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PART I

HIGHLIGHTS OF THIS ISSUE

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

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reminders

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

Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

List of Public Laws

NOTE: No acts approved by the President were received by the Office of the Federal Register for inclusion in today's LIST OF PUBLIC LAWS.

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

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Title 3—The President

Memorandum of June 26, 1975

Provision of Foreign Military Sales Credit to Ethiopia at a Reduced Interest Rate

[Presidential Determination No. 75-24]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, June 26, 1975.

Pursuant to the authority vested in me by Section 23 of the Foreign Military Sales Act, as amended, I hereby certify that the provision of $25 million in FMS credits to Ethiopia for FY 75 at an interest rate of 5% is required by the national interest of the United States.

You are directed on my behalf to report this certification to the Congress, together with the attached justification therefor.

This finding shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75-19475 Filed 7-23-75;2:10 pm]

Memorandum of June 30, 1975

Waiver of Foreign Military Sales Act, Section 3(b) Ineligibility Provisions for Ecuador

[Presidential Determination No. 75-25]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, June 30, 1975.

I hereby determine that the waiver of the provisions of Section 3(b) of the Foreign Military Sales Act, as amended, with respect to Ecuador is important to the security of the United States and, therefore, the provisions of that Section are hereby waived insofar as they relate to sales, credits or guaranties to Ecuador.

You are requested on my behalf to report this determination and waiver to the Speaker of the House of Representatives and to the Chairman of the Senate Foreign Relations Committee, as required by law.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75-19476 Filed 7-23-75;2:10 pm]

Memorandum of June 30, 1975

Presidential Determination—The Republic of Korea and Jordan

[Presidential Determination No. 75-26]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, June 30, 1975.

Pursuant to the authority vested in me by Section 504(a) of the Foreign Assistance Act of 1961, as amended, and Section 4 of the Foreign Military Sales Act, as amended, respectively, I hereby determine:

(a) that the furnishing of sophisticated weapons systems under the Foreign Assistance Act in FY 1975 to the Republic of Korea and Jordan, and

(b) that the financing of the sale of sophisticated weapons systems under the Foreign Military Sales Act in FY 1975 to Jordan,

are important to the national security of the United States.

You are requested on my behalf to report this determination to the Senate and the House of Representatives as required by law.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75-19477 Filed 7-23-75;2:11 pm]

Memorandum of June 30, 1975

Provision of Sophisticated Weapons Systems to Ethiopia and Kenya

[Presidential Determination No. 75-27]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, June 30, 1975.

Pursuant to the authority vested in me by Section 504(a) of the Foreign Assistance Act of 1961, as amended, and by Section 4 of the Foreign Military Sales Act, as amended, I hereby determine that:

a) The furnishing of F-5 aircraft to the Government of Ethiopia under Chapter 2 of Part II of the Foreign Assistance Act of 1961, as amended; and

b) The extension of credits and guaranties under Sections 23 and 24 of the Foreign Military Sales Act, as amended, in connection with the sale of F-5 aircraft to the Governments of Ethiopia and Kenya, are important to the national security of the United States.

You are requested on my behalf to report that determination to the Congress within thirty days as required by law, together with the attached justification therefor.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.75-19478 Filed 7-23-75;2:11 pm]

rules and regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 550—PAY ADMINISTRATION (GENERAL)

Income Tax Withholding

The Civil Service Commission has revised § 550.361 of Chapter I of Title 5 of the Code of Federal Regulations to extend provisions for voluntary withholding of city income or employment taxes from the pay of Federal employees who may have a liability for payment of such taxes based on residency in certain cities but who are employed outside the corporate limits of those cities.

Pub. L. 93-340, July 10, 1974, provides for mandatory withholding of city income or employment taxes from the pay of Federal employees in cities having 500 or more civilian Federal employees (including those of the Executive agencies, judicial branch, or the U.S. Postal Service) whose regular place of employment is within the city if the city has entered into an agreement with the Secretary of the Treasury to withhold such taxes. The law also provides for voluntary withholding for employees whose place of residence is in a State other than that in which the city is located. However, the law makes no provision for withholding such taxes from the pay of employees whose place of residence is within the city but who are employed outside the corporate limits of the city even though these employees may have a similar tax liability under the city ordinance.

This regulatory change is designed to complement Pub. L. 93-340. It would make available to qualified cities and covered employees the same benefits now provided for voluntary withholding for State and District of Columbia income tax when the place of employment is different from the place of residence.

Until now, Commission regulations have permitted voluntary allotments for payment of city income or employment taxes only in the cities of Philadelphia, Pennsylvania, St. Louis, Missouri and Louisville, Kentucky, under an experimental program. This is superseded by Pub. L. 93-340 and the revised regulation.

Written comments were solicited from agencies and employee organizations with respect to this change in the regulation. Accordingly, in light of the comments received and 5 U.S.C. 553(b), § 550.361 is revised as set forth below.

§ 550.361 Scope.

An agency may permit an employee, regardless of his tenure, to make an allotment for the payment of State or District of Columbia income taxes, or city income or employment taxes when he is employed outside of, but is a resident in, a State, the District of Columbia or a city with which the Secretary of the Treasury has entered into an agreement to withhold income or employment taxes from the pay of employees under sections 5516, 5517, and 5520 of title 5, United States Code.

(5 U.S.C. 5527)

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

[FR Doc.75-19274 Filed 7-24-75;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Board Members

In order to expedite and facilitate performance of certain of its functions pursuant to section 4 of the Federal Reserve Act (12 U.S.C. 307) with respect to supervision of Federal Reserve Banks, the Board of Governors has amended its Rules Regarding Delegation of Authority pursuant to section 11(k) of the Federal Reserve Act (12 U.S.C. 248(k)) to delegate to the Committee on Federal Reserve Bank Activities certain responsibilities with respect to supervision of Federal Reserve Bank land acquisition, construction programs, financial planning and control, purchase of computer equipment and examination and operations review. In addition, the Board has amended its previous delegation of authority to the Committee to make explicit the Committee authority to disapprove as well as to approve certain Federal Reserve Bank expenditures.

The provisions of the Administrative Procedure Act, 5 U.S.C. 553, relating to publication for comment and deferred effective dates of a proposed rulemaking are not applicable to these amendments to § 265.1a since the amendments are rules of agency procedure and practice and not rules of a substantive nature.

1. Effective July 31, 1975, paragraphs 1 through 5 of § 265.1a(a) are amended by inserting the words "or disapprove" after the words "to approve" in each paragraph, and

2. Paragraph § 265.1a(a) revised and 6 through 11 are added to § 265.1a(a) to read as follows:

§ 265.1a Specific functions delegated to Board members.

(a) The Committee on Federal Reserve Bank Activities, consisting of at least three members of the Board designated by the Chairman, is authorized, to act upon matters as set forth in this section pursuant to the twenty-second paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 307) and subject to such general guidelines as may be prescribed by the Board. With respect to any approval action taken by the Committee pursuant to authority delegated herein involving a controversial matter, a policy consideration, or an expenditure of funds exceeding $500,000, the Committee will inform the Board by memo before giving notice of its approval to the Reserve Bank. For a period of three days, any member of the Board may request that the matter be scheduled for review by the Board. The Committee is authorized:

* * * * *

(6) To approve or disapprove specific Reserve Bank proposals to acquire land for current or future building purposes, provided that the Board has previously authorized the general Reserve Bank expansion or building program for which the land is sought and provided that each proposed land acquisition requires commitment of no more than one million dollars ($1,000,000).

(7) To approve or disapprove: (i) Reserve Bank studies, analyses and similar commitments for a Reserve Bank building or expansion program at a stage after the general Reserve Bank building or expansion program has been approved by the Board and prior to the Board decision to permit the Reserve Bank to accept bids and award contracts, (ii) additional construction costs of a new Bank or Branch building in excess of costs originally approved by the Board provided such additional costs do not exceed the 5 per cent contingency portion of the Board-approved budget, (iii) proposed remodeling or renovation of existing Bank or Branch buildings or additions to such buildings where the total cost of such renovation, remodeling or additions is in excess of two hundred and fifty thousand dollars ($250,000) but not in excess of one million two hundred fifty thousand dollars ($1,250,000). (The initial two hundred fifty thousand dollars ($250,000) may be committed solely by the Director of the Division of Federal Reserve Bank Operations pursuant to 265.2(d)(5).)

