	.42	1.10	.30	.07
Construction (Denver Metropolitan Area)	6.32	.42	1.10	.30	.07

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.70	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.80	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tanden axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.90	.40	.30	.30	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tanders, tandem axle	5.95	.40	.30	.30	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	6.00	.40	.30	.30	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	6.05	.40	.30	.30	
MULTI-PURPOSE TRUCK - Specialty and hoisting	6.10	.40	.30	.30	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor - Semi; Liquid and bulk tanders, euclid, electric or similar; Dumptor, Yongbuggy, Jumbo and similar type equipment	6.15	.40	.30	.30	
MECHANICS	6.20	.40	.30	.30	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.25	.40	.30	.30	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.30	.40	.30	.30	
DUMP TRUCKS, Over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.40	.40	.30	.30	
CEMENT MIXER, Agitator over 15 cu. yds.	6.55	.40	.30	.30	
DUMP TRUCKS, Over 39 cu. yds. to and including 54 cu. yds.	6.60	.40	.30	.30	
DUMP TRUCKS, Over 54 cu. yds. to and including 79 cu. yds.	6.80	.40	.30	.30	
DUMP TRUCKS, Over 79 cu. yds. to and including 104 cu. yds.	7.00	.40	.30	.30	
DUMP TRUCKS, Over 104 cu. yds.	7.20	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

DECISION NO. CO75-5048

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines) All mainline sewers; Water mains; Gas, oil or any product pipeline Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILES SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS (Cont'd)
(Heavy Construction)

Group 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and planting of trees, shurbs and flowers; Stake chaser; Gabion baskets and teno mattresses

Group 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammer; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off job site; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator. Mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

Group 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

Group 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12';Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS
(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

Group 1: Pipe plants and yards; Stringing or pipe or skids; Handling and signaling on line work

Group 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 5: (Relining Pipe)
Relining Pipe

Group 5-A: Mixer Man

Group 6: Pipelayer

LABORERS
(Tunnels)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

LABORERS (Cont'd)
(Tunnels)

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's Work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life bolt or block and tackle

DECISION NO. C075-5048

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apprentice
(Other than for work in Tunnels, Shafts and Raises)					
Group 1	$ 6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS**
(Other than for Work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C. F. M. of less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 inc.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yds.); Concrete paver 34E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-welder (heavy duty); Mixer mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 50 cu. yds. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

DECISION NO. CO75-5049

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STATE: Colorado
COUNTY: El Paso
DECISION NUMBER: CO75-5049
DATE: Date of Publication
Supersedes Decision No. CO75-5009 dated January 24, 1975, in 40 FR 3869
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.01	.38	.72		
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	8.50	.45	.50		.04
CARPENTERS:					
Zone 1 (0-30 miles from Post Office in Colorado Springs)	7.54	.48	.60	.40	.05
Zone 2 (30 miles and over from Post Office in Colorado Springs)	7.79	.48	.60	.40	.05
Millwrights	7.58	.48	.60	.40	.05
CEMENT MASONS:					
Cement Masons	6.75	.44	1.10	.60	.07
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	7.00	.44	1.10	.60	.07
ELECTRICIANS	9.07	.42	1%+.25		.01
ELEVATOR CONSTRUCTORS	8.63	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.44	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.37				
IRONWORKERS	8.40	.55	.80		.06
MARBLE SETTERS	8.30	.56	.50	.25	.04
PAINTERS:					
Brush and roller; Tapers, Hand Texture	7.20	.50	.20		.03
Paperhangers; Steel	7.70	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
PLASTERERS	8.69				.01
PLUMBERS; Pipefitters	8.28	.55	.65	1.17	.05
ROOFERS	7.91	.42	.10		
SHEET METAL WORKERS	9.12	.30	.90		.07
SOFT FLOOR LAYERS	7.76	.35	.55	.30	.05
SPRINKLER FITTERS	9.25	.50	.70		.08
TERRAZZO WORKERS	8.30	.56	.50	.25	.04
TILE SETTERS	7.41	.45	.50		

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS (Building Construction)

	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	Zone 1	Zone 2	Zone 3				
Group 1	$5.00	$5.45	$5.90	.42	.45		.07
Group 2							
Class A	5.00	5.45	5.90	.42	.45		.07
Class B	5.28	5.73	6.18	.42	.45		.07
Group 3	5.28	5.73	6.18	.42	.45		.07
Group 4	5.28	5.73	6.18	.42	.45		.07
Group 5	5.30	5.75	6.20	.42	.45		.07
Group 6	5.55	6.00	6.45	.42	.45		.07
Group 7	5.60	6.05	6.50	.42	.45		.07

ZONE 1: That area encompassed by 0 to 30 driving miles from the main Post Office in Colorado Springs.

ZONE 2: That area encompassed by 30 to 70 driving miles from the main Post Office in Colorado Springs.

ZONE 3: That area encompassed by 70 driving miles and over from the main Post Office in Colorado Springs.

LABORERS (Cont'd)
(Building Construction)

Group 1: General Building Laborer

Group 2: Laborers, underpinning and shoring...
Class A: 0' to 8' below working surface
Class B: 8' below working surface to any depth below working surface

Group 3: Power tool operators of all mechanical, air, gas, and electric tools including self-propelled buggies; Cement finishers tenders; Gunnite nozzleman; Sand blasters

Group 4: Pipelayers

Group 5: Laborers preparing and placing of stone or any other aggregate in sand bed to be used as exposed face of tiltup panels.

Group 6: Jackhammer operator underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work

Group 7: Mason tenders, brick and plaster

HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
UNDERGROUND CARPENTERS	7.14	.48	.60	.40	.05
Working on creosoted material, High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1½ HP saws at jobsite	7.29	.48	.60	.40	.05
CEMENT MASONS	6.22	.42	1.10	.30	.07

DECISION NO C075-5049

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.70	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, if used	5.80	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.90	.40	.30	.30	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tanders, tandem axle	5.95	.40	.30	.30	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	6.00	.40	.30	.30	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	6.05	.40	.30	.30	
MULTI-PURPOSE TRUCK - Specialty and hoisting	6.10	.40	.30	.30	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor - Semi; Liquid and bulk tanders, euclid, electric or similar; Dumptor, Yongbuggy, Jumbo and similar type equipment	6.15	.40	.30	.30	
MECHANICS	6.20	.40	.30	.30	

DECISION NO. C075-5049

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.25	.40	.30	.30	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.30	.40	.30	.30	
DUMP TRUCKS, Over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body man; Welders or combination men	6.40	.40	.30	.30	
CEMENT MIXER, Agitator over 15 cu. yds.	6.55	.40	.30	.30	
DUMP TRUCKS, Over 39 cu. yds. to and including 54 cu. yds.	6.60	.40	.30	.30	
DUMP TRUCKS, Over 54 cu. yds. to and including 79 cu. yds.	6.80	.40	.30	.30	
DUMP TRUCKS, Over 79 cu. yds. to and including 104 cu. yds.	7.00	.40	.30	.30	
DUMP TRUCKS, Over 104 cu. yds.	7.20	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundman	6.52	.35	1%		3/4%

DECISION NO. C075-5049

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.45		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline Pemstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILES SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS (Cont'd)
(Heavy Construction)

Group 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and planting of trees, shurbs and flowers; Stake chaser; Gabion baskets and teno mattresses

Group 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammer; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Streeser or stretcherman on post tension or prestressed concrete on or off job site; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, Mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

Group 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

Group 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12';Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS
(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

Group 1: Pipe plants and yards; Stringing or pipe or skids; Handling and signaling on line work

Group 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yatners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

Group 5: (Relining Pipe)
Relining Pipe

Group 5-A: Mixer Man

Group 6: Pipelayer

LABORERS
(Tunnels)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

LABORERS (Cont'd)
(Tunnels)

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's Work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

DECISION NO. C075-5049

POWER EQUIPMENT OPERATORS **	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
(Other than for work in Tunnels, Shafts and Raises)					
Group 1	$ 6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 8" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground; Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C. F. M. of less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 inc.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yds.); Concrete paver 34E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-welder (heavy duty); Mixer mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 50 cu. yds. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: CO75-5050
COUNTY: Statewide
DATE: Date of Publication
Supersedes Decision No. AR-1022 dated August 23, 1974, in 39 FR 30673
DESCRIPTION OF WORK: Highway Construction

DECISION NO. CO75-5050

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.99	.48	.60	.40	.05
CEMENT MASONS:					
Denver Metropolitan Area	6.32	.42	1.10	.30	.07
Outside Denver Metropolitan Area	6.22	.42	1.10	.30	.07
ELECTRICIANS:					
Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagles, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Sedgwick, Summit, Washington, Weld, and Yuma Counties					
Electricians	9.04	.65	1%+.25		
Cable Splicers	9.29	.65	1%+.25		
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	9.80	.42	1%		5/10%
Cable Splicers	10.05	.42	1%		5/10%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone 1 (with 12 miles of Pueblo Main P. O.)					
Electricians	9.25	.42	1%+.25		1/10%
Cable Splicers	10.18	.42	1%+.25		1/10%
Zone 2 (12 to 20 miles from Pueblo Main P. O.) and (0 to 12 miles from P. O. in Canon City)					
Electricians	9.65	.42	1%+.25		1/10%
Cable Splicers	10.58	.42	1%+.25		1/10%
Zone 3 (20 to 40 miles from Pueblo Main P. O.)					
Electricians	10.00	.42	1%+.25		1/10%
Cable Splicers	10.93	.42	1%+.25		1/10%
ELECTRICIANS: (Cont'd)					
Zone 4 (40 miles and over from Pueblo Main P. O.)					
Electricians	$10.75	.42	1%+.25		1/10%
Cable Splicers	11.68	.42	1%+.25		1/10%
Electricians on electricians contracts less than $5,000 in Zones 3 and 4	6.91	.42	1%+.25		1/10%
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties					
Electricians	9.07	.32	1%+.25		.01
IRONWORKERS	8.40	.55	.80		.06
PAINTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington, and Weld Counties					
Brush	8.51	.50	.45		.03
Spray, Swing Stage	8.89	.50	.45		.03
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas, Otero, Prowers, and Pueblo Cos.					
Brush	6.28	.30			.02
Structural Steel; Spray	6.78	.30			.02
Spray Steel	7.38	.30			.02
Archuleta, Chaffee, Cheyenne, Dolores, El Paso, Fremont, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Ouray, Park (Southern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	7.20	.50	.20		.03
Spray	7.80	.50	.20		.03
Steel	7.70	.50	.20		.03
Steel Spray	8.30	.50	.20		.03
PILEDRIVERMEN	7.29	.48	.60	.40	.05

DECISION NO C075-5050

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$5.70	.40	.30	.30	
DUMP TRUCKS, to and including 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasermen; Servicemen; Ambulance drivers, it used	5.80	.40	.30	.30	
DUMP TRUCKS, over 6 cu. yds. to and including 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.90	.40	.30	.30	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tanders, tandem axle	5.95	.40	.30	.30	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	6.00	.40	.30	.30	
DUMP TRUCKS, over 12 cu. yds. to including 19 cu. yds.; Distributor; Cement mixer; Agitator truck to and including 10 cu. yds.; Liquid and bulk tankers, semi or combination	6.05	.40	.30	.30	
MULTI-PURPOSE TRUCK - Specialty and hoisting	6.10	.40	.30	.30	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor - Semi; Liquid and bulk tanders, euclid, electric or similar; Dumptor, Yongbuggy, Jumbo and similar type equipment	6.15	.40	.30	.30	
MECHANICS	6.20	.40	.30	.30	

DECISION NO C075-5050

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to and including 29 cu. yds.; Truck driver snow plow	$6.25	.40	.30	.30	
CEMENT MIXER, Agitator over 10 cu. yds. to and including 15 cu. yds.	6.30	.40	.30	.30	
DUMP TRUCKS, Over 29 cu. yds. to and including 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.40	.40	.30	.30	
CEMENT MIXER, Agitator over 15 cu. yds.	6.55	.40	.30	.30	
DUMP TRUCKS, Over 39 cu. yds. to and including 54 cu. yds.	6.60	.40	.30	.30	
DUMP TRUCKS, Over 54 cu. yds. to and including 79 cu. yds.	6.80	.40	.30	.30	
DUMP TRUCKS, Over 79 cu. yds. to and including 104 cu. yds.	7.00	.40	.30	.30	
DUMP TRUCKS, Over 104 cu. yds.	7.20	.40	.30	.30	
LINE CONSTRUCTION - Colorado					
Cable Splicers	9.97	.35	1%		3/4%
Lineman Cableman	9.36	.35	1%		3/4%
Journeyman Lineman	9.29	.35	1%		3/4%
Line Equipment Operator	7.90	.35	1%		3/4%
Line Equipment Maintenance Man	7.90	.35	1%		3/4%
Groundmen	6.52	.35	1%		3/4%

DECISION NO. C075-5050

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Group 1	$4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	4.93	.42	.45		.07
Group 4	4.95	.42	.45		.07
Group 5	4.97	.42	.45		.07
Group 6	5.08	.42	.45		.07
Group 7	5.18	.42	.45		.07
Group 8	5.25	.42	.43		.07
Group 9	5.38	.42	.45		.07
Group 10	5.43	.42	.45		.07
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pend stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
Group 1	4.80	.42	.45		.07
Group 2	4.85	.42	.45		.07
Group 3	5.02	.42	.45		.07
Group 4	5.04	.42	.45		.07
Group 5	5.13	.42	.45		.07
Group 5-A	5.18	.42	.45		.07
Group 6	5.25	.42	.45		.07
LABORERS (Tunnels)					
Group 1	4.80	.42	.45		.07
Group 2	5.40	.42	.45		.07
Group 3	5.50	.42	.45		.07
Group 4	5.58	.42	.45		.07
Group 5	5.65	.42	.45		.07
Group 6	5.80	.42	.45		.07
(SHAFTS, RAISES, MISSILE SILOS & ALL UNDERGROUND WORK OTHER THAN TUNNELS)					
Group 1	5.50	.42	.45		.07
Group 2	5.65	.42	.45		.07
Group 3	5.75	.42	.45		.07
Group 4	5.93	.42	.45		.07
Group 5	6.03	.42	.45		.07
Group 6	6.08	.42	.45		.07

LABORERS

Group 1: Minimum laborer, including cassions to 8', carrying reinforcing rods; Work on cross culberts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man including seeding; Mulching and plating of trees, shrubs and flowers; Stake chaser; Gabion baskets and teno mattresses

Group 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

Group 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

Group 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or prestressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

Group 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, lift belt or block and tackle

Group 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bullfloat (hand operated) and center expansion machines; Sandblasters; Grade checker if required by employer

Group 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

Group 8: Pipelayer on truck pipe lines in connection with highway work

Group 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

Group 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

DECISION NO. CO75-5050

LABORERS
(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

Group 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

Group 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

Group 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

Group 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers or pipe, inside and out

Group 5: (Relining pipe)
Relining pipe

Group 5-A: Mixer man

Group 6: Pipelayer

LABORERS
(TUNNELS)

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry houseman

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

DECISION NO. CO75-5050

LABORERS (Cont'd)
(Tunnels)

Group 6: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pipe concrete placement men

(SHAFTS, RAISES, MISSILE SILOS and ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, including the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

DECISION NO. C075-5050

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)**	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$6.05	.37	.55	.30	.03
Group 2	6.40	.37	.55	.30	.03
Group 3	6.75	.37	.55	.30	.03
Group 4	6.90	.37	.55	.30	.03
Group 5	7.05	.37	.55	.30	.03
Group 6	7.20	.37	.55	.30	.03
(For work in Tunnels, Shafts, and Raises)					
Brakeman	6.20	.37	.55	.30	.03
Motorman	6.55	.37	.55	.30	.03
Compressor (900 CFM and over), serving tunnels, shafts and raises	6.65	.37	.55	.30	.03
Air tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.90	.37	.55	.30	.03
Concrete placement pumps 6" and over discharge; Mechanic-welder (heavy duty); Mucking machine and front end loaders underground, Slusher	7.05	.37	.55	.30	.03
Mole	7.45	.37	.55	.30	.03

DECISION NO. C075-5050

POWER EQUIPMENT OPERATORS

(Other than for work in Tunnels, Shafts and Raises)**

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; equipment lubricating and service engineer; Forklift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons and under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger); C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yard); Concrete placement pumps (under 8 inche); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 4 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. and over) (with or without attachments); Trenching machine; Welder; Winch operator, on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-welder (heavy duty); Mixermobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1½ cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, Clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yds. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

STATE: Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin

DECISION NUMBER: IL75-5051 DATE: Date of Publication

Supersedes Decision No. AQ-3095 dated February 15, 1974 in 39 FR 5982

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 Boundary near St. Regis, New York.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DIPPER AND HYDRAULIC DREDGING					
Chief engineer	$ 9.56	.25	.25	a	
Operators	9.49	.25	.25	a	
Assistant engineer	9.13	.25	.25	a	
Firemen, oilers	7.45	b	.25	a	
Welder	9.04	.25	.25	a	
Deckhands	7.35	b	.35	a	
Scowman	7.35	b	.35	a	
Pipe line men	7.35	b	.35	a	
Cranemen - Dipper Dredging	9.04	.25	.25	a	
Spill barge operator - hydraulic dredging	9.04	.25	.25	a	
DRILL BOATS					
Engineers	9.01	.25	.25	c	
Blasters	9.13	.25	.25	c	
Firemen	8.66	.25	.25	c	
Drillers, welders or machinists	9.02	.25	.25	c	
Oiler & helpers	8.48	.25	.25	c	
TUG ENGINEERS AND OPERATORS	8.13 +g		.50	a	
TUG FIREMEN, LINEMEN AND OILERS	7.46	b	.35	a	
FLOATING EQUIPMENT (Clamshell, Dragline and Marine Construction)					
Engineers & operator	10.48	f		d & e	
Equipment operator	9.51	f		d & e	
Firemen	9.03	f		d & e	
Oilers	8.07	f		d & e	
ENGINEER HELPERS, RANGEMEN, RODMEN SWEEPERS:					
Engineer helpers, rangemen, rodmen or sweepmen	5.43	b		a	
Service truck drivers	5.83	b		a	

DECISION NUMBER IL75-5051 (Cont'd)

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; 6 1/2 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. $4.00 per day, per employee.

c. 8 paid holidays, A through F plus Washington's Birthday and Veterans' Day; 6 1/2 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. 1/2 day vacation for each full 12 days employment in one calendar year.

f. Plus $1.15 in fringe benefits.

g. Plus $.13 per hour for License Premium.

SUPERSEDEAS DECISION

MS75-1044 p.2

STATE: Mississippi COUNTY: Warren
DECISION NO.: MS75-1044 DATE: See Date of Publication
Supersedes Decision No. AO-4112 in 39 FR 16978 dated May 10, 1974
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories.)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	7.78	.30			
Bricklayers	7.50	.40	.90		.01
Bricklayers; Stonemasons	6.92				.02
Carpenters: Soft floor layers	6.30				
Cement masons	5.65	.25			
Electricians:					
Electricians	7.35		3%+.50		2/10of1%
Cable splicers	7.60		3%+.50		2/10of1%
Elevator constructors	6.89	.445	.29	3%+a&b	.02
Elevator constructors' helpers	4.82	.445	.29	3%+a&b	.02
Elevator constructors' helpers (prob.)	3.445				
Glaziers	5.90				
Ironworkers	6.65	.30	.35		.04
Laborers:					
Laborers	2.60				
Mortar mixers	2.70				
Lathers	6.90				.01
Millwrights	6.90				
Painters:					
Brush;Drywall tapers; Rollers	5.95	.15			
Spray	6.45	.15			
Structural steel	6.20	.15			
Piledrivermen	6.90				
Plasterers	6.35	.25	.10		.05
Plumbers; pipefitters	7.60			c	.05
Roofers	6.55				
Sheet metal workers	7.30		.10		
Truck Drivers:					
1½ to 5 tons	4.25				
Over 5 tons	4.90				
POWER EQUIPMENT OPERATORS:					
Group A					
Engineer, operating under air pressure	7.75	.25	.25		
Group B					
Mechanic	6.80	.25	.25		
Group C					
Asphalt plant; backhoe; blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, Crane, Derrick, Derrick car, Derrick boat, Dragline, Dredge, Elevating grader, Excavator (power belt), Fork lift (5 ton & over), Hoists (2 drum in active use), Locomotive engineer, Marine engineer (chief), Master pilot, Mixer-mobile, Motor patrol and similar type equipment, Paver (21 cu. ft. or larger), Pile driver, Recharger, Scoop (skimmer), Scraper, Shovel Trenching machine (over 18" bucket line width) Turnapull (Dw-10 and similar pull type scrapers), Truxcavator and similar end loaders, Welder, Welding machines and pumps (operating 2 to 6 machines), Well Well driller, Well point pumps	6.55	.25	.25		
Group D					
Asphalt spreader (bituminous distributor), Asphalt spreader (bituminous mixer), Backfilling machine, Conveyor, Drill (earth) Finishing machine, Fireman, Forklift (over 2 ton and less than5 ton), Heating plant, Hoist (one drum), Marine engineers assistant, Mixer, Pay loader and similar endloaders, Pilot, Power generating plant, Pump (concrete), Roller, Scoopmobile, Tractor (with power take					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
A. 6 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 ot Vacation pay credit for employee who has worked in business less than 5 ysars.
c. 2 paid holiday: D & F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group D (cont'd) -off), Trenching machine (18" or smaller bucket line width), Tug-boat, Well driller (1st helper), Winch truck & tractor small Rubber-Tired with Backhoe attachment	6.00	.25	.25		
Group E Air compressor, Batch scale. Dec Deckhand, Forklift(2 ton & under), Form grader, Locomotive hostler. Mechanic helper, Motorboat (in or outboard), Oiler, Pump, Roughneck, Scowman, Tractor (w/ attachments), Welding machine	5.45	.25	.25		

Booms, including jib:
25¢ per hour above regular rate - 100 feet to and including 200 feet.
50¢ per hour above regular rate - 201 feet to and including 300 feet.
75¢ per hour above regular rate - 301 feet and above.

Operators servicing other crafts shall draw rate of pay not less than journeyman rate of craft being serviced.

SUPERSEDES DECISION

Page 2

STATE: Missouri
DECISION NO. 1075-4076 DATE: Date of Publication
Supersedes Decision No. AR-74, dated November 15, 1974 in 39 FR 40449.
DESCRIPTION OF WORK AND LOCATION:
Highway Construction
Statewide except Jasper County
Heavy Construction

Adair	Gasconade	Montgomery
Andrew	Gentry	Morgan
Atchison	Greene	Newton
Audrain	Grundy	Nodaway
Barton	Harrison	Osage
Bates	Henry	Perry
Benton	Hickory	Pettis
Bollinger	Holt	Phelps
Boone	Howard	Pike
Buchanan	Jackson	Platte
Caldwell	Jefferson	Polk
Callaway	Johnson	Pulaski
Camden	Knox	Putnam
Cape Girardeau	Laclede	Ralls
Carroll	Lafayette	Randolph
Cass	Lawrence	Ray
Cedar	Lewis	St. Charles
Charitom	Lincoln	St. Clair
Clark	Linn	St. Francois
Clay	Livingston	St. Louis and City
Clinton	McDonald	Ste. Genevieve
Cole	Macon	Saline
Cooper	Madison	Schuyler
Crawford	Maries	Scott
Dade	Marion	Scotland
Dallas	Mercer	Shelby
Daviess	Miller	Sullivan
DeKalb	Moniteau	Vernon
Franklin	Monroe	Warren
		Washington
		Worth

DECISION NO 1075-4076

CARPENTERS & PILEDRIVERMEN:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1	$8.76	.40	.50	.50	.03
ZONE 2	8.62	.33	.30	.25	.05
ZONE 3	8.66	.30	.30		
ZONE 4	8.61	.40	.50	.50	.03
ZONE 5	9.12	.33	.30		.03
ZONE 6	8.52	.33	.30		.03
ZONE 7	7.75	.40	.50	.50	.03
ZONE 8	8.95	.20			.03
ZONE 9	8.82	.33			.03
ZONE 10	8.72	.23			.03
ZONE 11	8.67	.33	.15		.03

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

ZONE 1 - Franklin, Jefferson, St. Charles, Lincoln and Warren Counties.
ZONE 2 - Clay, Jackson, Platte and Ray Counties
ZONE 3 - St. Louis County & City
ZONE 4 - Pike, St. Francois & Washington Counties
ZONE 5 - Cass and Lafayette Counties
ZONE 6 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
ZONE 7 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties.
ZONE 8 - Boone, Cooper & Howard Counties
ZONE 9 - Adair, Audrain, Benton, Callaway, Charlton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 10 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
ZONE 11 - Cole, Miller, Moniteau and Osage Counties.

DECISION NO. 3075-4076

CEMENT MASONS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1	$9.225	.40	.50	.25	
ZONE 2	9.10	.75	.60		
ZONE 3	8.40	.40	.40		
ZONE 4	9.155	.40	.50	.75	
ZONE 5	6.30	.65	.35		
ZONE 6	7.60				
ZONE 7	7.45				
ZONE 8	8.575				
ZONE 9	9.00				
ZONE 10	7.00				
ZONE 11	7.65				
ZONE 12	8.55				

AREAS COVERED BY CEMENT MASONS ZONES

ZONE 1 - Bates, Carroll, Cass and Lafayette Counties
ZONE 2 - Crawford, Franklin, Iron, Jefferson, Lincoln, Madison, Reynolds, Shannon, St. Charles, St. Francois, St. Louis and City, Ste. Genevieve, Warren & Washington Counties
ZONE 3 - Crawford, Iron, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve and Washington Counties on projects less than $75,000.00
ZONE 4 - Clay, Jackson, Platte, and Ray Counties
ZONE 5 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
ZONE 6 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 7 - Dent, Phelps, Pulaski and Texas Counties
ZONE 8 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
ZONE 9 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Knox, Linn, Macon, Moniteau, Monroe, Randolph, Shelby and Sullivan Counties.

ZONE 10 - Barry, Barton, Lawrence, McDonald, Newton and Vernon Counties
ZONE 11 - Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties
ZONE 12 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery, and Osage Counties.