(8) To approve or disapprove supplementary budget requests and special incentive programs to improve operations or reduce costs, provided that the Board has previously approved the requesting Reserve Bank's budget and provided the supplemental request adheres to the Board's expense guidelines and provided the amounts approved for the System in a fiscal year do not exceed one per cent of the total budget of all the Reserve Banks in the System, as approved by the

Board. (The amount which the Committee may approve is in addition to any amounts approved by the Director of Federal Reserve Bank Operations pursuant to section 265.2(d)(6) of these Rules.)

(9) To approve or disapprove specific projects proposed in accordance with ongoing System programs previously approved by the Board, such as the automated clearing house program, provided the Committee adheres to the Board's budgetary constraints.

(10) To approve Reserve Bank purchases of computers and other major automation equipment, provided that the staff of the Division of Federal Reserve Bank Operations indicates the return on the investfent is adequate to recapture the investment within 5 years and provided the total capital commitment in the System for such purchases does not exceed ten million dollars ($10,000,000) annually.

(11) To review and approve reports on Federal Reserve Bank examinations and Federal Reserve Bank operations reviews provided that issues of unusual import be presented to the Board and provided that the Comimttee present an annual summary of Reserve Bank operations and problems to the Board.

3. Effective July 31, 1975, §§ 265.2(d)(5) and (6), and 265.2(f)(33) are added to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve Banks.

* * * * *

(d) The Director of Federal Reserve Bank Operations is authorized:

* * * * *

(5) To approve or disapprove proposed remodeling or renovation of existing Reserve Bank or Branch buildings or additions to such buildings where the cost of such remodeling, renovation or addition will be in excess of one hundred thousand dollars ($100,000), provided that the cost of each project approved by the Director may not be excess of two hundred and fifty thousand dollars ($250,000).

(6) To approve or disapprove supplementary budget requests and special incentive programs to improve operations or reduce costs, provided that the Board has previously approved the budget of the requesting Reserve Bank and provided that the supplemental request adheres to the Board's general expense guidelines and such guidelines as the Board may have imposed in approving the Reserve Bank's budget and provided that the amount approved by the Director may not exceed in any budgetary year one hundred thousand dollars ($100,000) for each Reserve Bank and seven hundred and fifty thousand dollars ($750,000) for all Reserve Banks in the System.

* * * * *

(f) Each Federal Reserve Bank is authorized, as to member banks or other indicated organizations headquartered in its district or under subparagraph (25) of this paragraph as to its officers or under paragraph (f)(33) as to its own facilities:

* * * * *

(33) Under the provisions of section 4 of the Federal Reserve Act (12 U.S.C. 307), to undertake remodeling, renovation of or addition to its existing buildings or those of its branches provided the expenditure for such purpose does not exceed one hundred thousand dollars ($100,000) within a single budget year.

* * * * *

Board of Governors of the Federal Reserve System, July 17, 1975.

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

[FR Doc.75-19375 Filed 7-24-75;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 14811; Amdt. 39-2277]

PART 39—AIRWORTHINESS DIRECTIVES

Messerschmitt Boelkow Blohm Model BO-105 Helicopters

Pursuant to the authority delegated to me by the Administrator, an amendment to AD-75-14-01 (40 FR 26017), Amendment 39-2245, was adopted on June 25, 1975, and made effective immediately as to all known U.S. operators of Messerschmitt Boelkow Blohm (MBB) Model BO-105 helicopters because of manufacturing defects found in certain flexible hose assemblies. The amendment was issued to require the removal from service and replacement of the specified flexible hose assemblies.

Since it was found that immediate action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the amendment effective immediately as to all known U.S. operators of MBB Model BO-105 helicopters by individual telegrams dated June 25, 1975. These conditions still exist and the amendment to AD-75-14-01 (40 FR 26017), Amendment 39-2245 is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons. The AD, as amended, is set forth herein in its entirety.

(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)))

MESSERSCHMITT BOELKOW BLOHM, GMBH. Applies to Messerschmitt Boelkow Blohm (MBB) Model BO-105 Helicopters Certificated in all Categories.

Compliance is required as indicated.

To prevent failure in service accomplish the following:

(a) Before further flight, remove flexible hose assemblies having any of the following MBB or ESPA part numbers that have blue fittings marked MS24590. Replace with flexible hose assemblies of the same MBB or ESPA part number that have silver or metal colored fittings marked 12 LN 29813.

MBB	Part No.	ESPA	Part No.
105	61795	40848	1200
105	61796	40561	1185
105	61797	40561	820
105	61798	40560	440
105	62163	40558	415
105	62165	40558	500
105	61793	40561	355
105	62161	40561	960
105	62162	40561	1010
105	62169	40848	820
105	62168	40848	775
105	61792	40562	330-0
105	61791	40562	1125
105	62166	40849	810
105	62167	40849	865
105	61799	40560	600
105	61343	40848	250
105	61344	40848	890
105 (Replaces 105-90898)	90897	40556	350

(b) Before further flight, except that the aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, remove flexible hose assemblies, MBB part numbers 105-61797, -61798, and -61799 that have the marking "HN-10" behind the part/drawing number or that have "ESPA HN-10" marked on the hose surface. Replace with serviceable assemblies of the same part number that do not carry the designation "HN-10" or "ESPA HN-10".

(c) Before further flight, except that the aircraft may be flown in accordance with FAR §§ 21.197 and 21.199 to a base where the work can be performed, inspect flexible hose assemblies having the following part/drawing numbers that carry the designation "HN-10" or "ESPA HN-10", for cracks in the area where the hose extrudes from the fitting. Remove and replace in accordance with the following schedule:

105-61795
105-62162 (or D133-1580)
105-61793
105-62169 (or D133-1585)
105-61343 (or D133-1577)
105-61344 (or D133-1578)

(1) If cracks are found, or prior to reaching the hose assembly service life limit if no cracks are found, remove the assembly and replace with a serviceable assembly of the same part number that does not carry designation "HN-10" or "ESPA HN-10".

(2) If no cracks are found, the hose assembly may be continued in service until reaching the service life limit of 100 hours total time in service provided the assembly is reinspected at intervals not to exceed 25 hours time in service or two calendar weeks, whichever occurs first.

(Messerschmitt Boelkow Blohm BC-105 Alert Bulletins 10, 11, and 12 and Service Bulletin 60-14 cover this same subject).

This amendment is effective on July 25, 1975, as to all persons except those persons, to whom it was made immediately effective by the telegram dated June 25, 1975, which contained this amendment.

Issued in Washington, D.C., on July 18, 1975.

J. A. FERRARESE, *Acting Director, Flight Standards Service.*

[FR Doc.75-19324 Filed 7-24-75;8:45 am]

[Docket No. 75-EA-48; Amdt. 39-2270]

PART 39—AIRWORTHINESS DIRECTIVE

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the

Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-31P airplanes.

There has been a report that the nose gear steering cable and rudder cable of the subject airplane had become entwined as a result of stretching and rotation of the cables.

Since this deficiency can exist or develop in aircraft of similar type design, an airworthiness directive is being issued which will require replacement of the nose gear steering cable installation. Compliance with the airworthiness directive makes further compliance with AD 72-26-2 unnecessary. Thus the latter AD is being revoked.

In view of the foregoing and because the deficiency is one which affects air safety, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by issuing a new Airworthiness Directive as follows:

1. PIPER. Applies to Models PA-31P, Serial Nos. 31P-1 through 31P-7530019 and PA-31T, Serial Nos. 31T-7400002 through 31T-7520022 certificated in all categories except aircraft incorporating Piper Kit No. 760-923, Rudder and Nose Gear Steering Cable Replacement or equivalent.

To prevent possible hazards in flight associated with restricted rudder travel due to rudder nose gear steering cable entwinement, accomplish the following:

1. Within the next fifty hours in service from the effective date of this A.D., replace the existing rudder nose gear steering cable installation in accordance with the instructions and parts contained in Piper Kit No. 760-923, Rudder and Nose Gear Steering Cable Replacement or equivalent.