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ELECTRICIANS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1					
Electrical contracts over $7,500.00	$9.10	4%	1%		1%
Electrical contracts $7,500.00 and under	7.75	4%	1%		1%
ZONE 2	9.22	.23	1%+.27	.80	.03
ZONE 3					
Electrical contracts over $5,000.	9.22	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	8.67	.23	1%+.27	.80	.03
ZONE 4					
Electrical contracts over $5,000.	9.22	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	8.67	.23	1%+.27	.80	.03
ZONE 5					
Electrical contracts over $5,000.	9.22	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	8.06	.23	1%+.27	.80	.03
ZONE 6	8.93	5%	1%+5½%	15½%	1%
ZONE 7					
Electrical contracts over $7,500.	8.93	5%	1%+5½%	15½%	1%
ZONE 8					
Electrical contracts $7,500. and under	6.51	5%	1%+5½%	15½%	1%
ZONE 9					
Electrical contracts $7,500. and under	6.38	5%	1%+5½%	15½%	1%
ZONE 10					
Electrical contracts $7,500. and under	6.25	5%	1%+5½%	15½%	1%

DECISION NO. 4075-4076

ELECTRICIANS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 11					
Electrical contracts $7,500.00 and under	$6.10	5%	1%+5½%	15½%	1%
ZONE 12	9.16	.37	1%	6%	.02
ZONE 13	9.65	.37	1%	6%	.02
ZONE 14	9.04	.35	1%	7%	.01
ZONE 15					
Electrical contracts over $10,000.	9.27	.35	1%	7%	.01
Electrical contracts $10,000. and under	9.04	.35	1%	7%	.01
ZONE 16					
Electrical contracts over $10,000.00	9.63	.35	1%	7%	.01
Electrical contracts $10,000. and under	9.04	.35	1%	7%	.01
ZONE 17					
Electricians	7.95	.25	1%		.005
Cable splicers	8.30	.25	1%		.005
ZONE 18					
Electricians	8.40	.27	1%	7%+.30	1%
Cable Splicers	8.65	.27	1%	7%+.30	1%

AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Adair, Audrain (That part east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties:
Electrical contracts over $7,500.00
Electrical contracts $7,500.00 and under

ZONE 2 - Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; North Western portion of Cass Co. not including Pleasant Hill

ZONE 3 - Remainder of Clay, Jackson, Platte & Cass Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

ZONE 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

ZONE 5 - Carroll, Cooper, Morgan, Ray & Saline Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under

ZONE 6 - Franklin, Jefferson, Lincoln, St. Charles, St. Louis & City, & Warren Cos.

ZONE 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Washington, and Wayne Counties:
Electrical contracts over $7,500.00

ZONE 8 - Bollinger, Cape Girardeau, Perry, St. Francois, and Ste. Genevieve, Counties:
Electrical contracts $7,500.00 and under

ZONE 9 - Iron, Madison, Reynolds, Washington, and Wayne Counties:
Electrical contracts $7,500.00 and under

ZONE 10 - Butler, Carter, Mississippi, New Madrid, Ripley, Scott and Stoddard Counties:
Electrical contracts $7,500.00 and under

ZONE 11 - Dunklin and Pemiscot Counties:
Electrical contracts $7,500.00 and under

ZONE 12 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster and Wright Counties

ZONE 13 - Pulaski County

ZONE 14 - Andrew, Buchanan, Clinton and DeKalb Counties

ZONE 15 - Caldwell, Daviess, Gentry, Holt and and Nodaway Counties:
Electrical contracts over $10,000.00
Electrical contracts $10,000.00 and under

ZONE 16 - Atchimson, Grundy, Harrison, Livingston, Mercer and Worth Counties:
Electrical contracts $10,000.00 and under
Electrical contracts over $10,000.00

ZONE 17 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair, and Vernon Counties:

ZONE 18 - Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage Phelphs and Randolph Counties:

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IRONWORKERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1	$8.975	.55	.70		.05
ZONE 2	8.90	.60	.80	1.00	.05
ZONE 3	8.775	.60	.80	1.00	.05
ZONE 4	8.49	.30	.35		.08
ZONE 5	8.54	.40	.30		
ZONE 6	7.77	.45	.35		.04
ZONE 7	7.55	.45	.50		.02

AREAS COVERED BY IRONWORKERS ZONES

ZONE 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis & City, Ste. Genevieve, Texas, Warren, Washington, and Wright Counties.

ZONE 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Counties.

ZONE 3 - Christian, Dade, Douglas, Greene and Webster Counties:

ZONE 4 - Barry, Lawrence, McDonald, Newton and Stone Counties:

ZONE 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties:

ZONE 6 - Howell, Oregon, Ozark and Taney Counties

ZONE 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties;

DECISION NO. MT75-4076

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1					
ZONE 1	$6.98	.50	.50	.50	.10
ZONE 2	5.78	.50	.50	.50	.10
ZONE 3	5.28	.50	.50	.50	.10
ZONE 4	7.35	.40	.50		.10
ZONE 5	6.35	.40	.50		.10
ZONE 6	6.35	.40	.50		.10
GROUP 2					
ZONE 1	7.13	.50	.50	.50	.10
ZONE 2	5.93	.50	.50	.50	.10
ZONE 3	5.43	.50	.50	.50	.10
ZONE 4	7.50	.40	.50		.10
ZONE 5	6.50	.40	.50		.10
ZONE 6	6.50	.40	.50		.10
GROUP 3					
ZONE 1	7.28	.50	.50	.50	.10
ZONE 2	6.08	.50	.50	.50	.10
ZONE 3	5.58	.50	.50	.50	.10
ZONE 4	7.65	.40	.50		.10
ZONE 5	6.65	.40	.50		.10
ZONE 6	6.65	.40	.50		.10
GROUP 4					
ZONE 1	7.48	.50	.50	.50	.10
ZONE 2	6.28	.50	.50	.50	.10
ZONE 3	5.78	.50	.50	.50	.10
ZONE 4	7.85	.40	.50		.10
ZONE 5	6.85	.40	.50		.10
ZONE 6	6.85	.40	.50		.10
GROUP 5					
ZONE 1	$7.73	.50	.50	.50	.10
ZONE 2	6.53	.50	.50	.50	.10
ZONE 3	6.03	.50	.50	.50	.10
ZONE 4	8.10	.40	.50		.10
ZONE 5	7.10	.40	.50		.10
ZONE 6	7.10	.40	.50		.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General Labor - Carpenter Tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-Skill - Air tool operator; cement handler - bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman.

GROUP 3 - Second Semi-Skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-Skill - Laser beam man; asphalt raker; barco tamper; jackson or anyother similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills; string line man for electronic grade control; pressure groutmen.

GROUP 5 - Fourth Semi-Skill - Manhole builders - brick or block; dynamite and powder men; welder

AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass, and Lafayette Counties

ZONE 2 - Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties

ZONE 3 - Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and Worth Counties

ZONE 4 - Franklin, Jefferson, and St. Charles Counties

ZONE 5 - Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Lincoln, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve, Scott, Warren and Washington Counties.

ZONE 6 - Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties.

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 8					
GROUP 1	$7.80	.50	.50	.70	.10
GROUP 2	7.95	.50	.50	.70	.10
GROUP 3	8.10	.50	.50	.70	.10
GROUP 4	8.30	.50	.50	.70	.10
GROUP 5	8.60	.50	.50	.70	.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General Laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-Skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pierhole men working below ground); riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; pudlers (paving only)

GROUP 3 - Second Semi-Skill - Crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

GROUP 4 - Third Semi-Skill.- Spreader on screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on concrete paving,curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortar men on brick or block manholes; sand blasting and gunnite nozzle men; rubbing concrete; air tool operator in tunnels

GROUP 5 - Fourth Semi-Skill - Manhole builder (brick or block); dynamite and powder men.

AREA COVERED BY LABORERS

ZONE 8 - Clay, Jackson, Platte and Ray Counties

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
ZONE 7 - St. Louis City and County:					
General laborer	$8.075	.40	.75		.03
Wrecking	7.95	.40	.75		.03
Plumbers laborer	8.45	.40	.75		.03
Dynamiter or powderman	8.575	.40	.75		.03

DECISION NO. 10075-4076

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Lineman	$8.71	.35	1%+.15		½%
Heavy equipment operator	8.10	.35	1%+.15		½%
Groundman Powderman	6.04	.35	1%+.15		½%
Groundman	5.73	.35	1%+.15		½%
Groundman (1st year)	4.91	.35	1%+.15		½%
ZONE 2					
Lineman	8.32	.35	1%+.15		½%
Heavy equipment operator	7.93	.35	1%+.15		½%
Groundman Powderman	5.76	.35	1%+.15		½%
Groundman	5.32	.35	1%+.15		½%
Groundman (1st year)	4.04	.35	1%+.15		½%
ZONE 3					
Lineman & Cable splicers	9.30	.30	1%	12½%	½%
Groundman - winch driver	6.86	.30	1%	12½%	½%
Groundman - driver	6.62	.30	1%	12½%	½%
Equipment operator	8.32	.30	1%	12½%	½%
Groundman - 1st 6 mos.	5.32	.30	1%	12½%	½%
Groundman - next 12 mos.	5.55	.30	1%	12½%	½%
Groundman - next 12 mos.	6.07	.30	1%	12½%	½%
Groundman - thereafter	6.62	.30	1%	12½%	½%
ZONE 4					
Lineman	9.77	.35	1%		.25%
Groundman - Class I	8.34	.35	1%		.25%
Groundman - Class II	6.83	.35	1%		.25%
Groundman - Class A	6.23	.35	1%		.25%
Groundman - 1st 6 mos.	5.95	.25	1%		.25%

AREAS COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties

ZONE 2 - Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties

ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties

ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties

DECISION NO. 1075-4076

PAINTERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1					
Brush & roller	$9.34	.30	.35		.06
Spray	10.34	.30	.35		.06
Bridge	10.09	.30	.35		.06
ZONE 2					
Brush	6.15		.20		
Spray	6.90		.20		
ZONE 3					
Brush	6.30				
Spray	6.70				
ZONE 4					
Brush or roller	6.75	.45	.35		
Spray, Structural steel and Sandblasting	10.00	.45	.35		
ZONE 5					
Brush	7.00				
Spray, taping machine	7.50				
Swing stages, window jacks,	7.25				
Bridges 75 ft. in height	7.75				
All structural steel over 50 ft. in height; sand blasting	7.50				
ZONE 6					
Brush	8.05	.20	.35		
Spray	8.80	.20	.35		
Structural steel 30 ft. or more	8.45	.20	.35		
ZONE 7					
Brush	7.25				
Spray	7.75				
ZONE 8					
Brush, roller	6.88		.20		
Spray	7.255		.20		

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PAINTERS CONTD:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 9					
Brush	$7.90		.20		
Spray	8.40		.20		
ZONE 10					
Brush	8.83	.30	.30	.21	
Spray	10.33	.30	.30	.21	
ZONE 11					
Brush, bridge & construction steel	7.50				
Spray	8.00				

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Livingston, Platte, and Ray Counties
ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard Counties
ZONEN 3 - Lincoln and Pike Counties
ZONE 4 - Camden, Crawford, Dent, Laclede, Maries, Miller, Phelph, Pulaski, and Texas Counties
ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties
ZONE 6 - Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties
ZONE 7 - Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 8 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties
ZONE 9 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties.
ZONE 10 - Jefferson, St. Charles, and St. Louis & City, Counties.
ZONE 11 - Christin, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1					
GROUP I	$9.85	.50	.75	.75	.10
GROUP II	9.60	.50	.75	.75	.10
GROUP III	9.35	.50	.75	.75	.10
GROUP IV	8.35	.50	.75	.75	.10
GROUP V	10.10	.50	.75	.75	.10
GROUP VI	10.35	.50	.75	.75	.10
GROUP VII	9.85	.50	.75	.75	.10
GROUP VIII	8.85	.50	.75	.75	.10
ZONE 2					
GROUP I	8.52	.35	.40		
GROUP II	8.52	.35	.40		
GROUP III	7.97	.35	.40		
GROUP IV	7.52	.35	.40		
GROUP V	9.32	.35	.40		
GROUP VI	10.07	.35	.40		
GROUP VII	10.52	.35	.40		
GROUP VIII	11.27	.35	.40		
GROUP IX	9.02	.35	.40		
GROUP X	8.02	.35	.40		
GROUP XI	8.52	.35	.40		
ZONE 3					
GROUP I	8.90	.35	.50	.40	.02
GROUP II	8.70	.35	.50	.40	.02
GROUP III	8.50	.35	.50	.40	.02
GROUP IV	7.90	.35	.50	.40	.02
GROUP V	9.15	.35	.50	.40	.02
GROUP VI	9.40	.35	.50	.40	.02
GROUP VII	9.65	.35	.50	.40	.02
ZONE 4					
GROUP I	8.50	.35	.50	.40	.02
GROUP II	8.15	.35	.50	.40	.02
GROUP III	7.95	.35	.50	.40	.02
GROUP IV	7.10	.35	.50	.40	.02
GROUP V	8.75	.35	.50	.40	.02
GROUP VI	9.00	.35	.50	.40	.02
GROUP VII	9.25	.35	.50	.40	.02

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 5					
GROUP I	9.25	.50	.75	.75	.10
GROUP II	9.05	.50	.75	.75	.10
GROUP III	8.85	.50	.75	.75	.10
GROUP IV	8.00	.50	.75	.75	.10
GROUP V	9.50	.50	.75	.75	.10
GROUP VI	9.75	.50	.75	.75	.10
GROUP VII	10.00	.50	.75	.75	.10
GROUP VIII	8.50	.50	.75	.75	.10
ZONE 6					
GROUP I	8.40	.50	.50	.75	.05
GROUP II	8.05	.50	.50	.75	.05
GROUP III	7.85	.50	.50	.75	.05
GROUP IV	7.10	.50	.50	.75	.05
GROUP V	8.65	.50	.50	.75	.05
GROUP VI	8.90	.50	.50	.75	.05
GROUP VII	9.15	.50	.50	.75	.05
GROUP VIII	7.60	.50	.50	.75	.05
ZONE 7					
GROUP I	9.00	.40	.25		.02
GROUP II	8.65	.40	.25		.02
GROUP III	8.45	.40	.25		.02
GROUP IV	7.45	.40	.25		.02
GROUP V	9.25	.40	.25		.02
GROUP VI	9.50	.40	.25		.02
GROUP VII	9.75	.40	.25		.02
GROUP VIII	8.20	.40	.25		.02
ZONE 8					
GROUP I	9.00	.40	.25		.02
GROUP II	8.65	.40	.25		.02
GROUP III	8.45	.40	.25		.02
GROUP IV	7.45	.40	.25		.02
GROUP V	9.25	.40	.25		.02
GROUP VI	9.50	.40	.25		.02
GROUP VII	9.75	.40	.25		.02
GROUP VIII	8.20	.40	.25		.02

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP I - Asphalt paver and spreader, asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift; hoising engine-2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Ait Trac); shovel operator; side descharge spreader; side boom cats; skimmer scoop operator; slip-form paver (CMI, REX, OR Equal); throttle man; truck crane; welding machine maintenance operator-2

GROUP II - "A" frame truck; aspahlt hot mix silo; asphalt plant fireman; drum or boiler; aspahlt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engin-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance opefator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type aspahlt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator- combination boiler and booster; tractor, 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintanance operator - 1

GROUP IV - Meachanic's helper, oiler

GROUP V - Clamshells, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib); draglines, 3 yd. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd, capacity or over

GROUP VI - Crane or rigs, over 200 ft. of boom (including jib).

GROUP VII - Hoist (each additional drum over 1 drum)

GROUP VIII - Oiler driver, all types

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric or other powers) switch boat; whirley

GROUP II - Air tugger w/air compressor; anchor-placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than five ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted); concrete pump, such as a pump-crete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and barco equipment - no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist, concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixermobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant, power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP III - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoisting; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane;

POWER EQUIPMENT OPERATORS ZONE 2 CONTD

GROUP III CONTD - pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck

GROUP IV - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP V - Air pressure; oiler engineer; operating under ten pounds

GROUP VI Air pressure, oiler engineer operating over ten pounds

GROUP VII Air pressure engineer operating under ten pounds

GROUP VIII Air pressure engineer operating over ten pounds

GROUP IX Crane-pile driving with leads; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds. and over; crane, climbing (such as Linden); derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

GROUP X Heaters
Crane, with boom (including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane

GROUP XI Mud jack (where mud jack is used in conjunction with an air compressor, operator)
Work in tunnel or tunnel shaft, .25c above base rate

POWER EQUIPMENT OPERATORS ZONE 3 and 4

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe; blade operator - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skinner scoop operator; trenching machine operator; truck crane; shovel operator.

GROUP II - A-Frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 1; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

POWER EQUIPMENT OPERATORS ZONE 3 and 4 CONTD

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine, operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; Siphons & Jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination Boiler & Booster); ulmac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator - 1; Tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib); hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft of boom or over (incl. jib)

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; shovel operator; sideboom cats; skinner scoop operator all types; trenching machine operator; truck crane.

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor, pavement breaker; powerbroom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

DECISION NO. [illegible]

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8 CONTD

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator other than dredge; roller operator, other than high type asphalt; screening & washing plant operator; Siphons & Jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); ulmac, ulric or similar spreader; vibrating machine operator; welding machine maintenance operator - 1; tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clam-shell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib), hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft. of boom or over (incl. jib)

GROUP VIII - Oiler - drivers

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties

ZONE 2 - St. Louis City & County

ZONE 3 - Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties

ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties

ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties

ZONE 6 - Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Charlton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties

ZONE 7 - Christian, Greene, Lawrence and Taney Counties

ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties

DECISION NO. [illegible]

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apprentice
ZONE 1 - St. Louis City and County:					
GROUP 1	6.99	a	b	c&d	
GROUP 2	7.19	a	b	c&d	
GROUP 3	7.29	a	b	c&d	

FOOTNOTES:

a - Employer contribution of $12.50 per week.

b - Employer contribution of $12.50 per week.

c - Paid Holidays; New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veterans Day, Christmas Day.

d - Paid vacation of 3 days for 600 hours of service in any one contract year;
4 days paid vacation for 800 hours of service in any one contract year;
5 days paid vacation for 1,000 hours of service in any one contract year

CLASSIFICATION DEFINITIONS

GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less, for lift trucks, job site ambulances, pick-up trucks, flat bed trucks

GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity

GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

DECISION NO. 1075-4076

TRUCK DRIVERS

ZONE 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
GROUP 1	$8.34	.50	.75	.75	
GROUP 2	8.54	.50	.75	.75	
GROUP 3	8.85	.50	.75	.75	
GROUP 4	9.00	.50	.75	.75	
GROUP 5	8.115	.50	.75	.75	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle

GROUP 2 - Two teams; material, tandem; semi-trailers; winch; fork; distributor drivers and operators; agitator and transit mix; tank wagon, tandem or semi-trailer; insley wagons; dump; excavating, 5 cu. yds. & over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment

GROUP 3 - A-frame; low boy; boom

GROUP 4 - Mechanics & welders

GROUP 5 - Mechanic's helpers, oilers & greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

DECISION NO. 1075-4076

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprentice
ZONE 3					
GROUP 1	$9.40				
GROUP 2	9.55				
GROUP 3	9.62				
GROUP 4	9.51				
GROUP 5	9.30				
ZONE 4					
GROUP 1	8.70				
GROUP 2	8.85				
GROUP 3	8.92				
GROUP 4	8.81				
GROUP 5	8.60				
ZONE 5					
GROUP 1	8.69	.50	.50		
GROUP 2	8.84	.50	.50		
GROUP 3	8.91	.50	.50		
GROUP 4	8.80	.50	.50		
GROUP 5	8.59	.50	.50		
ZONE 6					
GROUP 1	7.83	.50	.50		
GROUP 2	7.98	.50	.50		
GROUP 3	8.10	.50	.50		
GROUP 4	7.99	.50	.50		
GROUP 5	7.73	.50	.50		
ZONE 7					
GROUP 1	7.10	.50	.50		
GROUP 2	7.25	.50	.50		
GROUP 3	7.37	.50	.50		
GROUP 4	7.26	.50	.50		
GROUP 5	7.00	.50	.50		

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
GROUP 2 - Flat bed trucks - tandem axle; material trucks, - tandem axle; tank wagon - tandem axle
GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, A-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
GROUP 4 - Agitator and transit mix trucks
GROUP 5 - Warehouseman

AREAS COVERED BY TRUCK DRIVERS ZONES

ZONE 3 - Franklin, Jefferson and St. Charles Counties
ZONE 4 - Lincoln and Warren Counties
ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter Cedar, Charlton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster, and Wright Counties.
ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney, and Worth Counties

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ALBANY

DECISION NO.: NY-75-3031 DATE: DATE OF PUBLICATION

Supersedeas Decision No. AR-2064 dated October 11, 1974 in 39 FR 36799
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

1-New York-1-2-3 C 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.93	.32	.18		.02
Boilermakers	10.00	.60	10%		.01
Bricklayers, cement masons, plasterers, and stonemasons	9.29	.45	.30		.01
Carpenters & soft floor layers, Bldg.	8.70	.50	.50		.02
Carpenters, Heavy & Highway	8.82	.50	.50		.025
Millwrights, Building	9.20	.50	.50		.02
Cement masons, Heavy & Highway	8.35	.45	.30		
Electricians:					
Cohoes and Watervliet	9.70	.50	1%+.55	g	h
Remainder of County	10.15	.30	1%+.50	a	
Elevator Constructors:					
Elevator constructors	9.48	.445	.29	3%+b	.02
Elevator constructors' helpers	6.64	.445	.29	3%+b	.02
Elevator constructors' helpers (prob.)	4.74				
Ironworkers, structural, ornamental and reinforcing	8.84	.55	.85		.04
Laborers, Building:					
West side of Hudson River, extending westerly along the north side of 1st St., Watervliet, to half-mile of Rt., 9 to Shaker Road to Rt., 9 northerly to the N. of the Line of Albany Co.:					
Laborers	7.60	.55	.70		.02
Pipelayers (2 man team), hod carriers mortar mixers (hand or machine), jackhammer op., well pointing, all air or gas driven tools, vibrators, power driven buggies	7.75	.55	.70		.02
Asphalt rakers	7.60	.55	.70		.02
Demolition	7.85	.55	.70		.02
Form setters (curb)	7.775	.55	.70		.02
Wagon drill operator	7.825	.55	.70		.02
Acetylene burners	7.755	.55	.70		.02
Blasters	8.075	.55	.70		.02
Remainder of County:					
Laborers'	7.60	.55	.70		.02
Blasters	8.075	.55	.70		.02
Acetylene burners	7.875	.55	.70		.02
Wagon drills	7.825	.55	.70		.02
Form setters (curb)	7.775	.55	.70		.02
Asphalt rakers	7.60	.55	.70		.02

NY-75-3031 P. 2

1-New York-1-2-3- C 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Remainder of County Cont'd:					
Pipelayers, hod carriers, mortar mixers (hand or machine), jackhammer op., well pointing, air or gas driven tools, power driven buggies, air and gas hammers and drills, electric hammers, 50 lbs. or over and vibrators	7.75	.55	.70		.02
Demolition	7.85	.55	.70		.02
Lead burners	9.25	.35		e	.01
Line Construction:					
Linemen, cable splicer helper and material man	10.10	.65	1%+.60	d	3/8%
Cable splicer	11.11	.65	1%+.60	d	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment oper.	8.30	.65	1%+.60	d	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%
Painters:					
Brush	7.97		.12		
Structural steel and bridge	8.72		.12		
Spray	9.07		.12		
Piledrivermen	9.86	.95	1.53	.35	.02
Plumbers, Steamfitters, Air conditioning and refrigeration:					
Albany area	9.30	.35	.72		.05
Plumbers and Pipefitters:					
Cohoes area	9.00	.50	.85		.04
Roofers	9.00	.63	.30		.02
Sheet metal workers	9.34	.60	.40		.05
Sprinkler fitters	9.60	.50	.70		.08
Truck drivers - Building:					
Straight, winch transit on site, road oilers, dump, pick-up, panel, water and fuel trucks on site	7.09	.37	.37	f	.02
Low or lowboy trailers	7.24	.37	.37	f	.02
Euclids	7.34	.37	.37	f	.02
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.

1-New York-1-2-3 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.

FOOTNOTES:

a. Holidays: E

b. Holidays: A through P. 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. Holidays: A through P: Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through P: Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

e. One week vacation after one year's work; two weeks vacation after five year's work.

f. Holiday - Thanksgiving Day provided employee reports for work the day following the holiday.

g. Employer contributes $15.00 per year to an apprentice training program.

N.Y. 3-PEO-1-J 1 of 1

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, trenchavators, core and well well drillers (one drum), econmobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMD Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
GROUP 1	$8.60	.45	.45+.30	a	.10
GROUP 2	8.66	.45	.45+.30	a	.10
GROUP 3	8.76	.45	.45+.30	a	.10
GROUP 4	8.94	.45	.45+.30	a	.10
GROUP 5	9.24	.45	.45+.30	a	.10
GROUP 6	9.37	.45	.45+.30	a	.10
GROUP 7	9.54	.45	.45+.30	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

NY-1-LAB-2-3-I

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
LABORERS:					
Laborers and driller helpers	$6.75	.55	.70	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, masco tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.95	.55	.70	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.15	.55	.70	a	
Blasters, form setters, stone or granite curb setters	7.35	.55	.70	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

NY-23-HEO-2-1-A

1 of 2

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), cranes, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or squal), hoist (2 or 3 drum), mine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loeder and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

NY-23-PEO-2-3-A
2 of 2

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing they worke the day day before and after the holiday.

N.Y. 1-TD-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day, F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

STATE: New York
DECISION NO.: NY-75-3032
COUNTY: Broome
DATE: Date of Publication
Supercedes Decision No. AR-2017 dated August 16, 1974 in 39 FR 29838
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

4-N.Y.-1-2-3 V 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.05	.60	.21		.02
Boilermakers	10.00	.60	10%		.01
Bricklayers:					
Bricklayers, cement masons plasterers and stone mason	8.71	.45	.35		
Carpenters, Building:					
Carpenters and soft floor layers	8.11	.35	.50		
Millwrights and piledrivermen	8.36	.35	.50		
Carpenters & piledrivermen, Heavy & Highway	8.37	.35	.50		.025
Cement masons, Heavy and Highway	8.30	.45	.50		
Electricians	8.65	.37	15%+.34		.055
Elevator constructors	8.895	.445	.29	3%+a+b	.02
Elevator constructors' helpers	6.23	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	4.45				
Glaziers	7.18	.35	.30		.01
Ironworkers, structural, ornamental and reinforcing	9.00	.41	.43		.04
Laborers: (Building)					
Laborers & wreckers	7.23	.40	.40		
Sewer pipelayers, tunnel laborers, rockmen & drillers, powdermen, pneumatic tool, electric tool, jackhammers and similar mechanical tools with 3/4" bits and over	7.51	.40	.40		
Hod carriers, mortar mixers hand or machine), asphalt rakers, asphalt levelers, vibrator operator	7.40	.40	.40		
Mason tenders, scaffold builders bootmen working in concrete	7.34	.40	.40		
Lathers	8.38	.325	.25		.05
Lead burners	9.25	.35		o	.01
Line Construction:					
Linemen	10.10	.65	15%+.60	d	3/6%
Cable splicer	11.11	.65	15%+.60	d	3/6%
Groundman digging machine operator	9.17	.65	15%+.60	d	3/6%
Groundman mobile equipment operator	8.30	.65	15%+.60	d	3/6%
Groundman truck driver and mechanic	7.90	.65	15%+.60	d	3/6%
Groundman dynamite man	8.30	.65	15%+.60	d	3/6%

DECISION NO. NY-75-3032

4-N.Y.-1-2-3 V 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Marble setters, terrazzo workers and tile setters	8.43	.45	.35		
Painters:					
Painters	7.20	.35	.30		.03
Rollers over 10", sandblasting, swing scaffold, steam cleaning spray helper	7.70	.35	.30		.03
Structural steel, building, steeple jack and spray	8.20	.35	.30		.03
Plumbers:					
Plumbers	8.08	.42	.45		.21
Steamfitters	8.08	.42	.45		.21
Roofers	7.55	.84	1.00		
Sprinkler fitters	7.55	.50	.70		.08
Truck Drivers: (Building)					
Transit-mix, dump trucks and road oilers	5.10			e+f	
Euclids and fuel trucks	5.24			e+f	
Sheet metal workers	8.87	.46	.60		.07
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLLIDAYS:
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 basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York(provided employee works the day before and the day after the holiday).

e. One week vacation after 7 months steady work, and 2 weeks vacation after 3 years steady work, 3 weeks after 10 years of steady work.

f. Holidays: A through F; providing employee works 3 days in the calendar week in which the holiday occurs and the scheduled work day before and after the holiday.

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS:						
Cranes with boom and jib, 175 feet and over	$8.70	.75	.35	a	.10	
Cranes with boom and jib, 130 feet and over	8.45	.75	.35	a	.10	
Cranes with boom and jib 100 feet and over	8.20	.75	.35	a	.10	
Automatic fine grader, backhoe, cableway, caisson auger, cherry picker (straddle mobil type), over 5 tons, compressor, pump, generator or welding machines (when used in a battery of not more than four (4), crane, derrick, diesel power unit, dragline, excavators (gradall type, hydraulically operated), front-end loader (4 cubic yard and over), high speed conveyors (in one line), pile driver, shovel, two and three drum hoists, vibro or sonic hammer controls (when not mounted by rig operator), tower crane.	7.95	.75	.35	a	.10	
"A" frame truck (when used in setting of installation of material), bulldozer, carry-all scrapper, cherry picker (5 ton or under), compressor (300 cubic feet and over), concrete paver and mixer, (16S and over), concrete pump, core boring machine, machine, crop dryer (when used as heater), dinkey locomotive, elevator cage hoist, fork lift, full time welder on maintenance, front end loader (under 4 cubic yard), grease truck, high pressure boiler, one drum hoist, maintenance engineer, post hole digger, power grader, pumps (4 inch and over), roller, side boom, test boring machine, tractor mounted backhoe, trenching machine, two cage elevator hoist, tugger hoist, vibro tamp, well drill, well point system.	7.65	.75	.35	a	.10	
Concrete mixer (under 16S), conveyor, (over 12 foot), firemen, hydraulic pumps, oiler, mechanical heaters (more than two (2) mechanical heaters), power driven welding machine						

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
POWER EQUIPMENT OPERATORS: (Cont'd)						
(300 amp. and over, other than all electric - one welding machine under 300 amp. will not require an engineer unless in a battery), pump (under 4 inch), tractor (farm type), steam jenny.	6.53	.75	.35	a	.10	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; (provided an employee works the day before and the day after the holiday).

NY-2-LAR-2-3-I

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$7.20	.40	.40	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	7.40	.40	.40	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.60	.40	.40	a	
Blasters, form setters, stone or granite curb setters	7.80	.40	.40	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is needed, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, hoisers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, dust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

NY-23-PEO-2-3-A
2 of 2

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

N.Y.-4-TD-1-I

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers: Warehouse, Yardmen, Truck Helpers, Pick-ups, Panel Trucks, Flatbody Material Trucks (straight jobs), Single Axle Dump Trucks, Dumpster, Material Checkers and Receivers Greasers, Tiremen, Mechanic Helpers and Parts Chaser	$6.75	.45	.40	a	
Tandems and Batch Trucks, Mechanics, Dispatcher	6.80	.45	.40	a	
Semi-trailers, Low-boy Trucks, Asphalt Distributor Trucks, and Agitator, Mixer Trucks and Dumpcrete Type vehicles	6.85	.45	.40	a	
Specialized Earth Moving Equipment Euclid Type or similar Off-Highway Equipment, where not selfloaded	7.00	.45	.40	a	
Off-Highway Tandem Back-Dump, Twin Engine Equipment and Double-Hitched Equipment where not self-loaded	7.15	.45	.40	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Thanksgiving Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: B, C and D; (provided employee works the schedule working day before the holiday and the scheduled working day after the holiday.

N.Y. 1-ID-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, fireman, mechanic helpers and parts chaser	$6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

NY-75-3033 P. 2

STATE: NEW YORK

COUNTY: CHAUTAUQUA

DECISION NO.: NY-75-3033

DATE: DATE OF PUBLICATION

Supersedeas Decision No. AR-2014 dated August 9, 1974 in 39 FR 28733

DESCRIPTION OF WORKS: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

7-N.Y.-1-2-3 E 1 of 3

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	9.36	.72	.55		.04
Boilermakers	9.45	.50	.85		.02
Bricklayers, cement masons, plasterers, stone masons, marble, terrazzo workers & tile setters	8.80	.50	.70		.05
Cement masons, heavy & highway	7.90	.50	.70		
Carpenters & soft floor layers, bldg.	7.92	.50	.85		.05
Carpenters heavy & highway	8.42	.50	.90		.025
Electricians:					
Twps. of Mina, French Creek, Clymer, Sherman, Chautauqua, Ellery, Harmony, North Harmony, Busti, Gerry, Ellicott, Kiantone, Ellington, Poland & Carroll	9.65	.37	1%+.40		3%
Remainder of County	9.75	.45	1%+.40		.15
Glaziers	8.64	.50	.95		
Ironworkers, structural, ornamental & reinforcing:					
Twps. of Cherry Creek, Ellington, Sheridan, Pomfret, Charlotte, Arkwright, Hanover, Villanova & Stockton	9.61	.75	.78		.04
Remainder of County	8.74	.78	.69		.10
Laborers, building:					
Laborers & flagmen	6.50	.50	.60	a	
Blasterers, curb, form setters & pipelayers	6.75	.50	.60	a	
Work 40' & up	6.65	.50	.60	a	
Lathers	7.56	.40	.20		.01
Lead burners	9.25	.35		b	.01
Line Construction:					
Linemen	10.10	.65	1%+.60	c	3/8of1%
Cable splicer	11.11	.65	1%+.60	c	3/8of1%
Groundman digging machine operator	9.17	.65	1%+.60	c	3/8of1%
Groundman mobile equipment operator	8.30	.65	1%+.60	c	3/8of1%
Groundman truck driver & mechanic	7.90	.65	1%+.60	c	3/8of1%
Groundman dynamite man	8.30	.65	1%+.60	c	3/8of1%
Marble, tile & terrazzo workers' helpers	7.76	1.50	.40		
Millwrights	8.17	.50	.85		.05

7-N.Y.-1-2-3 E 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Twps. of Dunkirk, Portland, Pomfret, Sheridan, Arkwright, Hanover & Villanova:					
Brush	$8.655	.525+.45	.30		.10
Steel tanks, towers, stacks, flag poles, radio TV towers	9.155	.525+.45	.30		.10
Sandblasting, swing stafe, spray, bosun chair	8.905	.525+.45	.30		.10
Bridges 35' high or above	10.32	.525+.45	.30		.10
Remainder of County:					
Painters	6.16	.52	.30		.01
Structural steel, bridge & stacks	6.46	.52	.30		.01
spray & sandblasting	6.81	.52	.30		.01
Boiler	6.36	.52	.30		.01
Piledrivermen	8.17	.50	.85		.05
Plumbers:					
Twps. of Hanover, Sheridan, Dunkirk, Pomfret, Arkwright, Villanova, Portland, Stockton, Charlotte, Ripley, Westfield, Cherry creek and Fredonia					
Plumbers	10.41	.50	.45		.04
Steamfitters	10.12	.45	1.45		.08
Remainder of County					
Plumbers & steamfitters	9.12	.50	.45	2%	.01
Roofers	8.00	.50	.25	.15+g	.10
Sheet metal workers	8.02	.40	.40	.20+d	.02
Sprinkler fitters	9.60	.50	.70		.08
Truck drivers, building	5.75	.44	.40	e+f	
Welders - craft rate					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Two hours paid time off on Election Day.

7-N.Y.-1-2-3 E 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

FOOTNOTES (cont'd):

b. Holidays: A through F, Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holidays:

c. Holidays: A through F, Washington's Birthday, Good Friday, Election Day for President of the United States and Election of Governor of New York State (providing employee works the day before and the day after the holiday).

d. Two weeks vacation

e. Holidays: A through F.

f. One week vacation after one year's work; two weeks vacation after 2 years work.

g. One to three months service, 10 hours paid vacation, three to six months service, 20 hours paid vacation, six to nine months service 30 hours paid vacation, nine to twelve months service, 40 hours paid vacation.

N.Y.-21-LAB-2-3-H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.90	.50	.60	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	7.10	.50	.60	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.30	.50	.60	a	
Blasters, form setters, stone or granite curb setters	7.50	.50	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Crane with a main boom over 100 feet

GROUP II: All boom type equipment, all pan and carryall operators, Archer hoist, buck and pull boe operator, blast or rotary drill, track or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Pelne crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor systems, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power),

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op., pump op., (4" or over), pump op., (2 or 3 in a battery)

GROUP VI: Air compressor operator, (under 160 cu. ft.), air compressor op., (over 160 cu. ft.), generator, grount machine operator, heating boiler operator, used for temporary heat), lubrication unit or truck, mechanical heaters, (when 3 are in a battery), mechanic or repairman, pneumatic mixer op., power plant (in excess of 10KW), welding machine operator, (to and including 3 machines)

GROUP VII: Bulldozer (over 50 h.p.), Monorail

GROUP VIII: Bulldozer & tractor, (50 h.p. drawbar or under), jeep trencher, mulchers, power brooms and rakes, seeders

GROUP IX: Fireman

GROUP X: Truck crane driver

GROUP XI: Aggregate bin op., apprentice engineer or oiler, cement bin op., concrete mixer op., (under ½ c.y.), mechanical heaters, (when one or two are used), pump operators (one inch), pump op., (two inches), pump operators, (three inches), tractor machines

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pension	Vacation	Apr. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$10.485	.40	.90		.10
GROUP II	9.735	.40	.90		.10
GROUP III	9.58	.40	.90		.10
GROUP IV	9.54	.40	.90		.10
GROUP V	9.455	.40	.90		.10
GROUP VI	9.30	.40	.90		.10
GROUP VII	9.54	.40	.90		.10
GROUP VIII	9.145	.40	.90		.10
GROUP IX	8.985	.40	.90		.10
GROUP X	8.83	.40	.90		.10
GROUP XI	8.685	.40	.90		.10

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Asphalt roller (except rubber tire), Automatic fine grade machine, backhoe (except tractor mounted, rubber tired), belt placer, black top plant (automated) blast or rotary drill, (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (4 c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, pelns crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel

CLASS II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs, tractor mounted, elevator, front end loader (under 4 c.y.) hi-pressure boiler, (15 lbs. and over), hoist, one drum, hydraulic pipe jack machine or similar type machine, jersey spreader, kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer, pump crete, ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrade, scraper, side boom, slip form paver, snorkel, stump chipping machine, trencher, tube finisher, winch, winch truck with A-frame

CLASS III: Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, compressors: 4 not exceed 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

CLASS IV: Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
CLASS I	$9.32	.45	.45+.50	a	.10
CLASS II	9.09	.45	.45+.50	a	.10
CLASS III	8.71	.45	.45+.50	a	.10
CLASS IV	7.98	.45	.45+.50	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays, A through F, provided employee works the working day before and the working day after the holiday.

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N.Y. 1-TD-2-1 - H

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apr. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbed material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

STATE: NEW YORK
COUNTY: DUTCHESS
DECISION NO.: NY-75-3034
DATE: Date of Publication
Supersedes Decision No. AR-2072 dated November 15, 1974 in 39-FR-40480
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction .

14-New York-1-2-3-X 1 of 3

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.12	5%	6%	20%	
Boilermakers	10.57	5%	15%	7%	.02
Bricklayers, cement masons, marble setters, plasterers, stone masons and tile setters	9.00	.80	1.60	g	
Carpenters, Building: Wappingers Falls, New Hackensack, Pawling and Beacon, Carpenters, piledrivermen and soft floor layers	9.04	.63	.45+.45	.45+1	.10
Remainder of County: Carpenters and soft floor layers	9.12	6%	6%	.60	.10
Carpenters, Heavy and Highway: Wappingers Falls, New Hackensack, Pawling, and Beacon: Carpenters	9.04	.63	.45+.45	.45+1+m	.10
Remainder of County: Carpenters	8.14	6%	6%		.05
Cement masons, Bricklayers, Stone masons (Heavy & Highway)	9.50	.80	1.60	h	
Electricians:					
Beacon and Fishkill	8.70	.40	1%+.64	.60	4%
Remainder of County:	8.75	.50	1%+.65	5%+a+n	½ of 1%
Elevator constructors	9.86	.445	.29	3%+c+d	.02
Elevator constructors' helpers	6.90	.445	.29	3%+c+d	.02
Elevator constructors' helpers (prob)	4.93				
Glaziers	9.10	.66	1.66	.365	.03
Ironworkers, structural, orna. & reinforcing	8.92	.95	1.67	1.20	.04
Lathers	7.70	9%	.55		.01
Lead Burners	9.25	.35		e	.01
Line Construction:					
Lineman	10.10	.65	1%+.60	f	3/8%
Cable Splicer	11.11	.65	1%+.60	f	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	f	3/8%
Groundman mobile equipment operator	8.30	.65	1%+.60	f	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	f	3/8%
Groundman dynamite man	8.30	.65	1%+.60	f	3/8%
Marble setters helpers	7.50	1.05		1.15+b	

14-NY-1-2-3-X

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush	$8.10	.52	1+.20	k+.43	
Bridges, towers, fire escapes, smoke stacks, flag poles, swing stage, window jacks, boatswain chair, safety belts, and spray structural steel	9.10	.52	1+.20	k+.43	
Piledrivermen, dock & wharf builders	9.86	.95	.88+.75	.61	.02
Plumbers and steamfitters	9.57	.38	.83	1.24	.05
Roofers, composition & shingle	9.60	9%	4%+.86		
Roofers, slate, tile asbestos	9.85	9%	4%+.86		
Roofers, pitch	12.06	9%	4%+.86		
Sheet metal workers	9.51	6%	14%	9%	.02
Sprinkler fitters	9.60	.50	.70		.08
Terrazzo workers' helpers	7.55	1.05		1.15+b	
Tile setters' helpers	7.20	1.05		1.15+b	
Welders - receive 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; (provided employee is on the payroll two weeks prior to the holiday).

b. Paid Holidays: A through F, Washington's Birthday, Lincoln's Birthday, Good Friday and Columbus Day provided the employee is employed 3 days before the holiday or any of the 3 days following the holiday.

c. Holidays: A through F.

d. Employer contributes 2% of the basic hourly rate for 6 month to 5 years of service or 4% of the basic hourly rate for 5 years or more of service as vacation pay credit.

e. Holidays: A through F; Washington's Birthday, Good Friday and Xmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

14-New York-1-2-3 - X 3 of 3

FOOTNOTES (CONT'D)

f. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

g. Holidays: A through F; and two hours off on Election Day for the purpose of voting.

h. Holidays: A through F; Washington's Birthday; Good Friday; Columbus Day; Veteran's Day and Nov. Election Day.

i. Employer contributes $.55 per hour to an annuity fund.

k. Holiday C providing the employee works within the period of (June 20 to July 4th).

l. Employees receive two hours off on Election Day for purpose of voting.

m. Holidays A through F providing the employee works 7 days before and after the holiday.

n. Employee receives two hours off on Election Day for the purpose of voting.

Poughkeepsie and South thereof: N.Y.-7-PEO-1-J 1 of 2

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I: Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tourmapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ran), paver (concrete), pulseneter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI:

A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. Second engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 manitowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

Poughkeepsie and South thereof:
POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP VI (CONT'D):
J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII: Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

POWER EQUIPMENT OPERATORS, BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.285	6%+.875	8%	a	1%
GROUP II	11.37	6%+.875	8%	a	1%
GROUP III	11.2275	6%+.875	8%	a	1%
GROUP IV	11.085	6%+.875	8%	a	1%
GROUP V	9.9425	6%+.875	8%	a	1%
GROUP VI					
A	13.655	6%+.875	8%	a	1%
B	12.7975	6%+.875	8%	a	1%
C	8.9975	6%+.875	8%	a	1%
D	11.7975	6%+.875	8%	a	1%
E	10.5125	6%+.875	8%	a	1%
F	11.37	6%+.875	8%	a	1%
G	16.5125	6%+.875	8%	a	1%
H	9.9425	6%+.875	8%	a	1%
I	16.2275	6%+.875	8%	a	1%
J	14.5125	6%+.875	8%	a	1%
K	15.5125	6%+.875	8%	a	1%
L	12.785	6%+.875	8%	a	1%
M	13.285	6%+.875	8%	a	1%
GROUP VII	12.5125	6%+.875	8%	a	1%

REMAINDER OF COUNTY:
BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), ecomomobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMI Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.60	.45	.45+.30	a	.10
GROUP 2	8.66	.45	.45+.30	a	.10
GROUP 3	8.76	.45	.45+.30	a	.10
GROUP 4	8.94	.45	.45+.30	a	.10
GROUP 5	9.24	.45	.45+.30	a	.10
GROUP 6	9.37	.45	.45+.30	a	.10
GROUP 7	9.54	.45	.45+.30	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

SEWER, ROAD, STREET AND HIGHWAY CONSTRUCTION

15-LAB-2-J- 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	C-
Laborers:						
General laborers	$7.32	9%	7%+.80	a		
Concrete men, joint setter, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel rod carrier, jackhammerman, wagon driller, air-trac operator, nippers, powderman, high scalers, power buggy operator, vibratory operator, other compactor, wrecking laborers, gunite and sandblasting, coal passer	7.57	9%	7%+.80	a		
Concrete finisher on Highways, blaster, form setter, laser beam operator	7.92	9%	7%+.80	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

a. Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Veteran's Day and November Election Day provided the employee works (7) calendar days before or after the holiday.

Poughkeepsie and South thereof:

HEAVY & HIGHWAY - POWER CONSTRUCTION OPERATORS:

GROUP I: Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, Crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Rose carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), jcy drill or similar tractor drilling machine, loader-1½ yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4". roller motorized (walk behind), welder's helper

Poughkeepsie and South thereof:

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP VI: Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII: Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional loader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: over 4 cu. yd. capacity $1.00 per hour additional

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.75	6%	8%+a	b	1%
GROUP II	9.95	6%	8%+a	b	1%
GROUP III	9.825	6%	8%+a	b	1%
GROUP IV	9.70	6%	8%+a	b	1%
GROUP V	8.70	6%	8%+a	b	1%
GROUP VI	10.95	6%	8%+a	b	1%
GROUP VII	10.325	6%	8%+a	b	1%

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. $.66 per hour.

b. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

Remainder of County:

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sanerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump units, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

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Remainder of County:

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays: A through F; providing the works the day day before and after the holiday.

N.Y. 2-TD-1.2-3-P

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Drivers on LeTourneau tractors, double barrel Euclids Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Beam, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	$7.66	.70	.70	a		
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	7.56	.70	.70	a		
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers	7.36	.70	.70	a		
Ten wheelers, grease trucks and tiller men	7.26	.70	.70	a		
Straight trucks	7.16	.70	.70	a		
Pick-up trucks used for hauling material parts escort man over the road	7.16	.70	.70	a		
Helpers	7.06	.70	.70	a		

Paid Holidays:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ERIE
DECISION NO. NY-75-3035 DATE: Date of Publication
Supersedes Decision No. AR-2096 dated December 20, 1974 in 39 FR 44178
DESCRIPTION OF WORK: Building Construction, (Excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.36	.72	55		.04
Boilermakers	9.45	.50	.85		.02
Bricklayers:					
Tonawanda and Grand Island Twps:					
Bricklayers and stone masons	9.79	.55	1.00		
Terrazzo workers & Tile setters	9.41	.55	1.00		
Marble masons	9.505	.55	1.00		
Remainder of County:					
Bricklayers and stone masons	9.79	.55	1.00		
Marble setters	9.505	.55	1.00		
Terrazzo workers & Tile setters	9.41	.55	1.00		
Carpenters, Building:					
Grand Island north of White Haven Road					
Carpenters	9.15	.55	1.05		.02
Millwrights	9.26	.55	1.05		.02
Remainder of County, Building, Heavy and Highway:					
Carpenters, dock carpenters, drivers tenders, millwrights and piledrivermen	8.78	1.25	1.10		
Divers	16.07	1.25	1.10		
Cement masons:					
Building	10.18		.75		
Electricians	10.79	.45	1%+.70		.05
Elevator Constructors	10.555	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	7.39	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (prob.)	5.28				
Glaziers	8.64	.50	.45+g		.05
Ironworkers, structural, ornamental & reinforcing:					
Grand Island to White Haven Road	9.16	.51	.40		.01
Remainder of County	9.61	.75	.78		.04
Lathers	10.92		.10		.01
Lead burners	9.25	.35		c	.01
Line Construction					
Linemen	10.10	.65	1%+.60	d	3/8%
Cable splicer	11.11	.65	1%+.60	d	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment	8.30	.65	1%+.60	d	3/8%

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Line Construction (Cont'd)					
Groundmen truck driver and mechanic	$ 7.90	.65	1%+.60	d	3/8%
Groundmen dynamite man	8.30	.65	1%+.60	d	3/8%
Marble, Tile & Terrazzo workers' helper	7.76	.50	.40+i		
Painters:					
Grand Island North of White Haven Road:					
Painters, brush	6.945	.425+.45	.60		.01
Spray, Steel steeple jacks, swing scaffold	7.345	.425+.45	.60		.01
Bridge-crossing the Niagara R River	9.86	.425+.45	.60		.01
Sandblasting and waterblasting	7.445	.425+.45	.60		.01
Remainder of County:					
Painters, brush	8.655	.525	.30+j		.10
Steel tanks, towers, stacks, flag poles, radio TV towers	9.155	.525	.30+j		.10
Sandblasting, swing stage, spray bosum chair	8.905	.525	.30+j		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525	.30+j		.10
Plasterers	11.06				
Plumbers	10.41	.53	.52		.04
Roofers:					
Composition, damp waterproofers, sprayers, asphalt mastic, wood block floor workers, steep roofers and siders	8.44	1.09	1.10		.02
Slate, tile precast tile roofers and asbestos	8.27	1.09	1.10		.02
Sheet metal workers	9.98	.40	.95		.08
Soft floor layers	8.20	1.25	1.10		
Sprinkler fitters	10.34	.50	.70		.06
Steam fitters	10.12	.45	1.45		.08
Truck Drivers, Building, Heavy & Highway:					
Contractor drivers	8.695	.50	.55	e+f	
Ready mix	7.965	.375	.55	e+f	
Dump	7.965	.375	.55	e+f	

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 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. Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work day immediately preceding and following the holiday.

d. Holidays; A through F; Washington's Birthday; Election Day for President of the United States and election of Governor of New York State, provided employee works the day before.

e. After one year, one weeks vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, if an employee works less than 1040 hours in any calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.

g. Employer contributes $.40 per hour to Supplemental Unemployment Benefits fund.

h. Employer contributes $1.05 per hour to a combined Health, Welfare and Supplemental Unemployment Benefit fund.