2. Equivalent replacement must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This supersedes Amendment, AD 72-26-2.

(Piper Service Bulletin No. 446 refers to this subject.)

2. AD 72-26-2 is revoked.

This amendment is effective July 29, 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 Jamaica, N.Y., on July 14, 1975.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

[FR Doc.75-19326 Filed 7-24-75;8:45 am]

[Airspace Docket No. 75-RM-23]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to remove all existing references to joint use altitudes in the regulatory descriptions for:

1. R-6402, Dugway Proving Ground, Dugway, Utah.
2. R-6406, Wendover, Utah.
3. R-6407, Dugway Proving Ground, Dugway, Utah.

A review of restricted areas designated under Part 73 indicates that there are three restricted areas which contain references to joint use altitudes in their regulatory descriptions.

References to joint use altitude provisions for restricted areas need not be made in Part 73 of the Federal Aviation regulations. Restricted areas are designated as joint use areas by designating a using and controlling agency and executing a letter of procedure between these agencies. The letter of procedure provides for the operation of nonparticipating flight within the area.

Since this amendment is editorial in nature and is a minor amendment upon which the public should have no particular reason to comment, notice and public procedures thereon are unnecessary. As this amendment relieves restriction upon the public, it may become effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation regulations is amended, effective July 25, 1975, as hereinafter set forth.

In § 73.64 (40 FR 695), the designated altitudes for R-6402, R-6406 and R-6407 are amended to read as follows:

1. R-6402 Dugway Proving Ground, Dugway, Utah, Designated altitudes. Surface to Flight Level 400.
2. R-6406 Wendover, Utah, Designated altitudes. Surface to Flight Level 400.
3. R-6407 Dugway Proving Ground, Dugway, Utah, Designated altitudes. Surface to Flight Level 400.

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

Issued in Washington, D.C., on July 21, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-19325 Filed 7-24-75;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 373—SPECIAL LICENSING PROCEDURES

PART 378—SPECIAL NUCLEAR CONTROLS

Nuclear Non-Proliferation Treaty Provisions

ADDITION TO THE LISTS OF COMMODITIES EXCLUDED FROM CERTAIN SPECIAL PROCEDURES

The commodities shown below are added to the lists of commodities excluded from the Project License, Distribution License, Service Supply License, and Foreign-Based Warehouse License procedures. As a result of this revision, these commodities may no longer be exported under the Project, Distribution, Service Supply, or Foreign-Based Warehouse licensing procedures.

Effective date of action: July 21, 1975.

1. Accordingly, the *Export Administration Regulations* (15 CFR Part 373) are amended by adding the following entries (in numerical order) to the list in § 373.4(b) and to Supplement No. 1 to Part 373, as follows:

§ 373.4 Foreign-based warehouse procedure.

* * * * *

(b) *Exports to the Foreign-Based Warehouse.* * * *

68 Nuclear reactor pressure tubes specially designed or prepared to contain fuel elements and the primary coolant in a nuclear reactor; and specially designed parts and accessories.

68 Tubes specially designed or prepared for use in a nuclear reactor and made of zirconium metal and alloys in which the ratio of hafnium content to zirconium content is less than one part to five hundred parts by weight.

711 Nuclear reactor pressure vessels specially designed or prepared to contain the core of a nuclear reactor; and specially designed parts and accessories.

711 Tube assemblies specially designed or prepared for use in a nuclear reactor and made of zirconium metal and alloys in which the ratio of hafnium content to zirconium content is less than one part to five hundred parts by weight.

711 Nuclear reactor control rods specially designed or prepared for the control of the reaction rate in a nuclear reactor; and specially designed parts and accessories.

* * * * *

7192 Nuclear reactor primary coolant pumps specially designed or prepared for circulating liquid metal as primary coolant for nuclear reactors; and specially designed parts and accessories.

7192 Helium circulators specially designed for nuclear reactors; and specially designed parts.

71980 Nuclear reactor fuel charging and discharging machines specially designed or prepared for inserting or removing fuel in a nuclear reactor; and specially designed parts and accessories.

* * * * *

Supplement No. 1—Commodities Excluded From Certain Special License Procedures

* * * * *

68(*13a*) Nuclear reactor pressure tubes specially designed or prepared to contain fuel elements and the primary coolant in a nuclear reactor; and specially designed parts and accessories.

68(*13b*)(*13c*) Tubes specially designed or prepared for use in a nuclear reactor and made of zirconium metal and alloys in which the ratio of hafnium content to zirconium content is less than one part to five hundred parts by weight.

* * * * *

711(*2a*) Nuclear reactor pressure vessels specially designed or prepared to contain the core of a nuclear reactor; and specially designed parts and accessories.

711 (*2b*)(*2c*) Tube assemblies specially designed or prepared for use in a nuclear reactor and made of zirconium metal and alloys in which the ratio of hafnium content to zirconium content is less than one part to five hundred parts by weight.

* * * * *

711(12a) Nuclear reactor control rods specially designed or prepared for the control of the reaction rate in a nuclear reactor; and specially designed parts and accessories.

* * * * *

7192(3a) Nuclear reactor primary coolant pumps specially designed or prepared for circulating liquid metal as primary coolant for nuclear reactors; and specially designed parts and accessories.

7192(9) Helium circulators specially designed for nuclear reactors; and specially designed parts.

71980(3a) Nuclear reactor fuel charging and discharging machines specially designed or prepared for inserting or removing fuel in a nuclear reactor; and specially designed parts and accessories.

* * * * *

In accordance with U.S. adherence to the Nuclear Non-Proliferation Treaty and consistent with U.S. Non-Proliferation policies, special assurances must be obtained by the U.S. Government from the consignee government or appropriate international organization before a license is issued for export of certain nuclear-related commodities to a non-nuclear-weapon country not a party to the Treaty.

The list of nuclear-related commodities subject to this assurance procedure is set forth in a new Supplement No. 2 to Part 378, and the countries that are parties to the Treaty are set forth in a new Supplement No. 3 to Part 378.

Effective date of action: July 21, 1975.

Accordingly, Part 378 of the *Export Administration Regulations* (15 CFR Part 378) is amended as follows:

2. The special assurances are set forth in a new § 378.5 as follows:

§ 378.5 Nuclear Non-Proliferation Treaty provisions.

Consistent with its obligation under the Nuclear Non-Proliferation Treaty (NPT) and U.S. Non-Proliferation policies, the U.S. Government will not authorize the export of the comodities listed in Supplement No. 2 to Part 378 to non-nuclear weapon states not party to the NPT[1] for peaceful purposes until the consignee government or appropriate international organization certifies in writing to the U.S. government either (a) that the export will be subject to the terms and conditions of an appropriate Agreement for Cooperation with the Government of the United States; or (b) that (1) the source of special fissionable material produced, processed or used in any facility in which the item is used shall not be used for nuclear weapons or other nuclear explosive devices; or for research on or development of nuclear weapons or other nuclear explosive devices, or for any military purposes;

* * * * *

(2) Safeguards, under an agreement with the International Atomic Energy Agency (IAEA) in accordance with its safeguards system, will be applied to such source or special fissionable material; (3) the equipment or material to be exported will fall under a safeguards agreement with the IAEA; and (4) the commodities will not be reexported to any non-nuclear-weapon state not party to the NPT unless arrangements corresponding to those required hereby are made with the government of the country or the international organization receiving such reexport. Accordingly, upon receipt in the Office of Export Administration of an application to export a commodity listed in Supplement No. 2 to a non-nuclear-weapon state not party to the NPT, the U.S. Government will initiate action to secure the above-required written certification from the appropriate foreign authorities. The applications will be held until such certification is received.

[1] See Supplement No. 3 to Part 378 for the countries that are parties to the NPT.

3. A new Supplement No. 2 to Part 378 is established to read as follows:

Supplement No. 2—Nuclear-Related Commodities

The commodities listed below are subject to the provisions of § 378.5:

515(2) Deuterium and compounds, mixtures, and solutions containing deuterium, including heavy water and heavy paraffin, in which the ratio of deuterium atoms to hydrogen atoms exceeds 1:5000 by number.