FOOTNOTES: (Cont'd)

i. Employer contributes $1.00 per hour to a supplemental unemployment benefit fund.

j. Employer contributes $.45 per hour to a Supplement Unemployment benefit fund.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION: LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	CT
BUILDING						
BLASTER; Plumbing Laborer, Wagon Drill Operator; Swing Scaffold	$8.205	.65	1.20		.05	
PNEUMATIC-GAS-ELECTRIC TOOL OP (over 8 feet deep)	8.155	.65	1.20		.05	
MORTAR MIXER	8.105	.65	1.20		.05	
FOUNDATION LABORER (over 8 feet deep); Hod Carriers; Plaster Tender; Plaster Scaffold Builder; Pneumatic Gas-Electric Tool Operator	8.055	.65	1.20		.05	
LABORER	7.955	.65	1.20		.05	
WRECKING						
WAGON DRILL OPERATOR	8.205	.65	1.20		.05	
PNEUMATIC-GAS-ELECTRIC TOOL OPERATORS Steel Burners	8.055	.65	1.20		.05	
WRECKERS	7.955	.65	1.20		.05	
OPEN CUT SEWER						
BLASTER: Wagon Drill Op	8.205	.65	1.20		.05	
BOTTOM MEN: Pneumatic-Gas-Electric Tool Op.	8.305	.65	1.20		.05	
LABORER: Top Men	7.955	.65	1.20		.05	
CAISSON-SHAFT-COFFERDAMS (OPEN CUT)						
BLASTER: Bottom Men; Wagon Drill Op.	8.205	.65	1.20		.05	
PNEUMATIC-GAS-ELECTRIC TOOL OP.	8.055	.65	1.20		.05	
TOP MEN	7.955	.65	1.20		.05	
STREET-ROAD-WORK						
PAVEMENT FORM SETTER; Wagon Drill Op.	8.205	.65	1.20		.05	
CONCRETE WORKER (Bootmen); Pneumatic-Gas-Electric Tool Op.	8.055	.65	1.20		.05	
LABORER	7.955	.65	1.20		.05	
SOFT GROUND TUNNEL OR JACKING						
BOTMEN(reinforce); Welder	8.555	.65	1.20		.05	
LEAD MINER	8.355	.65	1.20		.05	
CONCRETE FORM MOVER: Monkey Hole Man; Side Miner	8.305	.65	1.20		.05	
BOTTOM SHAFT MEN	8.255	.65	1.20		.05	
TUNNEL-SHAFT MUCKER: Shaft Miner	8.205	.65	1.20		.05	
CAR PUSHER: Concrete Placing Crew; & Bull Gangs	8.105	.65	1.20		.05	
TOP MAN	7.955	.65	1.20		.05	
ROCK TUNNEL						
BOTMAN (reinforce); Welder	8.555	.65	1.20		.05	
LEAD HEADING ROCK DRILLERS	8.355	.65	1.20		.05	
CONCRETE FORM MOVER; Side Heading Rock Drillers	8.305	.65	1.20		.05	
PLUG HOLE AND ROOF BOLT DRILLERS; Mucking Machine Tender; Tunnel & Shaft Mucker; Shaft Sinking Drillers	8.205	.65	1.20		.05	
BOTTOM SHAFT MAN	8.155	.65	1.20		.05	

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION: LABORERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	C
CAR PUSHERS; Bull & Tract Gangs; Concrete Placing Crew	$8.105	.65	1.20		.05	
TOP MAN	7.955	.65	1.20		.05	

BUILDING AND HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Crane with a main boom over 100 feet

GROUP II: All boom type equipment, all pan and carry-all operators, Archer hoist, back and pull hoe operator, blast or rotary drill, truck or cat mounted, boiler (when used for power), boom trucks, cableway operator, concrete paver machine, crane operator, derrick operator, dragline operator, elevating grader (self-propelled), head tower operator, hot roller (finish course), hydraulic booms, hydro crane, maintenance engineer, mucking machine operator, multiple drum hoist, (more than 1 drum in use), Peine crane, pile driving machine operator, power grader machine operator, scoopmobile, shovel operator, skimmer operator, test core drill machine, tractor shovel operator, vertical caisson auger drill, well drilling machine

GROUP III: Back filling machine operator, Kolman loader, roller machine operator, snatch and pusher cats, stone crusher, towed or self-propelled rollers, trenching machine operator

GROUP IV: Air hoist operator, cage hoist operator, conveyor operator, conveyor system, (belt-crete or similar), hoisting engine op., house elevator, (when used for hoisting), industrial tractor, locomotive op., (irrespective of power), push button hoist op., Strato tower, tractors (when using winch power)

GROUP V: Concrete mixer op., (½ c.y. or over), gasoline driven boring machine, hydraulic system pumps, hydro hammer, finishing machine op., (asphalt spreader), finishing machine op., pump op., (6" or over), pump op., (2 or 3 in a battery)

GROUP VI: Air compressor operator, (under 160 cu. ft.), air compressor op., (over 160 cu. ft.), generator grount machine operator, heating boiler operator, (used for temporary heat), lubrication unit or truck, mechanical heaters, (when 3 are in a battery), mechanic or repairman, pneumatic mixer op., power plant (in excess of 10KW), welding machine operator, (to and including 3 machines) Bulldozer & tractor, (50 h.p., Monorail

GROUP VII: Bulldozer & tractor, (50 h.p., drawbar or under), jeep trench, mulchers, power brooms and rakes, seeders

GROUP VIII: Firemen

GROUP IX: Truck crane driver

GROUP X: Aggregate bin op., apprentice engineer or oiler, cement bin op., concrete mixer op., (under ½ c.y.), mechanical heaters, (when one or two are used), pump operators (one inch), pump op., (two inches), pump operators, (three inches), tractor machines

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Appr. Tr
POWER EQUIPMENT OPERATORS					
GROUP I	$10.235	.40	.90		.10
GROUP II	9.735	.40	.90		.10
GROUP III	9.58	.40	.90		.10
GROUP IV	9.54	.40	.90		.10
GROUP V	9.455	.40	.90		.10
GROUP VI	9.30	.40	.90		.10
GROUP VII	9.54	.40	.90		.10
GROUP VIII	9.145	.40	.90		.10
GROUP IX	8.985	.40	.90		.10
GROUP X	8.83	.40	.90		.10
GROUP XI	8.685	.40	.90		.10

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HIGHWAY CONSTRUCTION

N.Y. -9-100-3-C 1 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apprentice	O
Master Mechanic	$10.66	.40	.40+a		.10	
Cranes:						
Boom over 100 ft	10.07	.40	.40+a		.10	
Boom over 200 ft	10.57	.40	.40+a		.10	
Boom over 300 ft	11.07	.40	.40+a		.10	
All boom type equipment, all pan and carry-all operators, archar hoist asphalt roller (finish course), asphalt spreader or paver, automatic fine grader machine (C.M.I and similar type), back filling machine operators, back and pull hoe operator, belt placer (C M I. and similar type), block top plants, blast or rotary drill, truck or cat mounted, boiler (when used for power), boom trucks, boring machine operator, bulldozers (all sizes), cableway operator, caisson auger, central mix plant (and all concrete batching plants), cherry picker, concrete paver machine, concrete pump, crane operator, derrick operator, dragline operator dredge, Elevating grader (self-propelled), excavator (all purpose hydraulically operated), fork-lift, front end loader, gradall, grader, head tower operator, hydraulic booms, hydro crane, Lubrication Unit on Truck, maintenance engineer, mucking machine operator, multiple drum hoist (more than 1 drum in use), overhead crane peine crane or similar type, pile driving machine operator, pump crete, push or snatch cats, quarry master or equivalent, ready mix concrete plant, road windener, rock bit sharpener (all types), scoop-mobile, shovel, side boom, skimmer operator, slip form paver (C.M I and similar type), test core drill machine, tire truck and repair, tractor drawn belt type trenching machine, tractor shovel operator, truck crane, tunnel shovel machine, well drilling machine winch, winch truck with A Frame	$9.57	.40	.40+a		.10	

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HIGHWAY CONSTRUCTION

N.Y. -9-100-3-C 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apprentice	O
Air mail operators, assistant and grade engineer (C.M.I. and similar type), belt placer (C.M.I. and type), bending machine (pipe), boring machine operator, bituminous spreader and mixer, cage hoist operator, concrete finishing machine, concrete mixer operator - 2 cu yd or more, concrete saw - self-propelled, concrete spreader, conveyor operator, conveyor systems (belt crete or similar), hoisting engine operator, house elevator (when use for hoisting), hydraulic pipe jack machine or similar type machines, hydro hammer or similar types, industrial tractor Holman loader or similar type machines, locomotive operator mixer for stabilized base self-propelled, monorail, plant engineer, push button hoist operator, roller machine operator, slip form paver (C.M.I. and similar type), snorkel type crushers, strate-tower, towed or self-propelled rollers, tractors (when using winch power), tractors (with towed accessories), tube finisher (C.M.I. and similar type).	9.43	.40	.40+a		.10	
Air compressors (under 160 cu.ft.) air compressors (over 160 cu.ft.) asphalt curb & gutter machines, blower for burning brush, chipping machine and chip spreader, concrete curb and gutter machines, concrete curing machines, generator, grout or gunite machines, heating boiler operator (used for temporary heat) hydraulic rock expander or similar type machines, hydraulic system pumps, mechanical heaters (when 3 are in a battery), motorized hydraulic Pin Puller, pneumatic mixer operator, post hole digger and post driver, power plant in excess of 10 H.P. (H" of over), pump Operator (2 or 3 in a battery), welding machine-						

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HIGHWAY CONSTRUCTION (CONT'D)

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apprn. Tr.	Other
operator (1 machine over 300 amps. or 2 or 3 machines regardless of amps), well point systems (electric, diesel or gas driven	9.14	.40	.40+a		.10	
Fireman, jeep trencher, motorized hydraulic seeders, mulching machines power broom and rakes, truck crane driver,	8.99	.40	.40+a		.10	
Aggregate bin operator apprentice engineer or oiler, C.M.I and similar type concrete spreads, cement bin operator, concrete mixer operator (under ½ cu yd), mechanical heaters (when one or two are used), pump operator (one inch), pump operator (two inch), pump operator (three inch), revibrator widener, steam cleaner, tractor machines	8.54	.40	.40+a		.10	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a Employer contributes $ .50 per hour to a Supplemental Unemployment Benefit fund.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: JEFFERSON
DECISION NO.: NY-75-3036 DATE: DATE OF PUBLICATION
Supersedeas Decision No. AR-2059 dated October 11, 1974 in 39 FR 35773
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.05	.60	.21		.02
Boilermakers	10.00	.60	10%		.01
Bricklayers, cement masons, marble masons, plasterers, stone masons, terrazzo workers and tile setters	9.06	.40	.40	a	.02
Carpenters:					
Building:					
Carpenters & soft floor layers	8.35	.40	.40	d	.005
Millwrights	8.60	.40	.40	d	.005
Piledrivermen	8.50	.40	.40	d	.005
Heavy & Highway:					
Carpenters & Piledrivermen	8.42	.40	.40		.025
Cement masons, heavy & highway	8.30	.40	.4		
Electricians:					
Project $10,000 or over:					
Electricians	9.25	.40	1%+.40		.8 of 1%
Cable splicers	9.50	.40	1%+.40		.8 of 1%
Projects under $10,000					
Electricians	8.95	.40	1%+.40		.8 of 1%
Cable splicers	9.20	.40	1%+.40		.8 of 1%
Glaziers	7.11	.50			.01
Ironworkers:					
Antwerp, Philadelphia, Leray, Wilna, Champion:					
Structural, ornamental, reinforcing	9.08	.45	.82		.05
Remainder of County:					
Structural, ornamental, reinforcing	9.51	.47	.57		.10
Laborers: (Building)					
Laborers	6.60	.45	.55	e	
Chain saw op., jackhammer op., scaffold builders, mortar mixers, pipe layers, gas buggy op., wagon drill & wagon jack ops., vibrator ops., and all air or electric tools (electric tools used in place of air tools) used by laborers, hod carriers (for plasterers only)	6.80	.45	.55	e	

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Laborers (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Sandblasterers on construction clean up where laborers are ordinarily employed, pot liners and acetylene torch op., on demolition work only	$ 6.80	.45	.55	e	
Blasters	7.20	.45	.55	e	
Lead burners	9.25	.35		b	.01
Line Construction:					
Linemen	10.10	.65	1%+.60	c	3/8 of 1%
Cable splicer	11.11	.65	1%+.60	c	3/8 of 1%
Groundman digging machine operator	9.17	.65	1%+.60	c	3/8 of 1%
Groundman mobile equipment operator	8.30	.65	1%+.60	c	3/8 of 1%
Groundman truck driver and mechanic	7.90	.65	1%+.60	c	3/8 of 1%
Groundman dynamite man	8.30	.65	1%+.60	c	3/8 of 1%
Painters:					
Brush & Roller	6.95	.25	.45		
Swing staging & bosun chair	7.30	.25	.45		
Steel	7.30	.25	.45		
Plumbers and steamfitters	8.50	.52	.50		.025
Roofers:					
Roofers	9.15	.60	.75		
Sheet metal workers	9.955	.52	.70		.07
Sprinkler fitters	9.60	.50	.70		.08
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: B,C,&D; (provided employee has been on the payroll five days prior to the holiday and he reports to work the day following the holiday).

b. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

FOOTNOTES (CONT'D):

c. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

d. Holiday: D; providing the employee was on the payroll the week before the holiday or on the payroll the week after the holiday.

e. Holidays: B,D and E provided employee works the working day before and the working day after the holiday.

BUILDING CONSTRUCTION

	Basic hourly Rate	Fringe Benefits Payments				
		H & W	Pension	Vacation	Apr. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Asphalt and blacktop roller, automated concrete spreader (CMI or equivalent), automated fine grade machine (CMI), backhoe, belt placer, blacktop spreader (such as Barber Greene & Bathnox) blacktop plant (automated), blast or rotary drill (truck or cat mounted), cableway, caisson auger, carry-all-scraper-self loading, central mix plant (automated), cherry picker-over five (5) ton capacity, compresser, pump, generator, or welding machine (when used in a battery of not more than four (4), crane, crusher-rock, derrick, diesel power unit, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), elevator hoist-two cage, excavator-all purpose-hydraulically operated, fork lift (factory rating 15 ft. or more), front end loader (4 c.y. and over), gradall, grader (power), head tower (saur man or equal), hoist (2 or 3 drums), locomotive, maintenance engineer, maintenance welder, mine hoist, mucking machine or mole, overhead crane-fixed permanent, pile driver, quarry master or equivalent, refrigeration equipment - for soil stabilization, shovel, side boom, slip form paver, tractor drawn belt type loader (Euclid Loader), trenching machine (digging capacity of over 4 ft. depth), truck crane operator, tunnel shovel, vibro or sonic hammer controls (when not mounted in proximity to the rig operator	$8.40	.80	.35	a	.10	
"A" frame truck, blacktop plant (non-automatic), boring machine, bulldozer, cage hoist, carry-all scraper, central mix plant (non-automated), cherry picker -five (5) tons and under, compressor (315 C.F. and over), concrete paver (single drum over 16S), concrete pump, core boring machine, drill rigs-tractor mounted, elevator -as a material hoist, fork lift (factory rating less than 15 ft.), front end loader (under 4 c.y.), gunnite machine, high pressure boiler (15 lbs. and over), hoist (one drum), hydraulic breaking hammer, (drop hammer), kolman plant loader (screening gravel), maintenance grease man, mixer for stabilized base - self-propelled (seaman mixer), monorail machine, parapet concrete or pavement grinder post hole digger (truck or tractor mounted), post driver (truck or tractor mounted), power sweeper (Wayne or similar), pump 4" and over, pump-crete or squeeze-crete, road widner (front end of grader or self-propelled), shell winder (motorized), snorkel (overhead arms), trenching machine (digging capacity						

New York-16-PEO-1- M 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rate	Fringe Benefit Payments: H & W	Pensions	Vacation	Apr. Tr.	Other
Power equipment operators (cont'd):						
of 4 ft. or less), compr heist vibro temp, well drill, well point system (submersible pumps when used in lieu of well-point system), winch (motor driven), winch cat	7.925	.80	.35	a	.10	
Compressor (under 315 c.f.), concrete paver or mixer (under 16S), concrete pavement spreaders and finishers (not automated), conveyor (over 12 ft.), electric submersible pump (4" and over), farm tractor with or without accessories, fine grade machine (not automated), firemun, form tamper, generator (2,500 watts and over), hydraulic pump, mechanical heaters-more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating), mulching machine, oiler, power driven welding machine - 300 amp. and over (other than all electric), one welding machine under 300 amp. will not require an engineer unless in a battery), power heaterman (hay drier) pump (under 4"), revinius widner (road widener), steam cleaner or jenny, tractor with or without towed accessories	7.15	.80	.35	a	.10	
Crane or derrick with a boom length of over 150 ft. including jib, and on a pile driver with leads or boom length of over 100 ft.	9.40	.80	.35	a	.10	

FOOTNOTES:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

N.Y. 28-LAB-2-2-C

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments: H & W	Pensions	Vacation	Apr. Tr.
LABORERS:					
Laborers and driller helpers	$6.75	.45	.55	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, hull float tamper, pipelayers	6.95	.45	.55	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.15	.45	.55	a	
Blasters, form setters, stone or granite curb setters	7.35	.45	.55	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

NY-4-PEO-2-3-A
1 of 2

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mule, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cot

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

NY-4-PEO-2-3-A
2 of 2

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.60	.45	.45+a	b	.10
GROUP II	8.30	.45	.45+a	b	.10
GROUP III	7.75	.45	.45+a	b	.10
GROUP IV	7.05	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.40 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

N.Y. 1-TD-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apr. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbed material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

NY-75-3037 P. 2

STATE: NEW YORK COUNTY: MONROE

DECISION NO.: NY-75-3037 DATE: DATE OF PUBLICATION

Supersedes Decision No. AR-2065 dated October 11, 1974 in 39 FR 36803
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

28-New York-1-2-3- X

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.31	.73	.35		.03
Boilermakers	9.45	.50	.85		.02
Bricklayers, plasterers & stone masons	10.225	.30	.58		.02
Carpenters & piledrivermen, heavy and highway	8.38	.55	.89		.025
Carpenters, Building	8.87	.45	.70		.005
Cement masons, Building	10.225	.30	.58		.02
Cement masons, Heavy & Highway	8.22	.30	.58		
Electricians	10.45	.50	1%+.25		½%
Elevator Constructors:					
Elevator Constructors	10.615	.445	.29	3%+a+b	.02
Elevator Constructors' helpers	7.43	.445	.29	3%+a+b	.02
Elevator Constructors' helpers (probationary)	5.31				
Glaziers	9.00	.67	.31		.05
Ironworkers:					
Structural, ornamental, reinforcing	9.38	.52	.82		.05
Laborers, Building					
Laborers	7.69	.65	1.10		
Blasters	9.06	.65	1.10		
Air track, wagon drill op., asphalt rakers	8.09	.65	1.10		
Jackhammers, mortar mixers, concrete vibrator, pipelayers, burners & cutters for wrecking and demolition	7.99	.65	1.10		
Lathers	8.68		.50		.01
Leadburners	9.25	.35		c	.01
Line Construction:					
Linemen	10.10	.65	1%+.60	d	3/8%
Cable splicer	11.11	.65	1%+.60	d	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	d	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%
Marble, tile and terrazzo workers	10.80				
Marble, tile and terrazzo workers' helpers	8.48		1.14		
Painters:					
Brush and roller	8.19	.35	.62		.04
Swing scaffold	8.69	.35	.62		.04

28-New York-1-2-3 X

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters cont'd.					
Structural steel:					
Up to 40'	8.69	.35	.62		.04
Over 40'	8.89	.35	.62		.04
Spray	8.79	.35	.62		.04
Piledrivermen & millwrights:					
Building	9.68	.85	.59		.005
Plumbers and steamfitters	9.99	.405	1.52	.09	.10
Roofers:					
Roofers	9.90	.39	.39		
Sheet metal workers	10.16	.50	.65		.025
Soft floor layers	8.64	.55	.59		.005
Sprinkler fitters	9.60	.50	.70		.08
Terrazzo machine op.	8.58		1.14		
Truck drivers, Building	8.99	.40	.40		
Welders - Craft rate					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic houlry rate for 6 months to 5 years of service as Vacation Pay credit.

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 regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York, provided employee woeks the day before and the day after the holiday.

e. Holidays: A through F and Good Friday.

f. One year's work or more - 1 weeks' vacation; 3 years' work or more - 2 weeks vacation.

g. Holiday D, provided employee works the regular working day preceding the holiday and the regular working day after the holiday.

19-LAB-2-G

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers					
Heavy Construction Excavating Paving:					
Laborers & chuck tenders	$7.21	.65+.40	.65	a	
Asphalt rakers, air track, wagon drill op., curb stone setters, powder monkeys	7.46	.65+.40	.65	a	
Curb cocknen, pipe layers, layers of conduit and all air, electric gas and deisel motor driven tool op.	7.41	.65+.40	.65	a	
Belining of all types of pipe	7.61	.65+.40	.65	a	
Blasters	8.96	.65+.40	.65	a	
Meter setters and meter changers	7.51	.65+.40	.65	a	

PAID HOLIDAYS:
A-New Year s Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing employee works the working day before and the working day after the holiday.

NY-5-LAB-2-3-I

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.30	1.05	.65	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.50	1.05	.65	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.70	1.05	.65	a	
Blasters, form setters, stone or granite curb setters	6.90	1.05	.65	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS :

GROUP I - Cranes (cable and hydraulic, climbing and tower)
- I - A 121 ft. and under
- I - B 121 ft. and 151 ft.
- I - C 151 ft. and 201 ft.
- I - D 201 ft. and 251 ft.
- I - E 251 ft. and 301 ft.
- I - F 301 ft. and 351 ft.
- I - G 351 ft. and 401 ft.
- I - H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, ross carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar typer machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: 4 not to exceed 2000 cfm combined capacity 3 or less with more than 1200 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower-moble and similar types, elevating grader, elevator trenching machines, fine grade machines (all kinds), welder, front end loader, forklift with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler, Exception: single electric pumps up to and including 4 inches not be manned.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned.

GROUP V - Truck crane oilers

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
GROUP I:					
I-A	$9.45	.45	.45+.30	a	.10
I-B	9.70	.45	.45+.30	a	.10
I-C	9.95	.45	.45+.30	a	.10
I-D	10.20	.45	.45+.30	a	.10
I-E	10.70	.45	.45+.30	a	.10
I-F	11.20	.45	.45+.30	a	.10
I-G	11.70	.45	.45+.30	a	.10
I-H	12.20	.45	.45+.30	a	.10
GROUP II	9.45	.45	.45+.30	a	.10
GROUP III	9.27	.45	.45+.30	a	.10
GROUP IV	8.175	.45	.45+.30	a	.10
GROUP V	7.35	.45	.45+.30	a	.10

FOOTNOTES:
PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES - POWER EQUIPMENT OPERATORS:

GROUP I: Automatic fine grader, backhoe (except tractor mounted, rubber tired), black-top plant (automated), cableway, caisson auger, central mix concrete plant (automated), cherry picker-over 5 ton capacity, crane cranes and derricks (steel erection), dragline, dual drum paver, excavator purpose hydraulically operated, front end loader (4 c. y. and over), hoist, two or three drum, pile driver, power grader with elevating loader attachment, quarry master (or equivalent), shovel, slip form paver (if a second man is needed, he shall be an oiler), tractor drawn belt-type loader, truck crane, tunnel shovel.

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, black-top plant (non-automated), boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker-5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, drill rigs, tractor mounted, front end loader (under 4 c.y.), hi-pressure boiler (15 lbs. and over), hoist, one drum, Kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance engineer, maintenance grease man, mixer for stabilized base self-propelled, monorail machine, plant engineer power grader, pump crete, ready mix concrete plant, road widener, roller (all above sub-grader), side boom, tractor scraper, tractor with dozer and/or pusher, trencher, winch, mechanical slurry machine, power broom,

GROUP III: Compressors: 4 not to exceed 2,000 c.f.m. combined capacity; or 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (four of any type or combinations), concrete pavement spreaders and finishers, conveyors, drill, core, drill well electric pump used in conjunction with well point system, farm tractor with accessories, fine grade machine fork lift, gunite machine, hamner-hydraulic-self propelled, locomotive, post hole digger and post driver, roller, (grader and fill), tractor with towed accessories, vibrator compactor, vibro tamp, well point, pumps, regardless of motive power, no more than 4 in number not to exceed 20" in total capacity, submersible electric pumps when used in lieu of well points

GROUP IV: Compressors (any size, but subject to other provisions for compressors, dust collectors, generators, welding machine (three or less of any type or combination) concrete mixer (16S or under), concrete saw self propelled, foreman, form tamper, mulching machine, oiler, power heater-man, revinius widener, steam cleaner, tractor, pumps regardless of motive power, no more than 3 in number not to exceed 12" in total capacity

EXCAVATING FOR SITE PREPARATION SEWER AND WATER LINES POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.15	.45	.75	a	.10
GROUP II	8.95	.45	.75	a	.10
GROUP III	8.65	.45	.75	a	.10
GROUP IV	7.90	.45	.75	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, provided employee works the working day before the working day after the holiday.

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (.4), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with doner and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (16S and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revimius widener, shell winder, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefit Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

N.Y. 1-TD-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.43	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

STATE: NEW YORK COUNTY: NASSAU

DECISION NO.: NY-75-3038 DATE: Date of Publication

Supersedes Decision No. NY-75-3013 dated February 14, 1975 in 40 FR 6939

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

30-NY-1-2-3-A

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.45	13.1%	9%	12%	
Boilermakers	10.57	5%	5%+10%	7%	.01
Bricklayers	9.64	.78	1.33+a	.30	
Carpenters, Building:					
South of the Southern State Parkway in Hempstead Borough:					
Carpenters and soft floor layers	9.86	.95	1.63	.55	.02
Dock builders and Piledrivermen	9.86	.95	1.63	.61	.02
Remainder of County:					
Carpenters, piledrivermen and soft floor layers	9.15	1.30	1.24		.11
Carpenters, Heavy:					
Carpenters	9.86	.95	1.63	.55	.02
Dock and wharf carpenters	9.86	.95	1.63	.61	.02
Piledrivermen	9.86	.95	1.63	.61	.02
Cement masons	9.35	1.005	1.005+.50	1.00	.01
Electricians and linemen	10.90	6%	.135	5%	5/8of1%
Elevator Constructors	9.52	.445	.29+b	c+d	.02
Elevator Constructors' helpers	7.14	.445	.29+b	c+d	.02
Elevator Constructors' helpers (prob.)	4.76				
Elevator Constructors modernization	8.75	.445	.29+b	c+d	.02
Elevator Constructors modernization helpers	6.56	.445	.29+b	c+d	.02
Elevator Constructors repair	7.90	.445	.29+b	c+d	.02
Elevator Constructors repair helpers	5.92	.445	.29+b	c+d	.02
Glaziers	9.10	.66	.46+1.20	.365	.03
Ironworkers, structural	10.00	1.00	2.20	1.20+p	.04
Ironworkers, reinforcing	9.10	.785	.655+1.10	.75	.01
Ironworkers, ornamental finishers	8.40	.63	.70+1.335	.76	.03
Laborers: (Building)					
Laborers, building	8.00	.74	.83	.69	
Mason tenders	8.00	.74	.83	.69	
Plasterers' helpers	7.05	.125		1.00	
Mortar mixers	8.00	.74	.83	.69	

NY-75-3038 P. 2

30-NY-1-2-3- A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Lathers, metal	$ 8.40	.785	.655+1.10	.75	.01
Lead burners	9.25	.35	e		.01
Marble:					
Cutters	7.80	.78	.94		
Carvers	7.95	.78	.94		
Setters	7.80	.78	.94		
Sawyers, rubbers, polishers	7.57	.76	.87		
Derrickmen	7.33	.74	.66+q		
Helpers, crane operator	7.33	.74	.66+q		
Millwrights	9.65	.95	1.53	.55	.02
Painters:					
Inwood, Lawrence, Cedarhurst, Woodmere, Hewlett, Hewlett Bay, Hewlett Neck, Hewlett Park, E. Rockaway, part of Oceanside part of Lynbrook, part of Rockville Center, Atlantic Beach, Long Beach, Lido Beach, Point Lookout, Gibson and part of Valley Stream:					
Painter	8.00	.60	.52+f	.24	
Spray & Scaffold	9.71	.60	.52+f	.24	
Fire escape	9.14	.60	.52+f	.24	
West of Port Washington Blvd. and north of Powerhouse Road on the shore and west of Long Beach Road and south of Sunrise Highway on the South Shore:					
Structural steel	7.50	8%	11%		
Structural steel, spray	8.50	8%	11%		
Remainder of County:					
Painters	8.05	.65	1.30	.50	
Plasterers	8.10	1.00	.40		.01
Plumbers	9.60	.67	.96	.96	.19
Riggers	10.28	7%+1.04			.01

NY-75-3038 P. 3

30-NY-1-2-3- A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Roofers:					
Comp., damp, and waterproofing	$ 8.90	.66	1.98	1.20	.01
Sheet metal workers	10.45	.56	1.67	1.06	.08
Steam fitters	8.655	1.55	13%	10%	.05
Stone masons	9.75	.50	1.00		
Stone derrickmen and riggers	10.28	7%+1.04			.01
Sprinkler fitters	8.655		13%	10%	.05
Terrazzo workers	9.00	1.23	1.68		
Tile setters	8.25	.60	1.95		
Tile setters' helpers	7.42	.50	1.00		
Truck drivers:					
Ready-mix concrete, sand gravel and asphalt	8.02	.7325	1.5825	h+i	
Euclid and Turnapull operator	8.075	.7325	1.5825+.10	h+i	
Tuck pointers:					
tuck-pointers and waterproofers	8.72	.70	1.44	.50	.015
Steam cleaners	8.97	.70	1.44	.50	.015
Sandblasters	9.72	.70	1.44	.50	.015
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

30-NY-1-2-3 A

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorian Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $2.05 per hour to Annuity Fund.

b. Employer contributes $7.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

d. Employer contributes 6.4% basic hourly rate for 5 years or more service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. $3.50 per day contribution for each man to special annuity fund.

g. Employer contributes $2.35 per hour combined to the Welfare, Pension and Vacation Fund.

h. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day providing employee works two days in the calendar week in which the holiday falls, and shapes each remaining work day during such calendar week.

i. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with pay, with a maximum vacation of three weeks per year.

o. Holidays: A through F; Election Day and Washington's Birthday.

p. Holidays: A and F, provided the employee works a full half day preceding the holiday.

q. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an annuity fund.