59(8) Artificial graphite (including pyrolytic), having a boron content of one part per million or less, the total thermal neutron absorption cross section being 5 millibarns per atom or less.

68(13a) Nuclear reactor pressure tubes specially designed or prepared to contain fuel elements and the primary coolant in a nuclear reactor, and specially designed parts and accessories.

68(13b) Tubes specially designed or prepared for use in a nuclear reactor and made of zirconium metal and alloys containing more than 50 percent zirconium by weight, in which the ratio of hafnium content to zicronium content is less than one part to five hundred parts by weight.

68(13c) Tubes specially designed or prepared for use in a nuclear reactor and made of zirconium metal and alloys containing 50 percent or less zirconium by weight, in which the ratio of hafnium content to zirconium content is less than one part to five hundred parts by weight.

711(2a) Nuclear reactor pressure vessels specially designed or prepared to contain the core of a nuclear reactor; and specially designed parts and accessories.

711(2b) Tube assemblies specially designed or prepared for use in a nuclear reactor and made of zirconium metal and alloys containing more than 50 percent zirconium by weight, in which the ratio of hafnium content to zirconium content is less than one part to five hundred parts by weight.

711(2c) Tube assemblies specially designed or prepared for use in a nuclear reactor and made of zirconium metal and alloys containing 50 percent or less zirconium by weight, in which the ratio of hafnium content to zirconium content is less than one part to five hundred parts by weight.

711(3) Steam turbines, heat exchangers, and heat-exchanger type condensers specially designed for nuclear reactors; and specially designed parts and accessories, n.e.c.

711(12a) Nuclear reactor control rods specially designed or prepared for the control of the reaction rate in a nuclear reactor; and specially designed parts and accessories.

7191(6) Process vessels specially designed for chemically processing radioactive material; and parts and accessories, n.e.c.

7191(8) Other machines and equipment, n.e.c., specially designed for use in processing of irradiated nuclear materials to isolate or recover fissionable materials; and specially designed parts and accessories, n.e.c.

7192(3a) Nuclear reactor primary coolant pumps specially designed or prepared for circulating liquid metal as primary coolant for nuclear reactors; and specially designed parts and accessories.

7192(4) Pumps specially designed and fabricated for nuclear reactors in accordance with Section III of the ASME Boiler and Pressure Vessel Code; and specially designed parts and accessories, n.e.c.

7192(9) Helium circulators specially designed for nuclear reactors; and specially designed parts.

7192(12) Counter-current solvent extractors specially designed for the extraction of radioactive substances (for example, pulsed columns, mixer-settlers made of stainless steel, and centrifugal countercurrent solvent extractors); and specially designed parts.

7192(14) Equipment specially designed for filtering, purifying, separating, or treating radioactive impurities in the coolant of nuclear reactors; and specially designed parts, n.e.c.

71980(3a) Nuclear reactor fuel charging and discharging machines specially designed or prepared for inserting or removing fuel in a nuclear reactor; and specially designed parts and accessories.

71980(4) Nuclear reactor fuel chopping, disassembling, or dejacketing machines; and specially designed parts and accessories, n.e.c.

71980(22a) Nuclear reactor fuel fabrication machinery and equipment, n.e.c.; and specially designed parts, and accessories, n.e.c.

7199(2) Pipe valves specially designed for nuclear reactors; and specially designed parts.

722(13) Generators and turbine-generator sets specially designed for use with nuclear reactors; and specially designed parts and accessories, n.e.c.

7295(16) Nuclear radiation detection and measuring instruments designed to measure neutron flux in connection with the determination of the power level of an operating nuclear reactor.

7295(29) Process control instruments specially designed or modified for monitoring or controlling the processing of irradiated fissionable or fertile materials or irradiated lithium.

4. A new Supplement No. 3 to Part 378 is established to read as follows:

Supplement No. 3—Countries That Are Parties to the Nuclear Non-Proliferation Treaty

The countries listed below are participants to the Nuclear Non-Proliferation Treaty:

Afghanistan	China, Republic of
Australia	Costa Rica
Austria	Cyprus
Belgium	Czechoslovakia
Bolivia	Dahomey
Botswana	Denmark
Bulgaria	Dominican Republic
Burundi	Ecuador
Cambodia	El Salvador
Cameroon	Ethiopia
Canada	Fiji
Central African Republic	Finland
	Gabon
Chad	Gambia

Germany, East (Democratic Republic of Germany)
Germany, West (Federal Republic of Germany)
Ghana
Greece
Guatemala
Haiti
Holy See
Honduras
Hungary
Iceland
Iran
Iraq
Ireland
Italy
Ivory Coast
Jamaica
Jordan
Kenya
Korea, Republic of
Laos
Lebanon
Lesotho
Liberia
Libya
Luxembourg
Malagasy Republic
Malaysia
Maldive Islands
Mali
Malta
Mauritius
Mexico
Morocco
Nepal
Netherlands
New Zealand
Nicaragua
Nigeria, Federation of
Norway
Outer Mongolia
Paraguay
Peru
Philippines
Poland
Romania
Rwanda
San Marino
Senegal
Sierra Leone
Somalia
Sudan
Swaziland
Sweden
Syrian Arab Republic
Thailand
Togo
Tonga
Tunisia
Union of Soviet Socialist Republics
United Kingdom
United States
Upper Volta
Uruguay
Vietnam, Republic of
Western Samoa
Yugoslavia
Zaire

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.75-19354 Filed 7-24-75;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2677]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Carter Hawley Hale Stores, Inc., et al.

Correction

In FR Doc. 75-18801 appearing at page 30472 in the FEDERAL REGISTER of Monday, July 21, 1975 make the following corrections:

1. In the middle column, the paragraph beginning "It is ordered", the 14th line down, the word "and" should read "end";
2. In paragraph numbered 1 the last word in the paragraph should read "balance".

[Docket C-2673]

PART 13—PROHIBITED TRADE PRACTICES, AND AFFIRMATIVE CORRECTIVE ACTIONS

Library Marketing Services, Inc., et al.

Correction

In FR Doc. 75-18805 appearing at page 30475 in the FEDERAL REGISTER of Monday July 21, 1975 make the following correction:

On page 30477, in the middle column, the 5th complete paragraph down, the third line from the bottom should read "new business or employment and a des-".

Title 19—Customs Duties

CHAPTER II—INTERNATIONAL TRADE COMMISSION

PART 201—RULES OF GENERAL APPLICATION

Information Available to the Public Fee Schedule

On May 30, 1975, a notice of prpposed rulemaking was published in the FEDERAL REGISTER (40 FR 23478) proposing to amend Title 19, Part 201 of the Code of Federal Regulations to revise paragraph (a) of § 201.20 concerning the schedule of fees for searches and related services rendered under the Freedom of Information Act, as amended (5 U.S.C. 552). Notice was given that inquiries, comments or views concerning the proposed subpart were to be submitted to the Office of the Secretary, United States International Trade Commission, Washington, D.C., on or before June 30, 1975. No comments from the public were received.

This amendment deletes paragraph (a) of § 201.20, as promulgated February 24, 1975 (40 FR 8328), and substitutes therefor:

§ 201.20 Fees.

(a) *Search for records.* (1) The charge will be computed at the rate of $5.35 per hour for actual search time spent by agency personnel in salary grades GS-2 through GS-10 and at the rate of $11.65 per hour for actual search time by agency personnel in salary grades GS-11 through GS-18; provided, however, that no charge will be made for any search of only one-half hour or less. (2) When no specific fee has been established for a service performed for a requester, other than searches provided for above, the Secretary is authorized to charge as the fee actual costs to the agency within the meaning of 5 U.S.C. 552(a)(4)(A). An example of a service covered by this latter provision is when the search involves computer time.

* * * * *

By order of the Commission.

Issued: July 21, 1975.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.75-19312 Filed 7-24-75;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 140—REIMBURSEMENT

Reimbursement for Railroad Work

Correction

In FR Doc. 75-18294 appearing at page 29712, in the issue for Tuesday, July 15, 1975, the third line in paragraph 1 in the first column should read, "spectively and a new paragraph (a) is added to read as follows:".