N.Y. 10-LAB-2-3-N

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Concrete & curb form setters, asphalt rakers	$ 7.20	10%	10%	.75+a	
Asphalt workers & roller boys, asphalt top shovelers and smoothers, asphalt tampers	7.00	10%	10%	.75+a	
Jackhammers, & drill men, boppermen, carpenters' tenders, pipe jointers and setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, landscape laborers, asphalt plant (batcher & hopper men)	6.60	10%	10%	.75+a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

N.Y.-5-PEO-1- A 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	$10.63	6%	1.05	a+b	.15
Backhoe, dragline, gradall, piledriver, shovel	10.905	6%	1.05	a+b	.15
Batching plant (on site of Job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	10.805	6%	1.05	a+b	.15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	9.455	6%	1.05	a+b	.15
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action disphragm), pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	10.455	6%	1.05	a+b	.15
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	10.655	6%	1.05	a+b	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tarper (2 engineers each), welding machine	10.205	6%	1.05	a+b	.15
Crane and boom truck (setting structural or stone)	11.03	6%	1.05	a+b	.15
Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scrapper), vac-all	10.08	6%	1.05	a+b	.15
CMI or maxim spreader, concrete spreader, dorrick, sideboom tractor	11.005	6%	1.05	a+b	.15
Compressor (structural steel)	10.605	6%	1.05	a+b	.15
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpiller or wheel	9.705	6%	1.05	a+b	.15

N.Y.-5-PEO-1 - A 2 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Crane with clam shell bucket	$10.905	6%	1.05	a+b	.15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	11.155	6%	1.05	a+b	.15
Boom lengths of 150' (including jib) but less than 250'	11.405	6%	1.05	a+b	.15
Boom lengths of 250' (including jib) but less than 350'	11.655	6%	1.05	a+b	.15
Boom lengths of 350'	12.155	5%	1.05	a+b	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	10.40	6%	1.05	a+b	.15
Dredge	10.70	6%	1.05	a+b	.15
Elevator, forklift, hoist (1 drum)	10.83	6%	1.05	a+b	.15
Forklift (walk-behind, power operated)	10.62	6%	1.05	a+b	.15
Grader	10.23	6%	1.05	a+b	.15
Hoist (2 and drum)	10.97	6%	1.05	a+b	.15
Hoist (multiple platform)	13.50	6%	1.05	a+b	.15
Mechanical compactors (hand operated), trench machine (hand)	9.08	6%	1.05	a+b	.15
Hoist tandem platform	11.88	6%	1.05	a+b	.15
Hydra-hammer, ridge cutter	9.62	6%	1.05	a+b	.15
Lead engineer	12.105	6%	1.05	a+b	.15
Loading machine (with capacity of 10 yds or over	10.33	6%	1.05	a+b	.15
Oiler, stump chipper	9.105	6%	1.05	a+b	.15
Power buggies	9.33	6%	1.05	a+b	.15
Roller, trench machine	10.705	6%	1.05	a+b	.15
Scoop, carry-all, scraper in tandem	11.08	6%	1.0	a+b	.15
Sideboom tractor (used in tank work)	11.165	6%	1.0	a+b	.15
Striping machine	10.13	6%	1.0	a+b	.15
Tank work	10.93	6%	1.0	a+b	.15
Tower crane (engineer)	11.46	6%	1.05	a+b	.15
Tower crane (oiler)	8.955	6%	1.05	a+b	.15
Welding machine, structural steel	10.68	6%	1.05	a+b	.15

PAID HOLIDAY:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.
b. Basic hourly rate includes $1.00 Vacation fund.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, self-propelled), cherry picker	$10.83	6%	1.25	a+b	.15	
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	11.20	6%	1.25	a+b	.15	
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	11.055	6%	1.25	a+b	.15	
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	8.58	6%	1.25	a+b	.15,	
Boiler	10.33	6%	1.25	a+b	.15	
Boring machine (post holes)	10.77	6%	1.25	a+b	.15	
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, fireman, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding and burning	10.02	6%	1.25	a+b	.15	
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power house, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	10.555	6%	1.25	a+b	.15	
Compressor (2 or more in battery)	10.25	6%	1.25	a+b	.15	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	10.715	6%	1.25	a+b	.15	
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	9.645	6%	1.25	a+b	.15	

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (Cont'd.):						
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip) mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	$ 8.93	6%	1.25	a+b	.15	
Dredge	10.665	6%	1.25	a+b	.15	
Generator	9.94	6%	1.25	a+b	.15	
Generator (small)	8.615	6%	1.25	a+b	.15	
Grader	10.235	6%	1.25	a+b	.15	
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	11.045	6%	1.25	a+b	.15	
Lead engineer	12.93	6%	1.25	a+b	.15.	
Mechanic	8.635	6%	1.25	a+b	.15	
Mechanic helper	8.295	6%	1.25	a+b	.15	
Mechanical compactors (machine drawn), roller (over 5 tons)	10.37	6%	1.25	a+b	.15	
Oiler, root cutter, stump chipper, tower crane (oiler), track tamper (2 engineers, each)	8.62	6%	1.25	a+b	.15	
Portable heaters	10.195	6%	1.25	a+b	.15	
Powerbroom	9.075	6%	1.25	a+b	.15	
Pump (concrete)	10.29	6%	1.25	a+b	.15	
Scoop (carry-all, scraper in tandem), tower crane (engineer)	11.455	6%	1.25	a+b	.15	
Tractor (caterpilla or wheel)	8.405	6%	1.25	a+b		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial-Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day.

b. Basic hourly rate includes $1.00 vacation fund.

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO. NY-75-3039
COUNTY: NIAGARA
DATE: Date of Publication

Supersedeas Decision No. NY-75-3014 dated February 14, 1975 in 40 FR 6944
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

32-New York-1-2-3-Z 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.36	.72	.55		.04
Boilermakers	9.45	.50	.95		.02
Bricklayers:					
North Tonawanda:					
Bricklayers & stone masons	9.79	.55	1.00		.01
Terrazzo workers & tile setters	9.41	.55	1.00		
Marble setters	9.505	.55	1.00		
Remainder of County:					
Bricklayers & stone masons	9.57	.42	.52		
Marble masons, terrazzo works & tile setters	9.33	.42	.52		
Carpeters: Building					
North Tonawanda:					
Carpenters and millwrights	8.78	1.25	1.10		
Soft floor layers	8.20	1.25	1.10		
Remainder of County:					
Carpeters & soft floor layers	9.15	.55	1.05		.02
Millwrights	9.26	.55	1.05		.02
Carpenters, Heavy & Highway					
North Tonawanda:					
Carpenters, piledrivermen	8.78	1.25	1.10		
Remainder of County:					
Carpenters & Piledrivermen	7.42	1.10	.70		.02
Cement masons	9.57		.40+.56		
Electricians:					
Electricians	10.78	.35+.20	1%+.30		½ of 1%
Cable splicers	11.28	.35+.20	1%+.30		½ of 1%
Elevator constructors	10.555	.445	.29	3%+a+b	.02
Elevator constructors' helpers	7.39	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	5.28				
Glaziers	8.64	.50	.90		.05
Ironworkers:					
Structural, ornamental & reinforcing	9.66	.51	.40		.01
Lathers	10.155		.20		
Lead burners	9.25	.35		c	.01

NY-75-3039 P. 2

32-NY-1-2-3-A 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen:					
Linemen	$10.10	.65	1%+.60	d	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment op operator	8.30	.65	1%+.60	d	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%
Cable splicer	11.11	.65	1%+.60	d	3/8%
Marble, tile and terrazzo workers' helpers	7.36	.40	1.40		
Painters:					
Twps., of Somerset, Hartland, Royalton, New fane, Lockport, Pendleton and the eastern half of Cambria and Wilson:					
Brush	8.655	.525+.45	.30		.10
Steel, tanks, towers, stacks, flag poles, radio TV towers	9.155	.525+.45	.30		.10
Sandblasting, swing stage spray, bosun chair	8.905	.525+.40	.30		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525+.40	.30		.10
Remainder of County:					
Brush	6.945	.525+.40	.30		.10
Spray, steel steeple jack, swing scaffold	7.345	.525+.40	.30		.10
Bridge-crossing the Niagara River	9.86	.525+.40	.30		.10
Piledrivermen:					
Piledrivermen, dock carpenters and drivers' tenders	8.78	1.25	1.10		
Drivers	16.07	1.25	1.10		
Plasterers	10.41				
Plumbers and Steamfitters	10.30	.575	.60		.025
Roofers:					
Composition, damp, waterproofers sprayers, asphalt mastic, wood block floor workers, steem roofers & siders	8.44	1.09	1.10		.02

32-New York-1-2-3-A 3 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Slate, tile, asbestos & pre-cast	$ 8.27	1.09	1.10		.02
Sheet metal workers, commercial	9.98	.40	.95		.08
Sprinkler fitters	10.34	.50	.70		.06
Truck Drivers:					
Building, heavy & highway:					
Contractor drivers	8.695	.50	.55	e + f	
Ready mix	7.965	.50	.55	e + f	
Dump	7.925	.50	.55	e + f	
Welders-Craft Rate					

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 basic hourly rate for 5 years or more of service or 2% basic hourly rate after 6 months to 5 years of service as Vacation Pay Credit.

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 regular schedule work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governoor of New York State (provided employee works the day before and after the holiday.

e. After one year, one weeks vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, vacation will be prorated for either 1 or 2 weeks of vaction on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.

NY-6-LAB-1-2-3-G

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Building, Heavy, Highway & Airport Construction:					
Laborers	$7.43	.60	1.55		
Form setter, wagon drill opr., road finishers, blasters, gunite nozzlemen, operator of concrete saw burning torch	7.93	.60	1.55		
Pipelayers, pavement breakers or busters, jackhammer operators, Barco rammers, chain-saw, powder monkey, black top rakers, scalers, drill helpers, mortar mixers, swing scaffold, bosun chair, suspended cage or bucket, caissons below 8 ft, concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power	7.63	.60	1.55		
Rock Tunnel Free Air:					
Driller, shaft driller	7.78	.60	1.55		
Chucker, mucking machine tender, shaft mucker	7.68	.60	1.55		
Nipper, car pusher-trimer, track gang, bull gang, cage man, concrete gang, powder monkey	7.63	.60	1.55		
Blasters, burning torch on demolition	7.93	.60	1.55		
Rodman	8.03	.60	1.55		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Road rollers (over 7 tons) when used on blacktop, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, trenchers, backfillers, cableways, draglines, backhoes, piledriving rigs, post drivers (except truck mounted), concrete mixer one yard and over, tunnel mucking machines, all tractors used in connection with scoper wagons, snowloader, all repair work or maintenance work under the supervision of a master mechanics, lubriation engineers, winch tractors, bulldozers, graders, blacktop spreaders, air-hoist commonly known as air tuggers when hoisting materials provided an engineer operates both machines and also provided the compressor and tugger are not separated by more than one hundred feet, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm typed crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously and for any make portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, self propelled rollers if on blacktop, scraper, either double or single bowl, CMI grading machine, truck mounted concrete pump, self-propelled riding vibrators, hydraulic concrete joint jammer, Roman loaders, concrete planers, mechanic, wilder, euclid type belt loaders, mechanical and hydraulic pipe pushing machine, scoop-mobiles, fortlifts and hoist which lift higher than 25 feet.

GROUP II: Elevators, material hoist, road rollers except as prescribed in group I, tractors, pavement busters, jeep trenches, pumps over 4 inches, concrete blowers, air compressors over 165 cubic ft., compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but atleast within a 100 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over, stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, small trenchers which excavate to a depth of not more than 4 feet, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ½ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, pin puller, self propelled rollers not on blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP III: Oilers on (shovels, cranes, draglines, backhoes (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrcranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: A truck crane oiler will be provided on rubberized equipment, when there is a separate cab to the house

GROUP V: Steam Boiler Operator

Building, Heavy & Highway Construction Power Equipment Operator's	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.47	.40	.40+.40	a	.10
GROUP II	8.90	.40	.40+.40	a	.10
GROUP III	7.96	.40	.40+.40	a	.10
GROUP IV	8.15	.40	.40+.40	a	.10
GROUP V	8.60	.40	.40+.40	a	.10

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; (providing employee works the day before and the day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ONEIDA

DECISION NO. NY-75-3040 DATE: DATE OF PUBLICATION

Supersedes Decision No. AR-2066 dated October 11, 1974 in 39 FR 36808

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

33-New York-1-2-3 X 1 of 4

BUILDING, HVY. & HWY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	10.05	.60	.21		.02
Boilermakers	10.00		10%		.01
Bricklayers					
Twps. of Remsen, Trenton, Marcy, Dearfield, New Hartford, Paris, Bridgewater, Sangerfield, Marshall, Kirland & Whitestown & Forestport:					
Bricklayers, cement masons, plasterers and stone masons	7.95	.30	.50+1.00		
Cement masons, Heavy & Highway	8.30	.25	.50		
Remainder of County:					
Bricklayers, cement masons, plastorers & stonemasons	8.80	.45	.20		
Cement masons, heavy & highway	8.50	.40	.20		
Carpenters, building:					
Carpenters & soft floor layers	8.25	.30	.30	g	.03
Piledrivermen & millwrights	8.50	.30	.30	g	.03
Carpenters, heavy and highway	8.62	.30	.30	g	.025
Electricians:					
Sylvian Beach, Hillsboro, McConneville and North Bay	9.75	.42	1%+.55	.045	.05
Remainder of County	9.66	.35	1%+.29		.04
Elevator constructors	9.195	.395	.26	2½%+a+b	.02
Elevator constructors' helper	6.44	.395	.26	2½%+a+b	.02
Elevator constructors' helpers (prob)	4.60				
Ironworkers:					
Structural, ornamental & reinforcing	9.08	.45	.57		.05
Laborers, building:					
Twps. of Forestport, Remsen, Trention, Marcy, Deerfield, Whitestown, New Hartford, Kirkland, Marshall, Harris, Sangerfield and Bridgewater:					

33-New York-1-2-3-X 2 of 4

BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers, building Cont'd:					
Laborers	$ 6.10	.60	.90		
Pipelayers, asphalt rakers, mortar mixers (hand or machine), motor buggy op., (walk behind), power high lift, mason tender and power tool operator	6.25	.60	.90		
Blasters, form setters, motor buggy rider type	6.60	.60	.90		
Wagon drill operator, acetylene torch, chain-saw op., & wagon drill operator	6.50	.60	.90		
Remainder of County:					
Laborers	6.675	.35	.50		
Jackhammermen & excavation 8' or more in depth	6.575	.35	.50		
Lead burners	9.25	.35		c	.01
Linemen:					
Linemen, cable splicer helpers & material man	10.10	.65	1%+.60	d	3/8%
Cable splicers	11.11	.65	1%+.60	d	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment operator	8.30	.65	1%+.60	d	3/8%
Groundman truck driver & mechanic	7.90	.65	1%+.60	d	3/8%
Groundman dynamite man	8.30	.65	1%+.60	d	3/8%
Marble setters, terrazzo workers & tile setters	7.67	.30	.50		
Painters:					
Twps. of Vienna, Western, Rome, Westmoreland, Steuben, Augusta, Annsville, Ava, Lee, Verona, Vernon, Floyd and Boonsville:					
Brush	6.90	.30	.35		
Roller	6.90	.30	.35		
Steel and sandblasting	7.40	.30	.35		
Spray	7.30	.30	.35		

33-New York-1-2-3 X 3 of 4

BUILDING, HVY & HWY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
Painters: (Cont'd)					
Remainder of County:					
Brush	7.70	.175	.30		
Structural steel and roller	7.95	.175	.30		
Spray	8.30	.175	.30		
Sandblasting	8.70	.175	.30		
Plumbers and Steamfitters:					
Twps. of Florence, Steuben, Camden, Vienna, Ava, Rome, Boonsville, Annsville, Verona, Lee, Westmorelan, Western, Vernon, Augusta, and Kirkland	8.81	.70	1.00	.50	.01
Remainder of County	10.08	.35	.70		.01
Roofers:					
Roofers	9.15	.60	.75		
Helpers: 1st 30 days	7.28	.35	.45		
Next 60 days	7.40	.35	.45		
Sheet metal workers	9.345	.34	.60		.07
Sprinkler fitters	9.60	.50	.70		.08
Truck drivers, building:					
Straight, winch, transit-mix on site, road oilers, dumpers, pick-up panel, water & fuel on site	4.55			e	
Lowboy or lowboy trailer	4.70			e	
Euclid	4.80			e	
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

33-NY-1-2-3 X 4 of 4

BUILDING, HVY. & HWY CONSTRUCTION

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. Holidays: A through F.

c. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State (provided employee works the day before and the day after the holiday).

e. One week vacation after one year's work.

f. Two hours off on Election Day.

g. Labor Day and Memorial Day paid

Twps. of Florence, Camden, Annsville, Lee, Ava, Boonville, Western, Steuben, Vienna, Rome, Floyd, Westmoreland, Vernon, Augusta and Verona.

NY75-3040 P. 5

NY-7-LAB-2-3-J

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$7.00	.50	.50	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and airtool operators, bull float tamper, pipelayers	7.20	.50	.50	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.40	.50	.50	a	
Blasters, form setters, stone or granite curb setters	7.60	.50	.50	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

NY-23-LAB-2-3-I

REMAINDER OF COUNTY HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.20	1.10	.70	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and airtool operators, bull float tamper, pipelayers	6.40	1.10	.70	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.60	1.10	.70	a	
Blasters, form setters, stone or granite curb setters	6.80	1.10	.70	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Asphalt and blacktop roller, automated concrete spreader (CMI or equivalent), automated fine grade machine (CMI), backhoe, belt placer, blacktop spreader (such as Barber Greene & BawKnox) blacktop plant (automated), blast or rotary drill (truck or cat mounted), boom truck, cableway, caisson auger, carry-all-scraper-self loading, central mix plant (automated), cherry picker-over five (5) ton capacity, compressors, pump, generator, or welding machine (when used in a battery of not more than four (4), crane, crusher-cock, derrick, diesel power unit, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), elevator hoist-two cage, excavator-all purpose-hydraulically operated, fork lift (factory rating 15 ft. or more), front end loader (4 c.y. and over), gradall, grader (power), head tower (saur man or equal), hoist (2 or 3 drums), locomotive, maintenance engineer, maintenance welder, mine hoist, mucking machine or mole, overhead crane fixed permanent, pile driver, quarry master or equivalent, refrigeration equipment - for soil stabilization, shovel, side boom, slip form paver, straddle buggy (ross carrier, lumber carrier) tractor drawn belt type loader (Euclid Loader), trenching machine (digging capacity of over 4 ft. depth), truck crane operator, tunnel shovel, vibro or sonic hammer controls (when not mounted in proximity to the rig operator

GROUP II: "A" frame truck, blacktop plant (non-automatic), boring machine, bulldozer, cage hoist, carry-all scraper, central mix plant (non-automated), cherry picker five (5) tons and under, compressor (315 C.F. and over), concrete paver (single drum over 16S), concrete pump, core boring machine, drill rigs-tractor mounted, elevator-as a material hoist, fork lift (factory rating less than 15 ft.), front end loader (under 4 c.y.), gunnite machine, high pressure boiler (15 lbs. and over), hoist (one drum), hydraulic breaking hammer, (drop hammer), Kolman plant loader (screening gravel), maintenance grease man, mixer for stabilized mase - self-propelled (seaman mixer), monorail machine, parapet concrete or pavement grinder post hole digger (truck or tractor mounted), post driver (truck or tractor mounted), power sweeper (Wayne or similar), pump 4" and over, pump-crete or squeeze-crete, road widner (front end of grader or self-propelled), shell winder (motorized), snorkel (overhead arms), roller, trenching machine (digging capacity of 4 ft. or less), tugger hoist vibro tamp, well drill, well point system (Submersible pumps when used in lieu of well-point system), winch (motor driven), winch cat, winch truck

GROUP III: Compressor (under 315 c.f.), concrete paver or mixer (under 16S), concrete pavement spreaders and finishers (not automated), conveyor (over 12 ft.), electric submersible pump (4" and over), farm tractor with or without accessories, fine grade machine (not automated), fireman, form tamper, generator (2,500 watts and over), hydraulic pump, mechanical heaters-more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating), mulching machine, oiler, power driven welding machine - 300 amp. and over (other than all electric), one welding machine under 300 amp. will not require an engineer unless in a battery), power heaterman (hay drier) pump (under 4"), revinius widner (road widener), steam cleaner or jenny, tractor with or without towed accessories

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D:

GROUP IV: Crane or derrick with a boom length of over 150 ft. including jib, and on a pile driver with leads or boom length of over 100 ft.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.43	.45	.85	a	.10
CLASS II	8.93	.45	.85	a	.10
GROUP III	8.01	.45	.85	a	.10
GROUP IV	10.43	.45	.85	a	.10

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

NY-4-PEO-2-3-A
1 of 2

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete. ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pushar, trencher, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

NY-4-PEO-2-3-A
2 of 2

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.60	.45	.45+a	b	.10
GROUP II	8.30	.45	.45+a	b	.10
GROUP III	7.75	.45	.45+a	b	.10
GROUP IV	7.05	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.40 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

N.Y. 1-TD-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTY: ONONDAGA

DECISION NO.: NY-75-3041

DATE: DATE OF PUBLICATION

Supersedeas Decision No. AR-2067 dated October 11, 1974 in 39 FR 36814
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

34-N.Y.-1-2-3-Y 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.05	.47	.21		.02
Boilermakers	10.00	.60	10%		.01
Bricklayers and stone masons	9.10	.61	.70		.03
Carpenters, (Building)	9.07	.55	.60		.05
Carpenters and piledrivermen, heavy and Highway	8.67	.55	.60		.025
Cement masons, building		.60	.50		
Cement masons, heavy and highway	6.78	.40	.40		.01
Electricians:					
Elebridge and Skaneateles Twps.	9.73	.55	1%+.35		.05
Remainder of County	9.75	.42	1%+.80	.045	.05
Elevator constructors	9.92	.445	.29	3%+a+b	.02
Elevator constructors' helpers	6.94	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prpt.)	4.96				
Glaziers	9.00	.50			.01
Ironworkers, structural, ornamental and reinforcing	9.51	.47	.57		.10
Laborers, Building:					
Laborers	7.60	.55	.55		
Air tool op., (jackhammermen, vib.) plasterers' helpers, gas buggies, mortar mixers (hand & machine), chipping hammer, automatic tampers	7.70	.55	.55		
Lathers	8.915	.325	.40		.01
Lead burners	9.25	.35		c	.01
Linemen:					
Linemen	10.10	.65	1%+.60	d	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	d	3/8%
Groundman mobile equipment operator	8.30	.65	1%+.60	d	3/8%
Groundman truck driver and mechanic	7.90	.65	1%+.60	d	3/8%
Cable splicer	11.11	.65	1%+.60	d	3/8%
Groundman dyanmite man	8.30	.65	1%+.60	d	3/8%
Marble setters	9.915	.61	.70		
Millwrights	9.225	.55	.60		.05
Painters:					
Brush	8.58	.60	.45		
Structural steel	9.18	.60	.45		
Spray	9.08	.60	.45		
Plumbers	9.10	.51	.57		.15
Roofers:					
Roofers	9.15	.60	.75		
Helpers: 1st 30 days	7.28	.35	.45		
Helpers: next 60 days	7.40	.35	.45		
Sheet metal workers	9.955	.52	.70		.07

34-N.Y.-1-2-3-Y 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Soft floor layers	$ 8.47	.55	.60		.025
Sprinkler fitters	9.05	.40	.60		.07
Steamfitters	9.945	.50	.30		.025
Terrazzo workers	7.915	.61	.70		
Tile setters	7.915	.61	.70		
Truck Drivers: (Building)					
Truck drivers	8.00	.40	.50		
Mechanics	8.20	.40	.50		
Euclids	8.25	.40	.50		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

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. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (providing employee works the day before and the day after the holiday).

NY-8-LAB-2-3-H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.90	.55	.55	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	7.10	.55	.55	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.30	.55	.55	a	
Blasters, form setters, stone or granite curb setters	7.50	.55	.55	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Asphalt and blacktop roller, automated concrete spreader (CMI or equivalent), automated fine grade machine (CMI), backhoe, belt placer, blacktop spreader (such as Barber Greene & Hawkinox) blacktop plant (automated), blast or rotary drill (truck or cat mounted), boom truck, cableway, caisson auger, carry-all-scraper-self loading, central mix plant (automated), cherry picker-over five (5) ton capacity, compressors, pump, generator, or welding machine (when used in a battery of not more than four (4), crane, crusher-cock, derrick, diesel power unit, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), elevator hoist-two cage, excavator-all purpose-hydraulically operated, fork lift (factory rating 15 ft. or more), front end loader (4 c.y. and over), gradall, grader (power), head tower (saur man or equal), hoist (2 or 3 drums), locomotive, maintenance engineer, maintenance welder, mine hoist, mucking machine or mole, overhead crane fixed permanent, pile driver, quarry master or equivalent, refrigeration equipment - for soil stabilization, shovel, side boom, slip form paver, straddle buggy (roes carrier, lumber carrier) tractor drawn belt type loader (Euclid Loader), trenching machine (digging capacity of over 4 ft. depth), truck crane operator, tunnel shovel, vibro or sonic hammer controls (when not mounted in proximity to the rig operator

GROUP II: "A" frame truck, blacktop plant (non-automatic), boring machine, bulldozer, cage hoist, carry-all scraper, central mix plant (non-automated), cherry picker five (5) tons and under, compressor (315 C.F. and over), concrete paver (single drum over 16S), concrete pump, core boring machine, drill rigs-tractor mounted, elevator-as a material hoist, fork lift (factory rating less than 15 ft.), front end loader (under 4 c.y.), gunnite machine, high pressure boiler (15 lbs. and over), hoist (one drum), hydraulic breaking hammer, (drop hammer), Kolman plant loader (screening gravel), maintenance grease man, mixer for stabilized base - self-propelled (seaman mixer), monorail machine, parapet concrete or pavement grinder post hole digger (truck or tractor mounted), post driver (truck or tractor mounted), power sweeper (Wayne or similar), pump 4" and over, pump-crete or squeeze-crete, road widner (front end of grader or self-propelled), shell winder (motorized), snorkel (overhead arms), roller, trenching machine (digging capacity of 4 ft. or less), tugger hoist vibro tamp, well drill, well point system (Submersible pumps when used in lieu of well-point system), winch (motor driven), winch cat, winch truck

GROUP III: Compressor (under 315 c.f.), concrete paver or mixer (under 16S), concrete pavement spreaders and finishers (not automated), conveyor (over 12 ft.), electric submersible pump (4" and over), farm tractor with or without accessories, fine grade machine (not automated), fireman, form tamper, generator (2,500 watts and over), hydraulic pump, mechanical heaters-more than two (2) mechanical heaters or any mechanical heater or heaters whose combined output exceeds 640,000 BTU per hour (manufacturer's rating), mulching machine, oiler, power driven welding machine - 300 amp. and over (other than all electric), one welding machine under 300 amp. will not require an engineer unless in a battery), power heaterman (hay drier) pump (under 4"), rewinius widner (road widener), steam cleaner or jenny, tractor with or without towed accessories

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BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D:

GROUP IV: Crane or derrick with a boom length of over 150 ft. including jib, and on a pile driver with leads or boom length of over 100 ft.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$ 9.43	.45	.85	a	.10
CLASS II	8.93	.45	.85	a	.10
GROUP III	8.01	.45	.85	a	.10
GROUP IV	10.43	.45	.85	a	.10

FOOTNOTES:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day and Christmas Day, providing employee has worked 5 consecutive working days before and the working day after the holiday.

NY-4-PEO-1-3-A 1 of 2

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (saberman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is noded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Koiman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, dust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

NY-4-PEO-2-3-A
2 of 2

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.60	.45	.45+a	b	.10
GROUP II	8.30	.45	.45+a	b	.10
GROUP III	7.75	.45	.45+a	b	.10
GROUP IV	7.05	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.40 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the employee works the working day before and after the holiday.

N.Y. 1-TD-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: ORANGE
DECISION NO: NY-75-3042 DATE: Date of Publication
Supersedes Decision No. AR-2083, dated October 11, 1974 in 39792
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

36-NY-1-I-3- D

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.12	5%	6%	.20%	
Boilermakers	10.57	5%	5%+10%	7%	.02
Bricklayers, cement masons plasterers and stone masons:					
Twps., of Newburg, New Windsor, Blooming Grove, Cornwall, Highlands, Woodbury and Monroe; and Arden and Southfield	7.80	.97	.98	1.25	
Cement finishers, Hvy. & Hwy.	7.80	.97	.98	1.25	
Cement finishers, Bridge & overpass work -	7.70	.97	.98	1.25	
Greenwood Lake, Warwick, Monroe and Tuxedo to Hudson River and areas east thereof to County line	8.90	.69	1.69	1.00½	.03
Remainder of County	8.74	.39	.78	1.00	
Cement masons, Hvy. & Hwy.	8.05	6%	8%	.50	
Carpenters:					
Tuxedo, Woodbury, Monroe, part of Cornwall, Chester, Blooming Grove and Highlands:					
Carpenters, soft floor layers, bridge dock and wharf carpenters, building, heavy and highway	9.07	.85	.75	1.15	.15
Remainder of County:					
Carpenters, building:					
Carpenters & soft floor layers	8.25	.45	.65	.40	.05
Piledrivermen, dock builders building	8.25	.45	.65	.40	.05
Carpenters, highway:	8.25	.45	.65	.40	.05
Piledrivermen, dock builders, highway	8.25	.45	.65	.40	.05
Electricians:					
Otisville, Middletown, Goshen, Florida, Warwick, Port Jervis, Sparrow Bush, Monroe, Harriman, Southfields, Tuxedo Lake and Tuxedo Twp.	8.50	8%	17%	10%	1%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Remainder of County	9.70	.45	1%+.69	.60	½ of 1%
Elevator Constructors	9.52	.445	.29+f	b+c	.02
Elevator Constructors' helpers	7.14	.445	.29+f	b+c	.02
Elevator Constructors' helpers (prob.)	4.76				
Elevator Constructors Modernization	8.75	.445	.29+f	b+c	.02
Elevator Constructors Modern. Helpers	6.56	.445	.29+f	b+c	.02
Elevator Constructor repair	7.90	.445	.29+f	b+c	.02
Elevator Constructor repair helper	5.92	.445	.29+f	b+c	.02
Glaziers	9.10	.66	1.66	.365	.03
Ironworkers, structural, ornamental and reinforcing	8.92	.95	1.67	1.20	.04
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)	8.02	.60	.60	a	
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	8.27	.60	.60	a	
Lathers	7.25	10%	.95		.01
Leadburners	9.25	.35		d	.01
Line Construction:					
Linemen cable splicer helper & material man	10.10	.65	1%+.60	e	3/8of1%
Groundman					3/8of1%
Groundman digging machine operator	9.17	.65	1%+.60	e	3/8of1%
Groundman mobile equipment operator	8.30	.65	1%+.60	e	3/8of1%
Groundman truck driver and mechanic	7.90	.65	1%+.60	e	3/8of1%
Groundman dynamite man	8.30	.65	1%+.60	e	3/8of1%
Cable splicer	11.11	.65	1%+.60	e	3/8of1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Marble setters, terrazzo workers and tile setters:					
West Newburgh, Little Britain, Rock tavern, Lagrange, New Hampton, Ridgeburg & Johnson to County Line and all areas inclusive south thereof County lines:					
Marble setters, cutters	7.80	.78	.94		
Marble setters' helpers	7.50	1.05		1.15	
Terrazzo workers	8.40	1.11	.63		
Terrazzo workers' helpers	7.43	.475	.475		
Terrazzo machine operator	7.68	.475	.475		
Tile setters	8.25	.60	1.95		
Tile setters' helpers	7.58	.50	1.27		
Millwrights	9.86	.95	1.63	.55	.02
Painters:					
Tuxedo; Greenwood Lake					
Brush	7.55	7%	3%		
Structural steel	8.05	7%	3%		
Spray	8.75	7%	3%		
Remainder of County:					
Painters	6.65	7%	.80	.70	
Spray & sandblasting	7.65	7%	.80	.70	
Steel, smoke stack, bridges, towers, etc.	7.55	7%	.80	.70	
Plumbers & Steamfitters:					
Twps., of Villages & Hamlets and/ or portions thereof:					
Lakeville, Four Corners, Sterling Forest, Tuxedo, Tuxedo Park, Southfield, Arden, Newburgh Junction, Greenwood Lake, Monroe, Harriman, Woodbury Falls, Woodbury, Woodbury Station, Highland Mills, Central Valley, and the Palisades Interstate Park and Bear Mountain Park	8.60	.86	1.73	.5%	.09
Remainder of County	9.00	.81	.63+.486	.5%	.09
Roofers:					
Pitch	12.06	9%	.86		
Composition and shingle	9.60	9%	.86		
Asbestos, slate and tile	9.85	9%	.86		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sheet metal workers	9.51	6%	13%	9%	.02
Sprinkler fitters	9.60	.50	.70		.08
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. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Armistice Day, Columbus Day and Election Day.

c. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Holidays: A through F; Washington's Birthday and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holiday.

e. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

f. Employer contributes $7.00 per day to Annuity Fund.

g. Employee shall receive 2 hours time off with pay on all Election Days

h. Holiday A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veterans' Day, providing employee works one day in the calendar week in which the holiday falls; and further providing that the holiday falls on a regular work day.

PAID HOLIDAYS: (CONT'D)

i. Employer contributes $.60 per hour to a trust fund and $.15 per hour to an annuity fund.

j. Employer contributes $.20 per hour to an annuity fund.

k. Employer contributes $.73 per hour to a Security benefit fund.

l. Employer contributes $1.08 per hour to a combined health, welfare and pension fund.

m. Employer contributes $.45 per hour to an annuity fund.

n. Paid Holiday, St. Patricks Day.

HEAVY AND HIGHWAY CONSTRUCTION:

GROUP I: Laborer, pitman, flagmen, chuck tender, dump men, handling and distributing of drinking water, placing and maintenance of all flares, lights, barricades and all reflective type materials for traffic control

GROUP II: Concrete men, vibrator men, asphalt men, joint setter, signal men, mason tenders, mortar men, pipelayers, rip rap and dry stone layers, steel rod carriers, jackhammer, pavement breaker, wagon drill, air track, jib rig and joy drill op., power buggy op., gunnite and sandblasting, coal passers and other machine op., sprayer and nozzle men on mulching and s seeding machines, all seeding and sod laying, all landscape work, grade checkers, all bridge work, walk behind self-propelled power saw walk behind rollers and tampers of all types, wrecking laborers (including torren and burnermen), all sheeting and shoring coming under the laborers jurisdiction bit grinder, operator of form pin pullers and drivers, joint and jet sealers and filling and wiring of baskets for gabion walls, permanent sign man

GROUP III: Concrete finisher on highways, form setter, granite stone layer, ingersoll rand heavy duty crawler - master type ECM2 or equivalent or any drill using a 4" or larger bit

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$7.50	.60	.60	a	
GROUP II	7.75	.60	.60	a	
GROUP III	8.15	.60	.60	a	

HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Veteran's Day; provided employee works one day in the calendar week in which the holiday falls and reports for work the first working day following the holiday.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - concr. autograder, base mix spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-constn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-S and over), paver (resincus, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumporete, squeezecrete & similar types,, conveyors (125' & over), econocbiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumporete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (rose & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skinner machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hanner vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-S), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & broom, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operations: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

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BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

NY-20-PEO-2-X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & OTHER CONSTRUCTION:

GROUP I: Auto grade-setter, tractor, dual whl. spreader & base trimmer (CMI & similar types), subgrade placer-trimmer-spreader-conip. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-S and over), paver (resinous, broyhill), pavement & concrete breaker (superhanner), pavement breaker truck mounted, pileDriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping systen, pumperete, squeezecrete and similar types, conveyors (125' and over), econonobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, de's whes), pumperete (unit type), pumperete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Boots), scrapers (letourneau, de's whes), side booms, squeerecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trinner & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, betsel, renomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skinner machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hanner vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-S), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & STRIP CONSTRUCTION CONTD.:

compressor or hydraulic unit), pipe boring machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintenance, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

NY-18-PEO-3-B 3 of 3

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F, Washington's Birthday, Presidential Election Day and Verterans Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION N.Y. 2-ZH-1-2-3-P

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Drivers on LeTourneau tractors, double barrel Euclids Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Beam, pole trailers, road oil distributors, tire trucks tractors and trailers with 5 axle and over	$7.66	.70	.70	a		
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	7.56	.70	.70	a		
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers	7.36	.70	.70	a		
Ten wheelers, grease trucks and tiller men	7.26	.70	.70	a		
Straight trucks	7.16	.70	.70	a		
Pick-up trucks used for hauling material parts escort man over the road	7.16	.70	.70	a		
Helpers	7.06	.70	.70	a		

Paid Holidays:

A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: RENSSELAER

DECISION NO.: NY75-3043 DATE: DATE OF PUBLICATION

Supersedes Decision No. AR-2068 Dated October 11, 1974 in 39 FR 36818
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

42-NY-1-2-3-X 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.93	.32	.18		.02
Boilermakers	10.00	.60	10%		.01
Bricklayers	9.29	.45	.30		.01
Carpenters, Building:					
Carpenters	8.70	.50	.50		.02
Millwrights	9.20	.50	.50		.02
Carpenters, Heavy & Highway:					
Carpenters	8.82	.50	.50		.025
Cement masons, Building	9.29	.45	.30		
Cement masons, Heavy & Highway	8.35	.45	.30		
Electricians:					
Rensselaer, Greenbush, Castleton, Hudson and Nassau	10.15	.30	1%+.50	a	
Remainder of County	9.70	.50	2%+.35	g	h
Elevator constructors	9.48	.445	.29	3%+b+c	.02
Elevator constructors' helpers	6.64	.445	.29	3%+b+c	.02
Elevator constructors' helpers (Probationary)	4.74				
Ironworkers, structural, ornamental and Reinforcing	8.84	.55	.85		.04
Laborers, Building					
Laborers	7.60	.55	.70		.02
Pipelayers, hod carriers, mortar-mixer (hand or machine), jack-hammer, well pointing, air or gas hammers and drills, electric hammers 50 lbs.	7.85	.55	.70		.02
Acetylene burners	7.875	.55	.70		.02
Wagon drills	7.825	.55	.70		.02
Form setters (curb)	7.775	.55	.70		.02
Blasters	8.075	.55	.70		.02
Lathers	7.96	.25	.10		.01
Lead burners	9.25	.35		d	.01
Line Construction:					
Linemen	10.10	.65	1%+.60	e	3/8%
Cable splicers	11.11	.65	1%+.60	e	3/8%
Groundman digging machine op.	9.17	.65	1%+.60	e	3/8%
Groundman mobile equipment op.	8.30	.65	1%+.60	e	3/8%
Groundman truck driver & mechanic	7.90	.65	1%+.60	e	3/8%
Groundman dynamite man	8.30	.65	1%+.60	e	3/8%

42-NY-1-2-3-X 2 of 2

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush	7.97		.35		
Structural steel and bridge	8.72		.35		
Spray	9.07		.35		
Piledrivermen and Dock builders	9.61	.95	1.33	.61	.02
Plasterers	9.29	.45	.30	.30	.01
Plumbers and Steamfitters:					
Troy and vicinity	9.00	.50	.85		.04
Southern part of county	9.30	.35	.72		.05
Roofers	9.00	.63	.30		.02
Sheet metal workers	9.34	.60	.40		.05
Soft floor layers	8.70	.50	.50		.02
Sprinkler fitters	9.60	.50	.70		.08
Stone masons	9.29	.45	.30		.01
Truck drivers, Building:					
Straight, winch transit-mix on site, road rollers, dump, pick up, panel, water trucks and fuel trucks on site	7.09	.37	.37	f	.02
Lowboy or lowboy trailer	7.24	.37	.37	f	.02
Euclids	7.34	.37	.37	f	.02
Welders - receive the rate prescribed for craft performing operation to which welding is incedential					

City of Troy, Building, Heavy & Highway Construction; Remainder of County: Building Construction

N.Y. 3-PSO-1-J 1 of 1

NY75-3043 P.3

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drup)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hanner, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.60	.45	.45+.30	a	.10
GROUP 2	8.66	.45	.45+.30	a	.10
GROUP 3	8.76	.45	.45+.30	a	.10
GROUP 4	8.94	.45	.45+.30	a	.10
GROUP 5	9.24	.45	.45+.30	a	.10
GROUP 6	9.37	.45	.45+.30	a	.10
GROUP 7	9.54	.45	.45+.30	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

NY-Z7-LAB-2-3-C

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.75	.55	.70	a	
Concrete aggregate bin, mortar mixer, hand or machine vibratce gin buggy, mason tenders, concrete bootmen, chain saw, jackhanner, pavement breaker and all other gas, electric oil and air-tool operators, bull float tanper					
pipelayers	6.95	.55	.70	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.15	.55	.70	a	
Blasters, form setters, stone or granite curb setters	7.35	.55	.70	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

REMAINDER OF COUNTY:

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (4-1), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to countain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cot

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (16S and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power beaterman, revinius widener, shell winder, steam cleaner, tractor

REMAINDER OF COUNTY:
HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through 7: providing the works the day day before and after the holiday.

N.Y. 1-TD-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments				
		H & W	Pensions	Vacation	[illegible]	[illegible]
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbed material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK

COUNTY: SCHENECTADY

DECISION NO.: NY-75-3044

DATE: DATE OF PUBLICATION

Supersedeas Decision No. AZ-2011 dated July 26, 1974 in 39 FR 27402
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

47-N.Y.-1-2-3- W 1 of 2

BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.93	.32	.18		.02	
Boilermakers	10.00	.60	10%		.01	
Bricklayers, cement masons, plasterers, stone masons, caulkers & pointers	9.29	.45	.30		.01	
Carpenters:						
Carpenters and soft floor layers, building	8.70	.50	.50		.02	
Millwrights, building	9.20	.50	.50		.02	
Carpenters, heavy and highway	8.82	.50	.50		.025	
Cement masons, heavy and highway	8.35	.45	.30			
Electricians	9.85	.35	1%+.70	a	.05	
Elevator constructors	9.48	.445	.29	3%+a+b	.02	
Elevator constructors' helpers	6.64	.445	.29	3%+a+b	.02	
Elevator constructors' (probationary) helpers	4.74					
Ironworkers, structural, ornamental and reinforcing	8.84	.55	.85		.04	
Laborers, Building:						
Laborers	7.60	.55	.70		.02	
Air tool op. (jackhammer, vibrator)	7.75	.55	.70		.02	
Asphalt rakers						
Mortar mixers, hand or machine	7.75	.55	.70		.02	
Wagon drill	7.825	.55	.70		.02	
Blasters	8.075	.55	.70		.02	
Acetylene burners	7.875	.55	.70		.02	
Demolition	7.85	.55	.70		.02	
Lathers	7.935	.275	.10		.01	
Lead burners	9.25	.35		c	.01	
Line Construction:						
Linemen, cable splicer helpers' and material man	10.10	.65	1%+.60	d	3/8of1%	
Cable splicer	11.11	.65	1%+.60	d	3/8of1%	
Groundman digging machine operator	9.17	.65	1%+.60	d	3/8of1%	
Groundman mobile equipment operator	8.30	.65	1%+.60	d	3/8of1%	
Groundman truck driver and mechanic	7.90	.65	1%+.60	d	3/8of1%	
Groundman dynamite man	8.30	.65	1%+.60	d	3/8of1%	
Painters:						
Brush	7.97		.35			
Structural steel and bridge	8.72		.35			

NY-75-3044 P. 2

47-N.Y.-1-2-3 W 2 of 2

BUILDING, HVY. & HWY. CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters: (Cont'd)						
Spray	$9.07		.35			
Swing scaffold, bosun chair, water towers, flagpoles & window jacks	7.97		.35			
Piledriverman and dock builders	9.61	.95	1.53	.61	.02	
Plumbers and steam fitters	9.50	.50	.75		.10	
Roofers	8.30	.63	.30		.02	
Sheet metal workers	9.34	.60	.40		.05	
Sprinkler fitters	9.60	.50	.70		.06	
Truck drivers, building:						
Straight, winch, transit-mix and road oilers	7.09	.37	.37	e	.02	
Euclids	7.34	.37	.37	e	.02	
Dump, pick-up, panel, water & fuel	7.09	.37	.37	e	.02	
Lowboy or lowboy trailer	7.24	.37	.37	e	.02	
Welders - Receive rate 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: D and E; 2 hours on Election Day. Holidays: A through F.

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. 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.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

e. One week's vacation after one year's work; 2 weeks' vacation after 5 years work.

Building, Heavy & Highway Construction in the City of Schenectady and Building Construction in Remainder of County.

NY75-3044 P. 3

N.Y. 3-PEO-1-J 1 of 1

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), econoeobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CMI Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.60	.45	.45+.30	a	.10
GROUP 2	8.66	.45	.45+.30	a	.10
GROUP 3	8.76	.45	.45+.30	a	.10
GROUP 4	8.94	.45	.45+.30	a	.10
GROUP 5	9.24	.45	.45+.30	a	.10
GROUP 6	9.37	.45	.45+.30	a	.10
GROUP 7	9.54	.45	.45+.30	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

NY75-3044 P. 4

NY-23-PEO-2-J-1

1 of 2

Remainder of County:

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muted, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (16S and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

NY-23-PEO-2-3-A
2 of 2

Remainder of County:

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

NY-29-LAB-2-1-C

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.75	.55	.70	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.95	.55	.70	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.15	.55	.70	a	
Blasters, form setters, stone or granite curb setters	7.35	.55	.70	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

N.Y. 1-ID-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDES DECISION

STATE: NEW YORK COUNTY: SUFFOLK
DECISION NO.: NY-75-3045 DATE: DATE OF PUBLICATION
Supersedeas Decision No. NY-75-3012 dated February 14, 1975 in 40 FR 6934
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

52-New York-1-2-3-Y 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.45	13.1%	9%	12%	
Boilermakers	10.57	5%	15%	7%	.02
Bricklayers:					
Center Moriches on the south shore and following Chichester Avenue, North of Walding River and areas east thereof including the off shore islands:					
Bricklayers, cement masons and plasterers	10.40	.40	2.00	.30	
Remainder of County:					
Bricklayers	9.64	.78	3.38	.30	
Cement masons	9.35	1.005	1.505	1.00	.01
Plasterers	8.10	1.00	.40	1.00	.01
Carpenters:					
Fishers Islands:					
Carpenters & soft floor layers	9.26	.70	.40		
Remainder of County:					
Carpenters & soft floor layers	9.15	1.03	1.46		.11
Piledrivermen	9.15	1.03	1.46		.11
Timbermen, wharf & dock builders	9.15	1.03	1.46		.11
Carpenters, Heavy:					
Carpenters	9.15	1.03	1.46		.11
Dock and wharf carpenters	9.15	1.03	1.46		.11
Piledrivermen	9.15	1.03	1.46		.11
Electricians and linemen	10.90	6%	.135%	5%	5/8 of 1%
Elevator constructors	9.52	.445	.29+b	c+d	.02
Elevator constructors' helpers	7.14	.445	.29+b	c+d	.02
Elevator constructors' helpers (prob.)	4.76	.445	.29+b	c+d	.02
Elevator constructors repair	7.90	.445	.29+b	c+d	.02
Elevator constructors' repair helpers	5.92	.445	.29+b	c+d	.02
Elevator constructors modernization	8.75	.445	.29+b	c+d	.02
Elevator constructors modernization helper	6.56	.075	.26+b	c+d	.02
Glaziers	9.10	.66	1.66	.365	.03

52-New York-1-2-3-Y 2 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Ironworkers:					
Structural	$10.00	1.00	2.20	1.20	.04
Ornamental finisher	8.40	.63	.70+1.335	.76	.03
Reinforcing	9.10	.785	1.765	.75	.01
Laborers, building:					
Laborers	8.00	.74	.83	.69	
Mason tenders	8.00	.74	.83	.69	
Mortar mixers	8.00	.74	.83	.69	
Plasterers' helpers	7.05	1.25		1.00	
Lathers, Metal	9.10	.785	1.763	.75	.01
Lead Burners	9.25	.35		e	.01
Millwrights	9.86	.95	1.63	.55	.02
Marble carvers	7.95	.63+.15	.66+.28	o	
Marble setters & cutters	7.80	.63+.15	.66+.28	o	
Marble helpers and crane operator	7.33	.59+.15	.63+.25	o	
Derrick men	7.33	.59+.15	.63+.25	o	
Marble sawers, rubbers and polishers	7.57	.61+.15	.61+.26	o	
Painters:					
Brush	7.65	2.25	.60	.50	.10
Structural steel & spray	9.82	2.25	.60	.50	.10
Plumbers	9.75	.70	1.87	1.20	.16
Roofers:					
Composition damp & waterproofing	8.90	.66	1.98	1.20	.01
Slate and tile	6.45	8%	.50	5%	
Slate and tile helpers	5.13	8%	.50	5%	
Sheet metal workers:					
Fishers Island	9.30	.50	.51		.05
Remainder of County	10.45	.56	1.67	1.06	.08
Sprinkler fitters	8.655	7%+1.90	13%	10%	.05
Steam fitters	8.655	7%+1.90	13%	10%	.05
Stone derrickmen and riggers	10.28	7%+.01	7%+1.04		.01
Stone masons	9.75	.50	1.00		
Terrazzo workers	9.00	.78+.45	1.68		
Tile setters	8.25	.60	.70+1.00		
Tile setters' helpers	7.42	.50	.27+1.00		
Plasterers	8.70	1.00	.20	1.30	.01
Lathers-nail on	11.35	.94	.20		

52-New York-1-2-3- Y 3 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.-Tr.
Truck drivers:					
Ready-mix concrete, sand gravel & asphalt	$ 8.02	.44½	.55½	g+h	
Euclid and tournapulls operator	8.075	.44½	.55½	g	
Tuck Pointers:					
Tuckpointers & waterproofers	8.72	.70	.67+.77	.50	.015
Steam cleaners	8.97	.70	.67+.77	.50	.015
Sand-blasters	9.72	.70	.67+.77	.50	.015
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

52-New York-1-2-3-Y 4 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.29 per hour to an Annuity Fund.

b. Employer contributes $8.00 per day to Annuity Fund.

c. Holidays: A through F; Lincoln's Birthday, Washington's Birthday; Columbus Day; Armistice Day & Election Day.

d. Employer contributes 6.4% of basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Holidays: A through F; Washington's Birthday, Xmas Eve and Good Friday, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes $4.00 per day to Annuity Fund.

g. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Veteran's Day, (providing employee works two days in the calendar week in which the holiday falls and shape each remaining workday during such calendar week.)

h. For each 15 days worked within the contract year an employee will receive one day's vacation with pay, with a maximum vacation of three weeks per year.

i. Employer contributes $4.80 per day to Annuity Fund.

j. Paid Holiday: New Year's Day & Xmas Day providing the employee works the preceding and following the holiday.

k. Employer contributes $28.86 per month to Health & Welfare.

m. Employer contributes $29.13 per month to Pension Fund.

n. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; Armistice Day; Election Day.

o. Paid Holiday: St. Patricks Day.

N.Y. 10-IAB-2.3-N

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers:					
Concrete & curb form setters, asphalt rakers	$ 7.20	10%	10%	.75+a	
Asphalt workers & roller boys, asphalt top shovelers and smoothers, asphalt tampers	7.00	10%	10%	.75+a	
Jackhammers, & drill men, boppermen, carpenters' tenders, pipe jointers and setters, concrete laborers (structures), stone spreading laborers, trackmen, grading & excavating laborers, yard laborers, puddlers on concrete pavement, laborers (other than above) on concrete pavement, landscape laborers, asphalt plant (batcher & hopper men)	6.60	10%	10%	.75+a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgivin Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Columbus Day, Lincoln's Birthday, Washington's Birthday, Veterans' Day; Election Day, provided employee works or shapes up the scheduled day before and the schedule day after the holiday.