PART 646—RAILROADS

Railroad-Highway Projects

Correction

In FR Doc. 75-18295 appearing at page 29712, in the issue for Tuesday, July 15, 1975, the last line of § 646.220 should read, "lieu of "646.260(a)(3)." "

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-75-394]

PART 82—REAL ESTATE SETTLEMENT PROCEDURES

Interpretation Requiring Certain Disclosures by Seller; RESPA Legal Opinion No. 1

Correction

In FR Doc. 75-18862 appearing on page 30480 of the FEDERAL REGISTER of Monday, July 21, 1975 make the following correction:

In Appendix A in the first column, in section 7(a)(3), the fifth word should read "not".

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

[Docket No. FI-637]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186-93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The

Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Houston	Ashford, town of	July 15, 1975, emergency	June 28, 1974		
Do	Etowah	Altoona, city of	do	May 17, 1974		
Do	Marshall	Boaz, city of	do	Feb. 14, 1975		
Do	Randolph	Wadley, town of	do	May 17, 1974		
Do	Blount	Oneonta, city of	do	Sept. 13, 1974		
Arkansas	Clay	Knobel, town of	do	Oct. 25, 1974		
Do	Mississippi	Marie, city of	do			
Arizona	Gila	Winkelman, town of	do	Jan. 23, 1974		
Colorado	Moffat	Craig, city of	do	May 3, 1974		
Do	Teller	Cripple Creek, city of	do	Sept. 13, 1974		
Do	Boulder	Superior, town of	do			
Do	Montezuma	Dolores, town of	do	Feb. 7, 1975		
Do	Dolores	Rico, town of	do	Dec. 20, 1974		
Connecticut	Middlesex	Durham, town of	do	Nov. 29, 1974		
Do	do	Killingworth, town of	do			
Florida	Glades	Unincorporated areas	do			
Do	Citrus	Inverness, city of	do			
Georgia	Duluth and Gwinnett.	Berkeley Lake, city of	do			
Do	Bryan	Unincorporated areas	do			
Do	Pulaski	Hawkinsville, city of	do	May 3, 1974		
Do	Rabun	Unincorporated areas	do			
Illinois	Pope	Golconda, city of	do	Jan. 23, 1974		
Do	Knox	Wataga, village of	do	July 7, 1974		
Idaho	Fremont	St. Anthony, city of	do	June 28, 1974		
Indiana	St. Joseph	Walkerton, town of	do	Nov. 23, 1973		
Iowa	Tama	Chelsea, city of	do	Aug. 16, 1974		
Do	Jefferson	Fairfield, city of	do	June 28, 1974		
Kansas	Cloud	Clyde, city of	do	May 31, 1974		
Do	Leavenworth	Unincorporated areas	do	June 14, 1974		
Do	Doniphan	Troy, city of	do	Feb. 15, 1974		
Do	Osage	Lyndon, city of	do			
Kentucky	Greenup	Russell, city of	do			
Louisiana	Red River Parish	Unincorporated areas	do	Sept. 6, 1974		
Maine	Aroostook	Bridgewater, town of	do	Jan. 3, 1975		
Do	Lincoln	Bristol, town of	do	Feb. 21, 1975		
Do	Cumberland	Brunswick, town of	do	Nov. 1, 1974		
Do	Oxford	Bryon, town of	do			
Do	Penobscot	Corinna, town of	do			
Do	do	Glenburn, town of	do	Mar. 1, 1974		
Do	Cumberland	Harpswell, town of	do	Nov. 1, 1974		
Do	Somerset	Hartland, town of	do	Feb. 21, 1975		
Do	Oxford	Lovell, town of	do	Apr. 11, 1975		
Do	Washington	Lubec, town of	do	Nov. 1, 1974		
Do	Kennebec	Pittston, town of	do	Dec. 27, 1974		
Do	Washington	Vanceboro, town of	do	Feb. 21, 1975		
Do	Waldo	Unity, town of	do	Aug. 16, 1974		
Do	do	Palermo, town of	do			
Missouri	Atchison	Fairfax, city of	do	May 10, 1974		
Do	Cass	Garden City, city of	do	Mar. 29, 1974		
Do	Audrain	Vandalia, city of	do	May 17, 1974		
Nebraska	Gage	Blue Springs, city of	do	Jan. 9, 1974		
New Jersey	Salem	Oldmans, township of	do	Mar. 2, 1974		
Do	Somerset	Rocky Hill, borough of	do	June 28, 1974		
Do	Sussex	Sussex, borough of	do	June 14, 1974		
Do	Camden	Waterford, township of	do	June 28, 1974		
Do	Bergen	Woodcliff Lake, borough of	do	Feb. 22, 1974		
New York	Nassau	Baxter Estates, village of	do	June 14, 1974		
Do	Erie	Boston, town of	do	Apr. 12, 1974		
Do	Wayne	Lyons, town of	do	Dec. 20, 1974		
Do	Nassau	Kensington, village of	do	June 14, 1974		
Do	Greene	Tannersville, village of	do	June 7, 1974		
North Carolina	Orange	Unincorporated areas	do			
North Dakota	Pembina	Crystal, city of	do	Sept. 13, 1974		
Oklahoma	Ellis	Gage, town of	do	Aug. 23, 1974		
Pennsylvania	Schuylkill	Hegins, township of	do	Jan. 3, 1975		
Rhode Island	Providence	Cumberland, town of	do	do		
South Carolina	Hampton	Furman, town of	do	June 14, 1974		
Do	Williamsburg	Greeleyville, town of	do	June 21, 1974		
Do	McCormick	McCormick, town of	do	June 7, 1974		
Tennessee	Bradley	Cleveland, city of	do			
Texas	Collin	Allen, city of	do	Dec. 20, 1974		
Vermont	Addison	Addison, town of	do	Nov. 22, 1974		
Do	Grand Isle	Alburg, village of	do	Dec. 6, 1974		
Wisconsin	Dane	Belleville, village of	do	Jan. 23, 1974		
Do	Waukesha	Delafield, city of	do	June 7, 1974		
Do	Trempealeau	Eitrick, village of	do	Nov. 30, 1973		
Do	Washington	Germantown, village of	do	June 28, 1974		
Do	Dane	Marshall, village of	do	Dec. 17, 1973		

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

Issued: July 8, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-19080 Filed 7-24-75;8:45 am]

[Docket No. FI-638]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

* * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Alabama	Jefferson	Brighton, city of	July 11, 1975, emergency	May 10, 1974		
Do	St. Clair	Odenville, town of	do	May 24, 1974		
Arkansas	St. Francis	Hughes, city of	do	Oct. 12, 1973		
California	Los Angeles	Compton, city of	do	June 28, 1974		
Do	do	Culver City, city of	do	do		
Do	do	Lakewood, city of	do	July 19, 1974		
Colorado	Baca	Walsh, town of	do	June 28, 1974		
Connecticut	Windham	Windham, town of	June 26, 1975, emergency	Apr. 12, 1974		
Florida	Gadsden	Quincy, city of	July 11, 1975, emergency	Mar. 1, 1974		
Indiana	Elkhart	Bristol, town of	do	Nov. 23, 1973		
Iowa	Jasper	Colfax, city of	do	Jan. 23, 1974		
Kansas	Norton	Norton, city of	do	Feb. 15, 1974		
Do	Harper	Harper, city of	do	Aug. 16, 1974		
Maine	Sagadahoc	Richmond, town of	do	May 31, 1974		
Massachusetts	Middlesex	Reading, town of	do			
Michigan	Clinton	DeWitt, city of	do	Mar. 8, 1974		
Do	Monroe	Petersburg, city of	do	Feb. 15, 1974		
Do	Genesee	Argentine, township of	do			
Missouri	St. Francois	Elvins, city of	do	Dec. 17, 1973		
Do	Shannon	Winona, city of	do			
Nebraska	Madison	Newman Grove, city of	do	Jan. 3, 1975		
New Jersey	Burlington	Maple Shade, township of	do	Mar. 15, 1974		
Do	Warren	Knowlton, township of	do	Aug. 16, 1974		
New York	Chemung	Van Etten, village of	do	June 14, 1974		
Do	do	do	do	June 21, 1974		
Ohio	Cuyahoga	Bedford, city of	do	Feb. 8, 1974		
Do	do	Brecksville, city of	do	do		
Do	Tuscarawas	Dennison, village of	do	Mar. 15, 1974		
Do	Ross	Frankfort, village of	do	Apr. 12, 1974		
Do	Richland	Ontario, village of	do	Apr. 5, 1974		
Do	Union	Richwood, village of	do	May 17, 1974		
Pennsylvania	Mercer	Clark, borough of	do	Dec. 27, 1974		
Do	do	Coolspring, township of	do	Sept. 20, 1974		
Do	York	Fawn Grove, borough of	do	Jan. 3, 1975		
Do	Washington	Finleyville, borough of	do	Nov. 15, 1974		
Do	Lancaster	Fulton, township of	do	Sept. 6, 1974		
Do	Schuylkill	North Union, township of	do	Nov. 15, 1974		
Do	Cambria	Patton, borough of	do	Feb. 1, 1974		
Do	Potter	Pike, township of	do	Dec. 20, 1974		
Do	Venango	Rouseville, borough of	do	Jan. 23, 1974		
Do	Montgomery	Schwenksville, borough of	do	Oct. 25, 1974		
Do	Bradford	Troy, borough of	do	May 10, 1974		
Do	Butler	Valencia, borough of	do	Nov. 22, 1974		
West Virginia	Putnam	Hurricane, city of	do	Apr. 5, 1974		

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

Issued: July 3, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-19081 Filed 7-24-75;8:45 am]

[Docket No. FI-639]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● Purpose. The purpose of this notice is to list those communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). ●

Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410.

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	De Kalb	Fort Payne, city of	July 17, 1975, emergency	Nov. 1, 1974		
Arkansas	Drew	Wilmar, city of	do			
California	San Mateo	Half Moon Bay, city of	do	Mar. 1, 1974		
Do	do	San Bruno, city of	do	June 7, 1974		
Colorado	Weld	Pierce, town of	do	Nov. 29, 1974		
Connecticut	New London	Voluntown, town of	do	May 31, 1974		
Delaware	Sussex	Frankford, town of	do	Sept. 13, 1974		
Florida	Lake	Fruitland Park, city of	do			
Georgia	Fannin	McCaysville, city of	do	Mar. 22, 1974		
Illinois	Crawford	Robinson, city of	do	May 31, 1974		
Kansas	Sedgwick	Unincorporated areas	do	Aug. 2, 1974		
Kentucky	Clinton	Albany, city of	do	May 10, 1974		
Maine	Piscataquis	Guilford, town of	do	Sept. 6, 1974		
Do	Cumberland	Gray, town of	do			
Do	Piscataquis	Greenville, town of	do	Feb. 14, 1975		
Do	do	Sangerville, town of	do	Feb. 7, 1975		
Michigan	Berrien	Oronoko, township of	do	Aug. 2, 1974		
Do	Washtenaw	Pittsfield, township of	do			
Mississippi	Madison	Unincorporated areas	do			
New York	Oneida	Marshall, town of	do	Aug. 2, 1974		
Do	Broome	Nanticoke, town of	do	Apr. 12, 1974		
Do	Nassau	Saddle Rock, village of	do	June 14, 1974		
North Carolina	Watauga	Unincorporated areas	do	Jan. 10, 1975		
Ohio	Crawford	Galion, city of	do	Mar. 15, 1974		
South Carolina	Williamsburg	Stuckey, town of	do	Sept. 6, 1974		
Tennessee	Franklin	Estill Springs, town of	do	Feb. 1, 1974		
Texas	Montague	Bowie, city of	do	May 3, 1974		
Do	Wharton	El Campo, city of	do	July 7, 1974		
Vermont	Chittenden	Williston, town of	do	Mar. 15, 1974		
Do	Bennington	Readsboro, town of	do	May 31, 1974		
Wisconsin	Dane	Madison, city of	do	Mar. 8, 1974		
Do	Sauk and Juneau	Wisconsin Dells, city of	do	Dec. 17, 1973		

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

Issued: July 9, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-19082 Filed 7-24-75;8:45 am]

[Docket No. FI-643]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● The purpose of this notice is to list certain communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410. ●

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and

public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*		*	*
California	Sonoma	Cotati, city of	July 22, 1975, emergency	Nov. 22, 1974		
Do	Siskiyou	Etna, city of	do	Feb. 22, 1974		
Colorado	Weld	Erie, city of	do	June 28, 1974		
Georgia	Liberty	Midway, city of	do	Apr. 4, 1974		
Illinois	Henry	Green Rock, city of	do	Jan. 16, 1974		
Do	Cook	Maywood, village of	do	Feb. 1, 1974		
Do	Tazewell	North Pekin, village of	do	Mar. 8, 1974		
Do	Franklin	Valier, village of	do	Mar. 21, 1975		
Indiana	Marshall	Bremen, town of	do	Nov. 23, 1973		
Do	La Porte	LaCrosse, town of	do	May 31, 1974		
Iowa	Appanoose	Centerville, city of	do	Mar. 22, 1974		
Louisiana	Bossier	Haughton, village of	do	June 28, 1974		
Maine	Knox	Appleton, town of	do	Aug. 2, 1974		
Do	Oxford	Sweden, town of	do	Jan. 17, 1975		
Maryland	Calvert	Preston, town of	do			
Massachusetts	Essex	Danvers, town of	do	July 26, 1974		
Do	Worcester	Leicester, town of	do	July 19, 1974		
Do	Berkshire	Otis, town of	do	Sept. 20, 1974		
Do	do	Sheffield, town of	do	June 28, 1974		
Do	Franklin	Shelburne, town of	do	do		
Do	Middlesex	Shirley, town of	do	do		
Do	Worcester	Sturbridge, town of	do	Sept. 13, 1974		
Do	Franklin	Sunderland, town of	do	Mar. 8, 1974		
Do	Worcester	Westborough, town of	do	do		
Michigan	Oakland	Avon, township of	do	Apr. 25, 1975		
Do	Berrien	Watervliet, city of	do	May 31, 1974		
Minnesota	Dakota	Farmington, city of	do	May 24, 1974		
Do	Koochiching	Littlefork, city of	do	Aug. 2, 1974		
Do	Redwood	Sanborn, city of	do	May 10, 1974		
Missouri	Sullivan	Milan, city of	do	Mar. 1, 1974		
Do	Saline	Slater, city of	do	May 10, 1974		
Nebraska	Lancaster	Firth, village of	do	Nov. 8, 1974		
New Hampshire	Cheshire	Gilsum, town of	do	May 31, 1974		
Do	Strafford	Rochester, city of	do	June 28, 1974		
Do	Grafton	Holderness, town of	do	Mar. 22, 1974		
New Mexico	Grant	Silver City, town of	do	June 14, 1974		
New York	Broome	Dickinson, town of	do	Mar. 8, 1974		
Do	do	Barker, town of	do	Feb. 15, 1974		
Do	Greene	Durham, town of	do	Dec. 13, 1974		
Do	Montgomery	Florida, town of	do	Aug. 2, 1974		
Do	do	Fort Johnson, village of	do	Mar. 15, 1974		
Do	St. Lawrence	Gouverneur, village of	do	May 24, 1974		
Do	Cattaraugus	Hinsdale, town of	do	May 31, 1974		
Do	Herkimer	Little Falls, town of	do	Apr. 5, 1974		
Do	Orange	Montgomery, town of	do	Mar. 22, 1974		
Do	do	Newburgh, town of	do			
Do	Columbia	New Lebanon, town of	do	Apr. 12, 1974		
Do	Cattaraugus	Little Valley, village of	do	May 31, 1973		
Do	Nassau	Valley Stream, village of	do	June 21, 1974		
North Dakota	Dickey	Oakes, city of	do	Feb. 14, 1975		
Ohio	Fairfield	Bremen, village of	do	June 21, 1974		
Do	Cuyahoga	Independence, city of	do	Feb. 1, 1974		
Do	Jackson	Jackson, city of	do	May 17, 1974		
Do	Ashland	Jeromesville, village of	do	May 3, 1974		
Do	do	Loudonville, village of	do	May 31, 1974		
Do	Cuyahoga	Maple Heights, city of	do	Feb. 8, 1974		
Do	Wayne	Orrville, city of	do	Nov. 15, 1974		
Do	Fulton	Wauseon, village of	do	June 7, 1974		
Oregon	Yamhill	McMinnville, city of	do	Dec. 20, 1974		
Do	Douglas	Riddle, city of	do	June 7, 1974		
Pennsylvania	Butler	Donegal, township of	do	Jan. 17, 1975		
Do	Allegheny	Oakdale, borough of	do	Dec. 7, 1973		
South Carolina	Greenwood	Greenwood, city of	do	June 21, 1974		
Texas	Denton	Unincorporated areas	do			
Do	Montague	Nocona, city of	do	May 10, 1974		
Do	Terrell	Unincorporated areas	do	Aug. 16, 1974		
Vermont	Caledonia	Sheffield, town of	do	Feb. 7, 1975		
Wisconsin	Rusk	Tony, village of	do	Sept. 20, 1974		
Do	Outagamie	Kaukauna, city of	do	June 28, 1974		