N.Y.-5-PEO-1- A 1 of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Asphalt spreader	$10.63	6%	1.05	a+b	.15
Backhoe, dragline, gradall, piledriver, shovel	10.905	6%	1.05	a+b	.15
Batching plant (on site of Job), power winch (used for stone or steel), power winch truck mounted (used for stone or steel), pump (concrete)	10.805	6%	1.05	a+b	.15
Bending machine, generator (small), vibrator (1 to 5), dinky locomotive	9.455	6%	1.05	a+b	.15
Boiler, bulldozer, compressor (on crane) compressor (pilework), compressor (stone setting), concrete breaker, conveyor, generator (pilework), loading machine (front end), maintenance engineer, mechanical compactors (machine drawn), powerhouse, power winch truck mounted (used for other than steel or stone), pulvi-mixer, power winch (used for other than stone or steel), pump (double action disphragm), pump (gypsum), pump (hydraulic pump (jet), pump (single action - 1 to 3), pump (well point), welding and burning, welding machine (pilework)	10.455	6%	1.05	a+b	.15
Boom truck, crane (crawler or truck), conveyor-multi, plant engineer, stone spreader (self-propelled)	10.655	6%	1.05	a+b	.15
Compressor, compressor (2 or more in battery), generator, mulch machine, pin puller, portable heaters, pump (4 inch or over), track tamper (2 engineers each), welding machine	10.205	6%	1.05	a+b	.15
Crane and boom truck (setting structural or stone)	11.03	6%	1.05	a+b	.15
Bulldozer (used for excavation), fireman, loading machine, powerboom, scoop (carry-all scrapper), vac-all	10.08	6%	1.05	a+b	.15
CMI or maxim spreader, concrete spreader, derrick, sideboom tractor	11.005	6%	1.05	a+b	.15
Compressor (structural steel)	10.605	6%	1.05	a+b	.15
Concrete saw or cutter, mixer (with skip) mixer (2 small, with or without skip), pump (up to 3 inches), tractor-caterpiller or wheel	9.705	6%	1.05	a+b	.15

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (CONT'D):					
Crane with clam shell bucket	$10.905	6%	1.05	a+b	.15
Crane, crawler or truck:					
Boom lengths of 100' (including jib) but less than 150'	11.155	6%	1.05	a+b	.15
Boom lengths of 150' (including jib) but less than 250'	11.405	6%	1.05	a+b	.15
Boom lengths of 250' (including jib) but less than 350'	11.655	6%	1.05	a+b	.15
Boom lengths of 350'	12.155	6%	1.05	a+b	.15
Curb machine (asphalt or concrete), curing machine, pump (submersible), tower crane maintenance man	10.40	6%	1.05	a+b	.15
Dredge	10.70	6%	1.05	a+b	.15
Elevator, forklift, hoist (1 drum)	10.83	6%	1.05	a+b	.15
Forklift (walk-behind, power operated)	10.42	6%	1.05	a+b	.15
Grader	10.23	6%	1.05	a+b	.15
Hoist (2 and drum)	10.97	6%	1.05	a+b	.15
Hoist (multiple platform)	13.50	6%	1.05	a+b	.15
Mechanical compactors (hand operated), trench machine (hand)	9.68	6%	1.05	a+b	.15
Hoist tandem platform	11.68	6%	1.05	a+b	.15
Hydra-hammer, ridge cutter	9.62	6%	1.05	a+b	.15
Lead engineer	12.105	6%	1.05	a+b	.15
Loading machine (with capacity of 10 yds or over	10.33	6%	1.05	a+b	.15
Oiler, stump chipper	9.105	6%	1.05	a+b	.15
Power buggies	9.33	6%	1.05	a+b	.15
Roller, trench machine	10.705	6%	1.05	a+b	.15
Scoop, carry-all, scraper in tandem	11.09	6%	1.0	a+b	.15
Sideboom tractor (used in tank work)	11.165	6%	1.0	a+b	.15
Striping machine	10.13	6%	1.0	a+b	.15
Tank work	10.93	6%	1.0	a+b	.15
Tower crane (engineer)	11.46	6%	1.05	a+b	.15
Tower crane (oiler)	8.955	6%	1.05	a+b	.15
Welding machine, structural steel	10.68	6%	1.05	a+b	.15

PAID HOLIDAY:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Veterans' Day.

b. Basic hourly rate includes $1.60 Vacation fund.

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS:						
Asphalt spreader, boom truck, boring machine (other than post holes), CMI or maxim spreader, crane (crawler or truck), conveyor (multi), plant engineer, concrete spreader, sideboom tractor, stone spreader, self-propelled), cherry picker	$10.83	6%	1.25	a+b	.15	
Backhoe, crane (stone setting), crane (structural steel), dragline, gradall, piledriver, road paver, shovel	11.20	6%	1.25	a+b	.15	
Batching plant (on site of job), crane (on barge), derrick, sideboom tractor (used in tank work), tank work	11.055	6%	1.25	a+b	.15	
Bending machine, mechanical compactors (hand operated), pump (centrifugal, up to 3 inches), trench machine (hand)	9.58	6%	1.25	a+b	.15	
Boiler	10.33	6%	1.25	a+b	.15	
Boring machine (post holes)	10.77	6%	1.25	a+b	.15	
Bulldozer, concrete finishing machine, conveyor, curb machine (asphalt or concrete), curing machine, dinky locomotive, firemen, forklift, hoist (1 drum), loading machine, maintenance engineer, pulvi-mixer, pump (4 inches or over), pump (hydraulic), pump (jet) pump (submersible), pump (well point), roller (5 ton and over), scoop (carry-all, scraper), maintenance man (tower crane), vac-all, welding and burning	10.02	6%	1.25	a+b	.15	
Compressor (on crane), generator (pile work), welding machine (pile work), power winch (used for other than stone or structural steel), power hoist, loading machine (front end), compressor (pile work), power winch (truck mounted, used for other than stone or steel), hoist (2 drum)	10.555	6%	1.25	a+b	.15	
Compressor (2 or more in battery)	10.25	6%	1.25	a+b	.15	
Compressor (stone setting), compressor (structural steel), welding machine (structural steel)	10.715	6%	1.25	a+b	.15	
Compressor, mulch machine, pin puller, pump (double action diaphragm), pump (gypsum), pump (single action 1 to 3), striping machine, welding machine	9.645	6%	1.25	a+b	.15	

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS (Cont'd.):						
Concrete breaker, concrete saw or cutter, forklift (walk-behind, power operated), hydra hammer, mixer (with skip) mixer (2 small with or without skips), mixer (2 bag or over with or without skip), power buggies, power grinders, ridge cutter	$ 8.93	6%	1.25	a+b	.15	
Dredge	10.665	6%	1.25	a+b	.15	
Generator	9.94	6%	1.25	a+b	.15	
Generator (small)	8.615	6%	1.25	a+b	.15	
Grader	10.235	6%	1.25	a+b	.15	
Hoist (3 drum), power winch (truck mounted, used for stone or steel), power winch (used for stone setting and structural steel), trench machine	11.045	6%	1.25	a+b	.15	
Lead engineer	12.93	6%	1.25	a+b	.15	
Mechanic	8.635	6%	1.25	a+b	.15	
Mechanic helper	8.295	6%	1.25	a+b	.15	
Mechanical compactors (machine drawn), roller (over 5 tons)	10.37	6%	1.25	a+b	.15	
Oiler, root cutter, stump chipper, tower crane (oiler), track tamper (2 engineers, each)	8.62	6%	1.25	a+b	.15	
Portable heaters	10.195	6%	1.25	a+b	.15	
Powerbroom	9.075	6%	1.25	a+b	.15	
Pump (concrete)	10.29	6%	1.25	a+b	.15	
Scoop (carry-all, scraper in tandem), tower crane (engineer)	11.455	6%	1.25	a+b	.15	
Tractor (caterpilla or wheel)	8.405	6%	1.25	a+b		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Veterans' Day; Thanksgiving Day and Christmas Day.

b. Basic hourly rate includes $1.00 vacation fund.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: STEUBEN

DECISION NO.: NY-75-3046 DATE: DATE OF PUBLICATION

Supersedeas Decision No. AR-2069 dated November 1, 1974 in 39 FR 38827
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestor workers	$10.31	.73	.35		.03
Boilermakers	9.45	.50	.85		.02
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, tile setters:					
Twps. of Wayne, Bradford, Campbill, Hornby, Erwin, Corning, Caton, Lindley, Tuscaroo, Thurston, Addison and the eastern portion of Bath Twps.,					
Bathbone and Borden	9.00		.50		
Remainder of County	8.40		.95	a	
Carpenters: Building					
Village of Hammondsport, Pleasant-Valley to Beheims, Village of Prattsburgh, Tyrone to Watkins Glen:					
Carpenters	8.30	.40	100+.30		.005
Millwrights and piledrivermen	8.40	.40	100+.30		.005
Heavy and Highway:					
Carpenters and piledrivermen	8.12	.40	1.60		.025
Building:					
Twps. of Troupsburg, Hartsville, Fremont, Wayland, Jasper, Hornell, City of Hornell, Avoca, Cohocton, Canisteo, Dansville, Howard, Greenwood, W. Union:					
Carpenters, soft floor layers	7.92	.50	.85		.05
Millwrights, piledrivermen	8.17	.50	.85		.05
Heavy and Highway:					
Carpenters	7.87	.50	.85		.025
Building:					
Remainder of County:					
Carpenters and soft floor layers	7.91	.40	.85		.02
Millwrights and piledrivermen	8.16	.40	.85		.02
Heavy and Highway:					
Carpenters	7.97	.40	.85		.025

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cement Masons, heavy & highway:					
Twps. of Wayne, Bradford, Campbell, Hornby, Erwin, Corning, Caton, Lindley, Tuscarora, Thurston, Addition and eastern portion of Bath Twps., Bathbone and Borden	8.80		.30		
Remainder of County	8.35	.25	.50		
Electricians	10.00	.50	1% + .50	b	.05
Glaziers	7.18	.35	.30		.01
Ironworkers, structural, ornamental and reinforcing:					
Twps. of Wayland, Choctom, Atlantic and S. Dansville	9.38	.52	.82		.05
Remainder of County	8.68	.45	.57		.03
Laborers, Building:					
Laborers	6.25	.40	.25		
Mortar mixer (hand or machine for 3 or more men), jackhammer, pavement breakers, pipelayers (over 6"), gin buggy, work on scaffold, chain saw op., and all other gas, electric and air tools	6.45	.40	.25		
Lathers	8.33		.20		.01
Lead burners	9.25	.35		c	.01
Line Construction:					
Linemen	10.10	.65	1% + .60	d	3/8%
Cable splicer	11.11	.65	1% + .60	d	3/8%
Groundman digging machine op.	9.17	.65	1% + .60	d	3/8%
Groundmen mobile equipment op.	8.30	.65	1% + .60	d	3/8%
Groundmen truck drivers & machine	7.90	.65	1% + .60	d	3/8%
Groundmen dynamite man	8.30	.65	1% + .60	d	3/8%

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Twps. of Cameron, Bath, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, Corning City, Caton, Addison and Rathbone:					
Painters	$ 5.45	.25	.25		
Swing scaffold, boatswain chair, bridges, structural steel under 35'	5.80	.25	.25		
Structural steel over 35' and spray	6.15	.25	.25		
Remainder of County:					
Painters	8.655	.525	.75		.10
Swing stage, sandblasting, spray, scaffold work, bosun chair	8.905	.525	.75		.10
Steel, tanks, towers, stacks, flag poles and radio-TV-towers	9.515	.525	.75		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525	.75		.10
Plumbers and Steamfitters:					
Twps. of Corning, Addition, Cameron, Mills, Horby, Caton, Lindley, Tuscarora, Rathbone, Thurston, Campbell, Bradford, part of Wayne, Reuka, Urbana, Bath including the Veterans facility Hornell and vicinity	7.32	.30	.20	25¢	.03
Remainder of County	7.69	.31	.45		.05
Roofers	8.00	.44	.59		
Sheet metal workers	8.14	.46	.60		.07
Sprinkler fitters	9.60	.50	.70		.08
Truck drivers, Building:					
Twps. of Wayland	8.59	.40	.40		
Twps. of Addison, Corning, Bath, Hammondsport, Caton, Lindley, Tuscarora, Woodhull, Erwin, Rathbone, Camero, Thurston, Campbell, Urbana, Hornley, Bradford and Wayne	5.40	f		g	
Welders - receive rate prescribed for craft performing operation to which welding is incidential					

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

PAID HOLIDAYS

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 providing the employee works the day before and after the holiday.

b. Four hours with pay Christmas Day providing the employee has worked the previous four hours.

c. Paid Holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 45 full days during the 120 calendar day year prior to the holiday and the regular scheduled work days immediately preceding and following the holiday

d. Paid Holidays A through F, Washington's Birthday; Election Day for the President of the U. S. and Governor of New York State (provided the employee works the day before and after the holiday.

e. Paid Holidays A through F and two hours off with pay on Election Day for the President of the U. S. and Governor of New York State.

f. Employer contributes $2.40 per day to a combined Heath, Welfare and Pension fund.

g. Paid Holidays A through F.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
REMAINDER OF COUNTY:						
TRUCK DRIVERS:						
Warehouse, yardmen, truck helper, pickups, panel trucks, flatboy, material trucks (straight jobs), single axel. Jump trucks, dumpsters, material checkers and receivers, greasers, truck firemen, mechanic-helpers, parts chaser	$7.48	.45	.40	a		
Tandems and batch trucks, mechanics, dispatcher	7.53	.45	.40	a		
Semi-trailers, lowboy trucks, asphalt distributor trucks and agitator, mixer trucks, dumpcrete type vehicles, truck mechanic	7.58	.45	.40	a		
Specialized earth moving equipment-euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier	7.73	.45a	.40	a		
Off-highway tandem back-dump, twin engine equipdent and double hitched equipment where not self-loaded	7.92	.45	.40	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employee who have worked 150 days or more in the first contract year receive 2 weeks with pay at classification at which they worked the greatest number of days, second year of employment the employee is required to work 100 days in the contract year to receive 2 weeks vacation.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS

GROUP I: Cranes:
A. 121 ft. & under
B. Between 121 - 151 ft.
C. Between 151 - 201 ft.
D. Between 201 - 251 ft.
E. Between 251 - 301 ft.
F. Between 301 - 351 ft.
G. Between 351 - 401 ft.
H. Between 401 - 451 ft.

GROUP II: Air tugger, backhoe, clamshell, dragline, shovel and similar machines over three eighths (3/8) cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds and all types), derrink, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift) hoist (on steel erection), mucking machine, Ross Carrier (and similar types), three drum hoist (when all drums are in use.),

GROUP III: "A" Frame truck, back filling machine, Barber Green and similar type loader, belt crete and similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors; four (4) not to exceed 2000 c.f.m. combined capacity, three (3) or less with more than 1200 c.f.m., but not to exceed 200 c.f.m., concrete mixer. concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less), (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than (15) fifteen ft. of lift.), high pressure boiler (over 15 pounds pressure), hoist (1 or 2 drums), Motor grader, maintenance engineer post hole digger, sheepsfoot roller, side boom, stone crusher, submersible Electric Pump, when used in lieu of well point system, tandem roller, Tournedozer and similar types, tournapull, tower mobile and similar kinds trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system,

GROUP IV: Any combination (not to exceed three (3) pieces of equipment) pumps, welding machines or mechanical conveyors, (over 12 ft. in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, Fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor, oilers

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F; providing employee works the working day immediately preceding the Holiday, or on the scheduled work day immediately following the holiday.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I					
A	$ 9.57	.40	.70	a	.10
B	9.85	.40	.70	a	.10
C	10.12	.40	.70	a	.10
D	10.40	.40	.70	a	.10
E	10.95	.40	.70	a	.10
F	11.51	.40	.70	a	.10
G	12.05	.40	.70	a	.10
H	12.61	.40	.70	a	.10
GROUP II	9.57	.40	.70	a	.10
GROUP III	9.38	.40	.70	a	.10
GROUP IV	8.245	.40	.70	a	.10

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N.Y.-17-1&R-2-3-8

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.85	.45	.45	a	
Concrete aggregate-bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete toetnen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	7.05	.45	.45	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.25	.45	.45	a	
Blasters, form setters, stone or granite curb setters	7.45	.45	.45	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), cranes, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sawyman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Koltan plant loader and similar type loaders (if another man is required to clean screen or to maintain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trammer, tugger-hoist, winch, winch cat

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, but subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

N.Y. 1-TD-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	Apprentice	Other
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK COUNTY: WAYNE

DECISION NO.: NY-75-3047 DATE: Date of Publication

Supersedes Decision No. AQ-2128 dated June 28, 1974 in 39 FR 24163
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

39-NY-1-2-J- H 1 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Asbestos workers -	$10.31	.73	.35		.03
Boilermakers	9.45	.50	.85		.02
Bricklayers:					
Twps. of Ontario, Williamson, Sodus (including Sodus Point), Walworth, Marion, Macedon, and Palmyra:					
Bricklayers, plasterers, stone masons, tuck pointers	10.225	.30	.58		.02
Cement masons, building	10.025	.30	.58		.02
Cement masons, heavy and highway	8.22	.30	.58		
Marble setters, terrazzo workers, and tile setters	10.80				
Twps. of Butler and Walcott (including the villages of Red Creek and Walcott):					
Bricklayers, cement masons (building), marble setters, plasterers, stone masons, terrazzo workers, and tile setters	8.85	1.25	.60		.02
Cement masons, heavy and highway	8.00	.50	.60		
Remainder of county:					
Bricklayers, cement masons (building), marble setters, terrazzo workers, tile setters, and stone masons, plasterers	8.85	1.25	.60		.02
Cement masons, heavy and highway	8.00	.50	.60		
Carpenters, Building	9.69	.45	.70		.005
Carpenters (Heavy and Highway)	8.38	.45	.70		.025
Electricians:					
Twps. of Sodus, Williamson, Ontario, Walworth, Marion, Palmyra and Macedon	10.45	.40	1%+.75		½ of 1%
Twps. of Lyons, Galen & Arcadia	9.80	.45	1%+.45		½ of 1%
Savannah twp.	9.73	.55	1%+.35		.05
Twps. of Huron, Walcott, Rose & Butler	9.73	.55	1%+.35		½ of 1%

39-NY-1-2-J- H 2 of 4

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Glaziers	$9.00	.67	.31		.05
Ironworkers:					
Walcott, Butler, Savannah and Clyde					
Structural, ornamental & reinforcing	9.51	.47	.57		.10
Remainder of County:					
Structural, ornamental & reinforcing	9.38	.52	.82		.05
Sheeter	9.63	.52	.82		.05
Sheeter, bucker-up	9.505	.52	.82		.05
Laborers, Building:					
Twps. of Macedon, Marion, Ontario, Palmyra, Sodus, Walworth & Williamson:					
Laborers	7.69	.65	1.05		
Plasterers	9.06	.65	1.05		
Air track, wagon drill op., & asphalt rakers	8.09	.65	1.05		
Jackhammers, mortar mixer, concrete cutters for wrecking and demolition	7.99	.65	1.05		
Power monkey	8.56	.65	1.05		
Chuck tender, all work on hanging or swing scaffold	7.89	.65	1.05		
Remainder of County:					
Laborers	7.60	.45	1.05		
Lathers	9.94		.50		.01
Leadburners	9.25	.35		b	.01
Line Construction:					
Lineman	10.10	.65	1%+.60	c	3/8%
Groundman digging machine operator	9.17	.65	1%+.60	c	3/8%
Groundman mobile equipment operator	8.33	.65	1%+.60	c	3/8%
Groundman truck driver & mechanic	7.90	.65	1%+.60	c	3/8%
Groundman dynamite man	8.30	.65	1%+.60	c	3/8%
Cable splicer	11.11	.65	1%+.60	c	3/8%
Painters:					
Twps. of Macedon, Palmyra, Marion, Williamson, Sodus, Ontario & Walworth:					
Brush, roller	8.19	.35	.72		.04
Structural steel & iron-up to 40'	8.69	.35	.72		.04
Over 40'	8.89	.35	.72		.04

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Swing scaffold & window brackets	8.69	.35	.72		.04
Bridge	9.19	.35	.72		.04
Sandblaster	8.94	.35	.72		.04
Spray	8.79	.35	.72		.04
Remainder of County:					
Painters	5.43				
Spray, swing scaffold, structural steel above 40'	6.18				
Piledrivermen & millwrights, Bldg.	9.68	.55	.89		
Piledrivermen, Heavy & Highway	8.67	.45	.70		.025
Plumbers & steamfitters:					
Twps. of Butler & Savannah:					
Contracts over $50,000	9.67	.40	.23		
Contracts under $50,000	8.87	.40	.23		
Twps. of Walcott	9.33	.35	.40		
Remainder of County	9.99	.405	1.39	.09	.06
Roofers	9.90	.39	.39		
Roofers helpers:					
1st year - 1st 6 months	3.96	.39	.39		
1st year - 2nd 6 months	5.94	.39	.39		
3rd year	8.42	.39	.39		
Sheet metal workers	10.16	.50	.65		.025
Sprinkler Fitters	9.60	.50	.70		.08
Soft floor layers	8.64	.55	.59	h+i	.005
Truck drivers, Building:					
Twps. of Ontario, Walworth & Macedon	8.59	.40	.40		
Remainder of County:					
Dumps, straight, trailer, pick-up, transit-mix, water and fuel	7.05		.35	f + g	
Road oilers, low-boy trailers, winch trucks and A-frames	7.20		.35	f + g	
Euclid, linn drivers	7.40		.35	f + g	

PAID HOLIDAYS: A.-New Year's Day; B.-Memorial Day; C.-Independence Day; D.-Labor Day; E.-Thanksgiving Day; F.-Christmas Day

FOOTNOTES:

a. Holiday: Labor Day provided the employee has worked the day before the holiday.

b. Holidays: A through F, Washinton's Birthday, Good Friday, & 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 & following the holiday.

c. Holidays: A through F, Washinton's Birthday, Good Friday, and Election Day for President of the United States and Governor of New York State, provided employee works day before and day after the holiday.

d. Holiday: Labor Day, provided employee works the regular working day preceding the holiday and the regular working day after the holiday.

e. Holidays: A-through-F.

f. 1 week vacation after 1 year's work.

g. Holidays: A through F, providing regular employee is available for work the day before and the day after the holiday.

h. Holidays: A through F and Good Friday.

i. 1 year's work or more - one week vacation; 3 year's work or more - 2 weeks vacation.

j. Holidays: Independence Day; Thanksgiving Day; Friday after Thanksgiving.

NY-5-LAB-2-3-I

Twps. of Macedon & Palmyra

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.30	1.05	.65	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.50	1.05	.65	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.70	1.05	.65	a	
Blasters, form setters, stone or granite curb setters	6.90	1.05	.65	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

N.Y.-24-LAB-2-3-F

REMAINDER OF COUNTY:

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.50	.90	.60	a	
Concrete aggregate bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete bootmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	6.70	.90	.60	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	6.90	.90	.60	a	
Blasters, form setters, stone or granite curb setters	7.10	.90	.60	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I - Cranes (cable and hydraulic, climbing and tower)
- I - A 121 ft. and under
- I - B 121 ft. and 151 ft.
- I - C 151 ft. and 201 ft.
- I - D 201 ft. and 251 ft.
- I - E 251 ft. and 301 ft.
- I - F 301 ft. and 351 ft.
- I - G 351 ft. and 401 ft.
- I - H 401 ft. and 451 ft.

GROUP II - Air tugger, derrick, dredge, big generator plant, cableway, backhoe, clamshell, dragline, shovel and similar machines over 3/8 cubic yards capacity (factory rating), bridge crane (all types), caisson auger and similar type machine, forklift (with factory rating of 15 ft. or more of lift), hoist (on steel erection), mucking machines, rose carrier (and similar types), three drum hoist (when all three drums are in use)

GROUP III - A frame truck, backfilling machine, hoist (1 or 2 drums), barber green and similar types machine, maintenance engineer (mechanic), mechanical slurry machines (all kinds), belt crete and similar type machines, bituminous spreading machine, post hole digger, bulldozer, carry all type scraper, core drill, pumps, (regardless of motive power) no more than (4) in number not to exceed 20 inches in total capacity), fine grade and finish rollers, side boom tractor, stone crusher, compressors: ½ not to exceed 2000 cfm combined capacity 3 or less with more than 1200 CFM, but not to exceed 2000 CFM, concrete mixer, concrete placer, concrete pumps, tournadozer and similar types, crane-hoe-shovel 3/8 yd. capacity or less (factory rating), tournapull and similar types, dinky locomotives (all types), tower-noble and similar types, elevating grader, elevator tremoting machines, fine grade machines (all kinds), welder, front end loader, forklift with factory rating of less than 15 feet of lift, well drill, well point system, high pressure boiler. Exception: single electric pumps up to and including 4 inches not be manned.

GROUP IV - Any combination (not to exceed 3 pieces of equipment), welding, machine or mechanical conveyor (over 12 ft in length), fireman, belt crete generator, mechanical heater, roller (fill & grade), pumps (regardless of motive power) no more than (3) in number, not to exceed twelve inches total capacity, rubber tired tractor, compressor 3 or less, not to exceed 1200 CFM combined capacity, longitudinal float, Exception: single gasoline driven welding machines up to 300 amps need not be manned.

GROUP V - Truck crane oilers

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I:					
I-A	$9.45	.45	.45+.30	a	.10
I-B	9.70	.45	.45+.30	a	.10
I-C	9.95	.45	.45+.30	a	.10
I-D	10.20	.45	.45+.30	a	.10
I-E	10.70	.45	.45+.30	a	.10
I-F	11.20	.45	.45+.30	a	.10
I-G	11.70	.45	.45+.30	a	.10
I-H	12.20	.45	.45+.30	a	.10
GROUP II	9.45	.45	.45+.30	a	.10
GROUP III	9.27	.45	.45+.30	a	.10
GROUP IV	8.175	.45	.45+.30	a	.10
GROUP V	7.35	.45	.45+.30	a	.10

FOOTNOTES:
PAID HOLIDAYS: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day regardless of the day of the week in which the holiday may fall.

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

CLASS I: Asphalt roller (except rubber tire), Automatic fine grade machine, backhoe (except tractor mounted, rubber tired), belt placer, black top plant (automated) blast or rotary drill, (truck or cat mounted), cableway, caisson auger, central mix plant (automated), cherry picker - over 5 tons capacity, crane, derrick, dragline, dredge, dual drum paver, elevating grader (self-propelled or towed), excavator (all purpose - hydraulically operated), front end loader (4 c.y. and over), gradall, grader, head tower, hoist, 2 or 3 drum, locomotive (irrespective of size or power), maintenance engineer, mine hoist, mucking machine, overhead crane, pelma crane or similar type, pile driver, quarry master or equivalent, shovel, skimmer, slip form paver, tractor drawn belt-type loader, truck crane, tunnel shovel

CLASS II: Asphalt roller (rubber tired), asphalt spreader, automatic fine grade machine, backhoe (tractor mounted, rubber tired), back filling machine, bending machine (pipe), bituminous spreader and mixer, blacktop plant (non-automated), boom truck, boring machine, cage hoist, central mix plant (non-automated) and all concrete batching plants, cherry picker 5 tons and under, compressors (4 or less) exceeding 2,000 c.f.m. combined capacity, concrete paver over 16S, concrete pump, crusher, dozer or push cat, drill rigs, tractor mounted, elevator, front end loader (under 4 c.y.) hi-pressure boiler, (15 lbs. and over), hoist, one drum, hydraulic pipe jack machine or similar type machine, jersey spreader, kolman plant loader and similar type loaders (if employer requires another man to clean the screen or to maintain the equipment, he shall be an oiler), maintenance grease man, mixer for stabilized base self-propelled, moncrall machine, plant engineer, pump crete, ready mix concrete plant, road widener, rock bit sharpener (all types), roller (all above subgrade, scraper, side boom, slip form paver, snorkel, stump chipping machine, trencher, tube finisher, winch, winch truck with A-frame

CLASS III: Asphalt curb and gutter machines, blower for burning brush, chipping machine and chip spreader, compressors: 4 not exceed 2,000 c.f.m. combined capacity, 3 or less with more than 1,200 c.f.m. but not to exceed 2,000 c.f.m., compressor, (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination) concrete pavement spreaders and finishers, concrete curb and gutter machine, concrete curing machines, conveyor drill core, drill well, electric pump used in conjunction with well point systems, farm tractor with accessories, fine grade machine, hammers-hydraulic-self-propelled, hydraulic rock expander or similar type machine, hydraulic pump, motorized hydraulic pin puller and seeders, post hole digger and post driver, roller (grade and fill), tractor with towed accessories, vibratory compactor, vibro tamp, well point

CLASS IV: Aggregate plant, boiler, (used in conjunction with production), C.M.I. and similar type concrete spreaders, cement bin operator, compressors: 3 or less not to exceed 1,200 c.f.m. combined capacity, compressors: (any size, but subject to other provisions, for compressors), dust collectors, generators, pumps, welding machines (3 or less of any type or combination), concrete mixer (16S and under), concrete saw self-propelled, fireman, form tamper, mulching machine, oiler, power broom, power heaterman, revinius widener, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
POWER EQUIPMENT OPERATORS					
CLASS I	$9.32	.45	.45+.50	a	.10
CLASS II	9.09	.45	.45+.50	a	.10
CLASS III	8.71	.45	.45+.50	a	.10
CLASS IV	7.98	.45	.45+.50	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays, A through F, provided employee works the working day before and the working day after the holiday.

N.Y. 1-TD-2-3 - B

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, tireman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO. NY-75-3048

COUNTY: WESTCHESTER
DATE: DATE OF PUBLICATION

Supersedes Decision No. AB-2021 dated September 20, 1974 in 39 FR 33979
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

60-N.Y.-1-2-3- X 1 of 3

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.12	5%	6%	20%	
Boilermakers	10.57	5%	15%	7%	.01
Bricklayers	9.00	.75	1.75	1.00+f	.05
Carpenters and insulators	8.40	.85	1.20	.67	.085
Cement masons	9.00	.75	1.75	1.00+f	.05
Electricians	9.68	3-3/4%	7½%	10%	½%
Elevator constructors	9.52	.445	.29+e	a+b	.02
Elevator constructors' helpers	7.14	.445	.29+e	a+b	.02
Elevator constructors' helpers (prob)	4.76				
Elevator constructor modernization	8.75	.445	.29+e	a+b	.02
Elevator constructor modern. helpers	6.56	.445	.29+e	a+b	.02
Elevator constructor repair	7.90	.445	.29+e	a+b	.02
Elevator constructor repair helper	5.92	.445	.29+e	a+b	.02
Glaziers	9.10	.66	1.66	.365	.03
Ironworkers, structural	10.00	1.00	2.40	1.20+g	.04
Ironworkers, ornamental finisher	8.40	.63	2.035	.76	.03
Ironworkers, reinforcing	9.10	.785	1.755	.75	.01
Laborers: (Building)					
Laborers, mason, plasterers, bricklayers, tenders, concrete laborers & pipelayers	7.20	.60	.89	.40	
Jackhammer, vibrators, power buggies, fork lifts, all pneumatic equipment	7.45	.60	.89	.40	
Lathers, nail-on	11.00				
Lathers, metal	9.10	.785	1.755	.75	.01
Lead burners	9.25	.35		c	.01
Line construction:					
Linemen	9.33	.56	1%+.61	.93	½%
Cable splicer	9.33	.56	1%+.61	.93	½%
Cable splicer helper	9.33	.56	1%+.61	.93	½%
Groundman	9.33	.56	1%+.61	.93	½%
Driver groundman	9.33	.56	1%+.61	.93	½%
Dynamite man	9.33	.56	1%+.61	.93	½%
Marble setters	7.80	.63	1.41		
Marble setters' helpers, crane op, Marble cutters	7.33	.63	1.41		
	7.80	.63	1.41		

60-N.Y.-1-2-3 X 2 of 3

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Marble carvers	7.95	.63	1.41		
Derrickmen	7.33	.63	1.41		
Marble sawers, rubbers, polishers	7.57	.63	1.41		
Millwrights	9.36	.90	1.53		
Painters:					
Brush	7.80	.45	.87-6/7		
Structural steel	8.91-3/7	.45	.87-6/7		
Spray	8.80	.45	.87-6/7		
Piledrivermen & dock builders	9.86	.95	1.63	.55	.02
Plasterers	9.00	.75	1.75	1.00+f	.05
Plumbers	8.77	8%	9½%+h	10%	2½%
Riggers					
Roofers:					
Composition, damp & waterproofing	8.44	12%	2.20	.63	
Slate and tile	8.84	.50	2.20	.63	
Slate and tile helpers	7.10	.50	1.00	1.00	
Sheet metal workers	9.51	6%	14%	9%	.02
Soft floor layers	8.40	.85	1.25	.67	.085
Steamfitters	8.84	6½%	8½%+d	11%	1%
Stone masons	9.00	.75	1.75	1.00+f	.05
Terrazzo machine operator	7.13	.88	.43		
Terrazzo workers	9.10	.64	1.95		
Terrazzo workers' helpers	7.43	.88	1.26		
Tile setters	8.25	.60	1.75		
Tilesetters' helpers	7.58	.50	1.27		
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; Lincoln's Birthday, Washington's Birthday, Columbus Day, Armistice Day and Election Day.

b. Employer contributes 6.4% of basic hourly rate for 5 years or more of service of 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION — 60-N.Y.-1-2-3- K — 3 of 3

FOOTNOTES (CONT'D):

c. Holidays: A through F; Washington's Birthday, Good Friday, Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regularly schedule work days immediately preceding and following the holiday.

d. Employer contributes $5.60 per day to Security Benefit Fund, providing the employee works 3½ hours or more during the working day.

e. Employer contributes $8.00 per day to Annuity Fund.

f. Holidays: D, Armistice Day, Columbus Day, Presidential Election Day or Election Day for Governor of New York (Highway Construction only.)

g. Holidays: A through F, providing the employee works a full hald day preceding the holiday.

h. Employer contributes $4.96 per day to Security Benefit Fund providing the employee works 3½ hours or more during the working day.

KY-17-LAB-2-3-K — 1 of 2

EXCAVATION, HEAVY CONSTRUCTION AND ROAD CONSTRUCTION (Open Cut)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.
Laborers:					
Blasters, blaster (quarry master)	$8.83	8%	8%	a + .50	
Joy drillers, wagon drillers, air track drillers, concrete form aligner, concrete form and curb form highway (steel), and deck winches on scows, jumbo driller	8.28	8%	8%	a + .50	
Asphalt curb machine operator, jeeper operator, pavement breaker operator, rock scalers, power saw operator, bit grinder or grinders, barco rammer operator, air tamper and all type powered tampers not covered by any other classification, steel kings, power buggy operator, jack hammer drillers, all type pneumatic tool and gasoline drillers, concrete saw or saws, asphalt screeder on barbergreen, form pin puller railroad spike puller, pumps and their operation, and pneumatic tools and service of air power, gunniting	8.18	8%	8%	a + .50	
General concrete laborers or anything pertaining to concrete which means any men handling aggregate or concrete materials and carpenters tender and steel handling, pipe layers, puddlers, asphalt worker, fine grade men between forms, epoxy and waterproofing	8.03	8%	8%	a +.50	
Joy driller's helper wagon driller helper, air track driller helper, common laborers, signal men and pitman, truck spotters, powdermen, landscape and nursery men, and dump men	7.93	8%	8%	a +..50	

NY-17-IAB-2-3-K 2 of 2

EXCAVATION, HEAVY CONSTRUCTION AND ROAD CONSTRUCTION (Open Cut)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers: (CONT'D)					
Wrecking:					
Barmen, and burner	$8.43	8%	8%	a + .50	
Barmen helpers and laborers	8.28	8%	8%	a + .50	
Shaft and Tunnel in Free Air:					
Blasters	9.08	8%	8%	a + .50	
Concrete setters	9.28	8%	8%	a + .50	
Form setters	8.78	8%	8%	a + .50	
Miners, drill runners, air tuggers, chippers, pneumatic tools and source of air-power pumps and their operations, and vibrator operators	8.58	8%	8%	a + .50	
Puddlers	8.53	8%	8%	a + .50	
Chuck tenders, nippers, concrete laborers, tunnel sewer and water pipe reliners	8.43	8%	8%	a + .50	
Laborers	8.18	8%	8%	a + .50	
Powder carriers, signalmen	8.13	8%	8%	a + .50	
Brakemen	8.08	8%	8%	a + .50	
Outside laborers	8.03	8%	8%	a + .50	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; November Election Day; Veteran's Day; and Good Friday, provided employee works (2) two or more days in the calendar week in which the holiday falls.

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POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I: Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ran), paver (concrete), pulsometer, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI:
A. Master mechanic
B. Helicopter hoist op.
C. Oiler, asphalt paver, utility man
D. Welder - certified
E. Second engineer on cranes 30 ton and over
F. Cable splicer
G. Helicopter pilot
H. Helicopter signalman
I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 manitowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP VI (CONT'D):
J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
K. Cranes (crawlers or truck) 149 ft. and over
L. Loaders op. (over 5 yd. capacity)
M. Shovel op. (over 4 yd. capacity)

GROUP VII: Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

POWER EQUIPMENT OPERATORS, BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.285	6%+.875	8½%	a	1½%
GROUP II	11.37	6%+.875	8½%	a	1½%
GROUP III	11.2275	6%+.875	9½%	a	1½%
GROUP IV	11.085	6%+.875	8½%	a	1½%
GROUP V	9.9425	6%+.875	8½%	a	1½%
GROUP VI					
A	13.655	6%+.875	8½%	a	1½%
B	12.7975	6%+.875	8½%	a	1½%
C	8.9975	6%+.875	8½%	a	1½%
D	11.7975	6%+.875	8½%	a	1½%
E	10.5125	6%+.875	8½%	a	1½%
F	11.37	6%+.875	8½%	a	1½%
G	16.5125	6%+.875	8½%	a	1½%
H	9.9425	6%+.875	8½%	a	1½%
I	16.2275	6%+.875	8½%	a	1½%
J	14.5125	6%+.875	8½%	a	1½%
K	15.5125	6%+.875	8½%	a	1½%
L	12.785	6%+.875	8½%	a	1½%
M	13.285	6%+.875	8½%	a	1½%
GROUP VII	12.5125	6%+.875	8½%	a	1½%

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS:

GROUP I: Auger, auto grader, backhoe Oliver 88, Pordoon, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, Crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buss box) elevator, road mix machines, Rock carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telephies, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, firemen, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1½ yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4". roller motorized (walk behind), welder's helper

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP VI: Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII: Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional loader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: over 4 cu. yd. capacity $1.00 per hour additional

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.75	6%	8%+a	b	1%
GROUP II	9.95	6%	8%+a	b	1%
GROUP III	9.825	6%	8%+a	b	1%
GROUP IV	9.70	6%	8%+a	b	1%
GROUP V	8.70	6%	8%+a	b	1%
GROUP VI	10.95	6%	8%+a	b	1%
GROUP VII	10.325	6%	8%+a	b	1%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. $.66 per hour.

b. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

N. Y. 3-TD-1-2-H

TRUCK DRIVERS, BUILDING & HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	[illegible]
Straight jobs, A-Frame (inside cab), winch (inside cab), two, dynamite, seeding, mulching, agitator, water, welding on pipelines, post hole diggers mortar mixing, suburbans, oil distributors, pick-up, hopper men & crusher op., concrete mixer, lift (in garage, yards and on job site)	$7.675	.40	.65	a+b		
Tractor trailers (all types), 3 axle trucks (physically load and unload), mixer men, high pressure boiler in asphalt and batch plants	7.80	.40	.65	a+b		
Tractor trailers (carrying equipment), weighmasters	7.925	.40	.65	a+b		
Euclid	8.05	.40	.65	a+b		
Euclids, Athey wagons, trailer wagons, belly dumps (under 40 tons)	8.425	.40	.65	a+b		
Athey wagons, trailer wagons, belly dumps (over 40 tons)	8.675	.40	.65	a+b		
Dual purpose grease & fuel trucks, fuel trucks, tire trucks	8.125	.40	.65	a+b		
Welders, maintenance men, mechanics	7.90	.40	.65	a+b		
Helicopter operator	17.65	.40	.65	a+b		
Mechanic helpers, stock room men	7.55	.40	.65	a+b		
Yardmen and helpers	7.425	.40	.65	a+b		
Darts (up to 100 tons)	9.175	.40	.65	a+b		
RXS	9.55	.40	.65	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

Footnotes:
a. Holidays: A through F, Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Election Day, Veteran's Day (provided employee works one day of the work week in which the holiday occurs).

b. One week vacation after 90 days of employment in calendar year, plus one additional day for each additional 18 days of employment, not exceeding 10 days in any one calendar year; two weeks after 130 days of employment in a calendar year. However, an employee with 5 years of seniority service shall receive 2 weeks' paid vacation provided he works 90 days in a calendar year; three weeks and one day after 16 years of seniority service - plus 1 additional day for each year up to 19 years of seniority service; four weeks after 20 years of seniority service.

SUPERSEDEAS DECISION

STATE: South Carolina COUNTY: See below*
DECISION NUMBER: [illegible] DATE: Date of Publication
Supersedes Decision No. AR-4096 dated July 5, 1974 in 39 FR 24730
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Allendale, Bamberg, Calhoun, & Orangeburg

	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	Apr. Tr.
Air conditioning & heating					
Mechanic	4.00				
Bricklayers	4.50				
Carpenters	4.00				
Concrete finisher	3.00				
Drywall Finisher	2.75				
Drywall Hanger	2.50				
Electricians	3.52				
Insulation Installer	3.00				
Laborers:					
Laborers	2.10				
Mason tenders	2.25				
Mortar mixers	2.25				
Painters, brush	2.50				
Plumbers & Steamfitters	5.00				
Roofers	2.50				
Sheet metal workers	3.13				
Tile setters	3.15				
Truck drivers	2.10				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	3.00				
Loader	3.00				

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Galveston & Harris
DECISION NO.: TX75-4077 DATE: Date of Publication
Supersedes Decision No. TX75-4025, dated January 24, 1975, in 40 FR 3933.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4001 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.10	.70	.70		.06
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.69	.325	.40		.05
CARPENTERS:					
Carpenters	7.96	.45	.30		.05
Millwrights	8.26	.45	.30		.05
Piledrivermen	7.96	.45	.30		.05
CEMENT MASONS:					
Harris County	7.40	.49	.42		.05
Galveston County	7.40	.49	.42		
ELECTRICIANS:					
Harris County	8.65	.30	3%		.04
Galveston County	8.99	.28	1%+.40		.03
ELEVATOR CONSTRUCTORS	7.79	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.22	.475	.20		.01
IRONWORKERS	7.87	.55	.60		.075
LABORERS:					
GROUP 1 - Common	5.60	.28	.30		.02
GROUP 2 - Air tool operator (jackhammer-vibrator); Mason tenders; Pipelayers (concrete & clay); Sandblasters; Power buggy operator	5.775	.28	.30		.02
GROUP 3 - Lather tender; Mortar mixers; Plaster tenders & hod carriers	5.875	.28	.30		.02
GROUP 4 - Well driller	6.15	.28	.30		.02
GROUP 5 - Well driller tender	5.725	.28	.30		.02
GROUP 6 - Blaster, powderman	6.025	.28	.30		.02
LATHERS (Harris County only)	8.22	.30	.15		.02
LINE CONSTRUCTION:					
Lineman	8.84	.28	1%		1/2%
Groundmen	6.06	.28	1%		1/2%
Groundmen (1st 6 mos.)	4.42	.28	1%		1/2%

DECISION NO. TX75-4077

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE MASONS:					
Harris County	$7.56			.25	
Galveston County	7.80				
PAINTERS:					
East Harris County:					
GROUP 1 - All brush painting, hand rolling and all other work other than that below	8.56				
GROUP 2 - All pneumatic and electric tools and steam cleaning	8.915				
GROUP 3 - All tape and float on drywall	8.685				
GROUP 4 - All paper and vinyl hanging	8.81				
GROUP 5 - All spray painting, sandblasting and waterblasting	8.955				
GROUP 6 - Steeple jack work, hot materials	9.215				
Remainder of Harris County:					
GROUP 1 - All brush painting, hand roller, steam cleaning, all pneumatic tools	7.545	.275	.30	.40	.04
GROUP 2 - All spray painting, sandblasting, waterblasting	7.92	.275	.30	.40	.04
GROUP 3 - Tape, float & drywall	7.67	.275	.30	.40	.04
GROUP 4 - Steeple jack work, hot materials	8.17	.275	.30	.40	.04
Galveston County:					
GROUP 1 - Painters on new work	7.05	.55	.45	.665	.02
GROUP 2 - Painters on swinging stage work or using materials injurious to the skin	7.30	.55	.45	.665	.02
GROUP 3 - Painters on rework & repaint	6.72	.55	.45	.665	.02
PIPEFITTERS:					
Harris County and that part of Galveston County west of the Trinity River	8.80	.40	.60		.045
That part of Galveston County east of the Trinity River:					
Commercial work up to $50,000	8.56	.275	.30		.02
Commercial work $50,000 & over	8.99	.275	.30		.02

DECISION NO. TX75-4077

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
Harris County	$8.00	.37	.30		.02
Galveston County	8.00	.37	.30		.05
PLUMBERS:					
Harris County	8.99	.36	.52		.10
Galveston County:					
Commercial work up to $50,000	8.56	.275	.30		.02
Commercial work $50,000 & over	8.99	.275	.30		.02
ROOFERS:					
Roofers	6.69	.20	.10	.15	.03
Kettlemen	5.73	.20	.10	.15	.03
Helpers	4.48	.20	.10	.15	.03
SHEET METAL WORKERS:					
Harris County	8.585	.225	.475	.20	.025
Galveston County	8.35	.15	.25		.10
SOFT FLOOR LAYERS	7.12	.25	.10		.07
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS:					
Harris County	7.56			.25	
Galveston County	7.80				
TILE SETTERS:					
Harris County	7.56			.25	
Galveston County	7.80				
TRUCK DRIVERS:					
GROUP 1 - Under 1½ tons; wash, grease, fireman, fuel pump operation when used on construction jobs	6.42				
GROUP 2 - 1½ thru 2½ tons; dump truck less than 7 yds.	6.74				
GROUP 3 - Over 2½ tons; farm tractors; fork lifts, floats	6.92				
GROUP 4 - Euclids (not self-loading)	7.05				
GROUP 5 - Warehousemen	6.63				
GROUP 6 - Material checkers; pick-up drivers	7.49				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs - 4% of basic hourly rates

b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

DECISION NO. TX75-4077

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
GROUP 1	$8.15	.35	.40		.04
GROUP 2	6.92	.35	.40		.04
GROUP 3	6.48	.35	.40		.04
GROUP 4	6.34	.35	.40		.04

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - power operated (all types); Clam Shell; Draglines; Push Cat Operator; Roll Doner & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more, Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes), Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel Driven Welding Machines, 7 or more; Rumperete Machine Operator; Tornapulls; DW-10 Caterpillar, S-18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated

GROUP 2 - Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader, Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck Crane Driver; Gasoline or diesel Driven Welding Machines (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTY: El Paso
DECISION NO.: TX75-4078 DATE: Date of Decision
Supersedes Decision No. TX75-4024, dated January 24, 1975, in 40 FR 3931.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination TX75-4031 for Incidental Paving).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.03	.50	.87(a)		.03
FOOTNOTE: a-Includes $0.07 contribution to Occupational Health Fund.					
BOILERMAKERS	6.00	.50	.76		.02
BRICKLAYERS; BLOCKLAYERS; ROCK MASONS; STONEMASONS	6.13	.38	.20		.06
CARPENTERS:					
Carpenters	6.48	.45			.02
Millwrights	6.85	.45			.02
Stationary radial arm power saw operator	6.615	.45			.02
Floor layers	6.48	.45			.02
CEMENT MASONS	5.495	.38			.03
ELECTRICIANS:					
Electricians	8.00	.25	1%		1/2%
Cable splicers	8.25	.25	1%		1/2%
ELEVATOR CONSTRUCTORS	6.72	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
FOOTNOTES: a-1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate; b-Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day.					
GLAZIERS	5.57	.24			
IRONWORKERS	6.70	.40	.50		.05
LABORERS:					
Powderman or blasterer	4.95	.34	.25		
Outside wagon drill; wagon drill tenders; miner	4.70	.34	.25		
Cement gun or gunite; mason tender; mortar mixer; machine man; track man; chuck tender	4.45	.34	.25		
Pipelayer, main sewer and drainage	4.325	.34	.25		
Jackhammer operator, asphalt raker; kettleman; asphalt or pot man	4.20	.34	.25		
Common	4.05	.34	.25		
LATHERS	7.03				.01
LINE CONSTRUCTION:					
Lineman-Technician; Equipment operators	7.45	.25	1%		1/2%
Cable splicers	7.70	.25	1%		1/2%
Groundman	75%JR	.25	1%		1/2%
Groundman (less than 6 months)	50%JR	.25	1%		1/2%

DECISION NO TX75-4078

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE MASONS	$6.17		.20		.06
PAINTERS:					
Brush; paperhangers; chipping & hand tools used for cleaning rollers	5.51	.24			.01
Tapers, bedders, rollers 9" wide	5.74	.30			.02
Steel after erection, steam cleaning, buffing with power driven tools and torches	5.925	.24			.01
Spray, sandblasting, waterblasting, swing stage	6.215	.24			.01
Ames tools & taping machines	5.96	.30			.02
Striping machine	6.21	.24			.01
PLASTERERS	6.75	.28			.01
PLUMBERS & STEAMFITTERS	6.75	.31	.30		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	4.96	.30	.30		.03
GROUP 2	5.54	.30	.30		.03
GROUP 3	5.63	.30	.30		.03
GROUP 4	5.68	.30	.30		.03
GROUP 5	5.76	.30	.30		.03
GROUP 6	6.00	.30	.30		.03
GROUP 7	6.16	.30	.30		.03
GROUP 8	5.63	.30	.30		.03
GROUP 9	5.86	.30	.30		.03
GROUP 10	6.16	.30	.30		.03

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Fireman, Oiler; Mechanic, Grease Truck and Welder's Helpers; Screedman, Pneumatic roller towed by farmtype tractor or truck; Scale Operator and such as bin-a-batch; rubber-tired farm type tractors and tractors under 35 HP without attachments

GROUP 2 - Air Compressors, Power Plants, pumps and welding machines (an operating engineer will not be required for an air compressor under 315 c.f.m., a pump under three inches or a light plant generating fifteen kilowatts or less, or one welding machine, if and when there is another operating engineer employed on the job who services the units); Concrete mixers, under 1 yard, and concrete batch plants, under 1 yard, gunnite and pumpcrete machines, mechanical bull floats, spreading and finishing machines. Screening Plants. Drilling machines, Diamond, rotary, core and cable drilling; well under 6 inches. Hoists, scoopmobiles, A frame Air tugger; building hoist, 1 drum hydrolift, Hydrocranes, winch truck. Loaders: Elevating, belt type loader, front end loader (under 2 yards) and over head loaders; forklift and lumber stacker on construction job site. Grease truck operator, (Head Oiler). Motor man and Industrial Locomotive. Tractors under 35 HP with attachments; and farm type tractor with back, or shovel type attachments

DECISION NO. TX75-4078

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONT'D)

GROUP 3 - Concrete mixers 1 yard and over and batch plants 1 yard and over, single drum paving machines. Crushing plants. Drilling Machines, 6 inches and over; Front end loaders, 2 yards and over; Paving: Asphalt plants, boiler or retort heater, distributor, lay down machine, pug mill, breakdown and tandem rollers. Steam Engineer. Trenching Machines. Patrol, rough, not required to blue top or finish

GROUP 4 - Tractor Equipment: Athey and Barber Green Loader, Bulldozer, DW10, DW20, DW 21, Dumor, Elevating Grader; Euclid, Highlander, Scraper, Traxcavator, Turnapull, Turnarocker and Tractors 35 HP and up

GROUP 5 - Concrete Paving machines, double drum. Catcranes, Hysters, Cherry Picker, Attachment cranes, side and swing boom tractors, Building Hoist, 2 drums and up. Mechanic, Welder, Patrol, finish

GROUP 6 - Shovel, Backhoe, clam and dragline 3/4 yards and under; Cranes 25 tons and under

GROUP 7 - Guy and stiff leg derrick, Piledrivers; Crawler or skid rig. Shovel, Backhoe, clam and dragline over 3/4 yards; Cranes over 25 tons

GROUP 8 - Refrigeration, slusher, Jumbo form operators

GROUP 9 - Mucking machines

GROUP 10 - Mine hoists

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
ROOFERS:					
Roofers; Waterproofers; Pipewrappers	$5.00				
SHEET METAL WORKERS	7.90	.29	.25		.005
SOFT FLOOR LAYERS	5.36	.24			.01
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS	6.17		.20		.06
TERRAZZO WORKERS' HELPERS	3.70		.20		
TILE SETTERS	6.17		.20		.06
TILE SETTERS' HELPERS	3.70		.20		
TRUCK DRIVERS:					
Up to and including 2 tons	3.50	.26			
Flat bed dump trucks, mechanically	3.60	.26			
Tank trucks, up to 2500 gallons	3.50	.26			
Standard dump truck, up to and including 4 cu. yds.	3.60	.26			
Dump trucks, over 4 cu. yds.	3.75	.26			
Trucks over 4 tons including transit mix, all semitruck, etc.	3.75	.26			
Lowboy	3.75	.26			
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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