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

Issued: July 14, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-19231 Filed 7-24-75;8:45 am]

[Docket No. FI-644]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

● The purpose of this notice is to list certain communities wherein the sale of flood insurance is authorized under the National Flood Insurance Program (42 U.S.C. 4001–4128). Insurance policies can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurers Association servicing company for the state (addresses are published at 39 FR 26186–93). A list of servicing companies is also available from the Federal Insurance Administration (FIA), HUD, 451 Seventh Street, SW., Washington, D.C. 20410. ●

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in a flood plain area

having special hazards within any community identified by the Secretary of Housing and Urban Development.

The requirement applies to all identified special flood hazard areas within the United States, and no such financial assistance can legally be provided for acquisition or construction in these areas unless the community has entered the program. Accordingly, for communities listed under this Part no such restriction exists, although insurance, if required, must be purchased.

The Federal Insurance Administrator finds that delayed effective dates would be contrary to the public interest. The Administrator also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence new entries to the table. In each entry, a complete chronology of effective dates appears for each listed community. The date that appears in the fourth column of the table is provided in order to designate the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. These dates serve notice only for the purposes of granting relief, and not for the application of sanctions, within the meaning of 5 U.S.C. 551. The entry reads as follows:

§ 1914.4 List of Eligible Communities.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Mobile	Citronelle, city of	July 23, 1975, emergency	Jan. 31, 1975		
Do	Madison	Madison, city of	do			
Arkansas	Lafayette	Stamps, city of	do	Jan. 23, 1974		
California	Alameda	Emeryville, city of	do	Apr. 12, 1974 Dec. 13, 1974		
Do	Fresno	Orange Cove, city of	do	May 10, 1974		
Colorado	Archuleta	Unincorporated areas	do			
Do	Weld	Milliken, town of	do	May 17, 1974		
Connecticut	New London	Franklin, town of	do	Nov. 1, 1974		
Do	Litchfield	Harwinton, town of	do	June 28, 1974		
Do	Windham	Sterling, town of	do	May 31, 1974		
Florida	Lake	Leesburg, city of	do	Sept. 13, 1974		
Georgia	Forsyth	Cumming, city of	do	June 13, 1974		
Illinois	Hamilton	McLeansboro, city of	do	Mar. 22, 1974		
Do	Cook	Stickney, village of	do	Mar. 29, 1974		
Iowa	Oceola	Sibley, city of	do	May 17, 1974		
Do	Clayton	Volga, town of	do	Aug. 30, 1974		
Kansas	Cloud	Glasco, city of	do	June 21, 1974		
Do	Johnson	Lake Quivira, city of	do	July 26, 1974		
Kentucky	Union	Morganfield, city of	do	May 17, 1974		
Maine	Knox	South Thomaston, town of	do	Nov. 1, 1974		
Do	York	Alfred, town of	do	Feb. 21, 1975		
Do	Waldo	Brooks, town of	do	Mar. 14, 1975		
Do	Washington	Cherryfield, town of	do	Aug. 2, 1974		
Do	do	Dennysville, town of	do	Jan. 10, 1975		
Do	Penobscot	Holden, town of	do	Feb. 7, 1975		
Do	Waldo	Liberty, town of	do	Mar. 14, 1975		
Do	York	Lyman, town of	do	Feb. 7, 1975		
Do	Waldo	Northport, town of	do	Nov. 29, 1974		
Do	Washington	Robbinston, town of	do	Apr. 11, 1975		
Maryland	Allegany	Unincorporated areas	do	Feb. 7, 1975		
Massachusetts	Worcester	Ashburnham, town of	do	July 19, 1974		
Do	Plymouth	East Bridgewater, town of	do	Sept. 6, 1974		
Do	Hampshire	Southampton, town of	do			
Do	Worcester	Warren, town of	do	May 17, 1974		
Do	Essex	Wenham, town of	do	July 26, 1974		
Do	Berkshire	West Stockbridge, town of	do	do		
Do	Hampshire	Worthington, town of	do	June 28, 1974		
Minnesota	Otter Tail	Elizabeth, city of	do	Aug. 9, 1974		
Do	Ramsey	Mounds View, city of	do	May 3, 1974		
Missouri	Gentry	Albany, city of	do	May 17, 1974		
New Hampshire	Strafford	Lee, town of	do	June 21, 1974		
New Jersey	Morris	Butler, borough of	do	Feb. 1, 1974		
Do	Cumberland	Commercial, township of	do	Aug. 23, 1975		
Do	Camden	Gibbsboro, borough of	do	Apr. 4, 1974		
Do	Monmouth	Millstone, township of	do	Mar. 29, 1974		
Do	Morris	Morris Plains, borough of	do	June 28, 1974		
Do	Gloucester	Swedesboro, borough of	do	Nov. 1, 1974		
New York	Warren	Bolton, town of	do	Oct. 18, 1974		
Do	Onondaga	Camillus, town of	do	Sept. 6, 1974		
Do	Allegany	Canaseraga, village of	do	May 10, 1974		
Do	Orange	Chester, village of	do	Jan. 17, 1975		
Do	Ontario	Clifton Springs, village of	do	Feb. 7, 1975		
Do	Onondaga	East Syracuse, village of	do	Apr. 12, 1974		
Do	Lawrence	Fine, town of	do	Jan. 10, 1975		
Do	Erie	Holland, town of	do	June 14, 1974		
Do	Tompkins	Ithaca, town of	do	do		
Do	Madison	Lebanon, town of	do	May 31, 1974		
Do	Franklin	Malone, town of	do	Sept. 20, 1974		
Do	Tompkins	Newfield, town of	do	June 28, 1974		
Do	Wyoming	Perry, village of	do	May 24, 1974		
Do	Herkimer	Poland, town of	do	Mar. 8, 1974		
Do	Yates	Potter, town of	do	July 26, 1974		
Do	Monroe	Scottsville, village of	do	Mar. 8, 1974		
Do	Jefferson	Theresa, town of	do	Aug. 26, 1974		
Do	Erie	Wales, town of	do	May 10, 1974		
Do	Jefferson	Watertown, town of	do	Apr. 5, 1974		
Do	Chautauqua	Westfield, town of	do	Dec. 20, 1974		
North Carolina	Jackson	Dillsboro, town of	do	Mar. 8, 1974		
Ohio	Licking	Hebron, village of	do	May 3, 1974		
Do	Hamilton	Lincoln Heights, city of	do	Feb. 1, 1974		
Oklahoma	Osage	Fairfax, town of	do	Dec. 28, 1973		
Oregon	Grant	Dayville, city of	do	Jan. 24, 1975		
Pennsylvania	Bedford	Cumberland Valley, township of.	do	Feb. 14, 1975		
Do	Fayette	Dawson, borough of	do	Dec. 28, 1973		
Do	Venango	Emlenton, borough of	do	Nov. 15, 1974		

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Do.	Pike	Milford, borough of	do	Apr. 5, 1974		
Do.	Perry	Saville, township of	do	Jan. 24, 1975		
Do.	Carbon	Summit Hill, borough of	do	Jan. 17, 1975		
Do.	Centre	Union, township of	do	Nov. 8, 1974		
Do.	Lawrence	Volant, borough of	do	do		
Do.	Wayne	Waymart, borough of	do	July 26, 1974		
Do.	Clearfield	Westover, borough of	do	Mar. 8, 1974		
South Carolina	Clarendon	Unincorporated areas	do			
Do.	Williamsburg	Lane, town of	do	May 17, 1974		
Texas	Fayette	La Grange, city of	do	Mar. 22, 1974		
Do.	Madison	Madisonville, city of	do	May 17, 1974		
Do.	Garza	Post, city of	do	Apr. 12, 1974		
Do.	Atascosa	Poteet, city of	do	Jan. 23, 1974		
Utah	Weber	Pleasant View, city of	do			
Do.	Summit	Henefer, town of	do	Feb. 21, 1975		
Vermont	Orleans	Coventry, town of	do	do		
Do.	Windham	Dummerston, town of	do	Aug. 30, 1974		
Virginia	Scott	Duffield, town of	do	Mar. 8, 1974		
Washington	Stevens	Colville, city of	do	Dec. 28, 1973		
Washington	Clallam	Sequim, city of	do			
West Virginia	Ohio	Valley Grove, village of	do	Feb. 1, 1974		
Wisconsin	Kewaunee	Luxemburg, village of	do	May 10, 1974		
Wyoming	Park	Powell, city of	do			
Arkansas	Pope	Russellville, city of	July 17, 1970, emergency December 31, 1970, regular April 15, 1973, suspended July 16, 1975, reinstated	July 18, 1970		

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

Issued: July 15, 1975.

J. ROBERT HUNTER,
Acting Federal Insurance Administrator.

[FR Doc.75-19232 Filed 7-24-75;8:45 am]

[Docket No. FI-641]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

● Purpose. The purpose of this notice is the identification of communities with areas of special flood/ or mudslide/ or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards. ●

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the National Flood Insurance Program.

Effective July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition, however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling used as the primary residence of the owner.

Effective July 1, 1975, even though no areas with special flood hazards in the community had previously been identified, the identification of special hazard areas within the community makes mandatory the purchase of insurance. Therefore, the effective date of identification shall be August 25, 1975, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. Effective July 1, 1975, the six months period shall be considered to begin August 25, 1975, or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin August 25, 1975, or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * *

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Florida	Lake	Tavares, city of	H 120138A 01 through H 120138A 02.	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Administrator, Box 1246, Tavares, Fla. 32778.	Aug. 2, 1974. Sept. 12, 1975.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Idaho	Boise	Horseshoe Bend, city of.	H 160172 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	City Clerk, P.O. Box 246, Horseshoe Bend, Idaho 83629.	Sept. 12, 1975.
Illinois	Cook	Glenview, village of.	H 170096A 01 through H 170096A 05.	Governor's Task Force on Flood Control, 300 North State St., Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, 2453 Greenville Dr., Glenview, Ill. 60025.	June 28, 1974. Sept. 12, 1975.
Indiana	Laporte	Michigan City, city of.	H 180147A 01 through H 180147A 09.	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, 623 Warren Bldg., Michigan City, Ind. 46360.	July 19, 1974. Sept. 12, 1975.
Iowa	Buchanan	Lamont, city of.	H 190331 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	City Clerk, City of Lamont, Lamont, Iowa 50650.	Sept. 12, 1975.
Do	Howard	Protivin, city of.	H 190419 01	do	Mayor, P.O. Box 108, Protivin, Iowa 52163.	Do.
Do	Jasper	Baxter, city of.	H 190552 01	do	Mayor, P.O. Box 378, Baxter, Iowa 50028.	Do.
Do	Boone	Boone, city of.	H 190555 01 through H 190555 04.	do	Mayor, City Hall, 923 8th St., Boone, Iowa 50036.	Do.
Do	Tama	Toledo, city of.	H 190667 01 through H 190667 02.	do	Mayor, City Hall, Toledo, Iowa 52342.	Do.
Do	Decatur	Garden Grove, town of.	H 190731 01	do	Mayor, East Main St., Garden Grove, Iowa 50103.	Do.
Kansas	Cowley and Sumner.	Geuda Springs, city of.	H 200414 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Geuda Springs, Kans. 67051.	Do.
Do	Decatur	Norcatur, city of.	H 200441 01	do	Mayor, City Hall, Norcatur, Kans. 67653.	Do.
Do	Barber	Kiowa, city of.	H 200513 01	do	Mayor, City Hall, Kiowa, Kans. 67070.	Do.
Do	Wallace	Sharon Springs, city of.	H 200529 01	do	Mayor, P.O. Box 490, Sharon Springs, Kans. 67458.	Do.
Louisiana	Jackson Parish	Jonesboro, town of.	H 220252 01 through H 220252 02.	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, City Hall, Jonesboro, La. 71251.	Do.
Maryland	Kent	Rock Hall, town of.	H 240048A 01 through H 240048A 02.	Department of Natural Resources, Water Resources Division, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 201 West Preston St., Baltimore, Md. 21201.	Mayor, Town Office, Rock Hall, Md. 21661.	July 26, 1974.
Michigan	Monroe	Ida, township of.	H 260147A 01 through H 260147A 11.	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Mich. 48913.	Township Supervisor, Lewis Ave., Ida, Mich. 48140.	June 21, 1974. Sept. 12, 1975.
Do	Lapeer	Imlay, city of.	H 260337 01 through H 260337 02.	do	Mayor, Imlay City, 400 East Third St. Imlay City, Mich. 48444.	Sept. 12, 1975.
Do	do	North Branch, village of.	H 260338 01 through H 260338 02.	do	Village President, Village of North Branch, 4018 Huron St., North Branch, Mich. 48461.	Do.
Do	Lenawee	Blissfield, village of.	H 260339 01 through H 260339 02.	do	Village President, Village of Blissfield, 117 West Adrian St., Blissfield, Mich. 49228.	Do.
Do	Newaygo	Newaygo, city of.	H 260340 01 through H 260340 03.	do	Mayor, City of Newaygo, 29 West State Rd., Newaygo, Mich. 49337.	Do.
Do	Eaton	Eaton Rapids, township of.	H 260391 01 through H 260391 12.	do	Supervisor, Township of Eaton Rapids, Township Hall, Eaton Rapids, Mich. 48827.	Do.
Do	Kalamazoo	Comstock, township of.	H 260427 01 through H 260427 12.	do	Township Supervisor, Township Board, P.O. Box 14, Comstock, Mich. 49041.	Do.
Do	Lenawee	Deerfield, village of.	H 260438 01 through H 260438 02.	do	Mayor, Village Hall, Deerfield, Mich. 49238.	Do.
Minnesota	Isanti	Cambridge, city of.	H 270198A 01 through H 270198A 02.	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, 139 East 1st St., Cambridge, Minn. 55008.	May 17, 1974. Sept. 12, 1975.
Do	Stevens	Unincorporated areas.	H 270640 01 through H 270640 35.	do	Zoning Administrator, Stevens County Board of Commissioners, County of Stevens, Stevens County Courthouse, Morris, Minn., 56267.	Sept. 12, 1975.
Do	Sherburne	Clear Lake, city of.	H 270664A 01	do	Mayor, Mayor's Office, Clear Lake, Minn. 55319.	Jan. 3, 1975.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Nebraska	Taylor	Alexandria, village of.	H 310243 01	Nebraska Natural Resources, Commission, Terminal Bldg., 7th Floor, Lincoln, Nebr. 68508. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Chairman, Village of Alexandria, Nebr. 68303.	Sept. 12, 1975.
Do	Brown	Ainsworth, city of.	H 310338 01 through H 310338 04.	do	Mayor, 141 North Main St., Ainsworth, Nebr. 69210.	Do.
Do	Fillmore	Fairmont, village of.	H 310367 01	do	Mayor, Village Hall, Fairmont, Nebr. 68354.	Do.
Do	Kearney	Minden, city of	H 310389 01	do	Mayor, P.O. Box 239, Minden, Nebr. 68959.	Do.
New York	Oswego	Oswego, city of	H 360657A 01 through H 360657A 06.	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 2 World Trade Center, Albany, N.Y. 10047.	Mayor, City Hall, Oswego, N.Y. 13126	May 10, 1974. Sept. 12, 1975.
Oklahoma	Major	Cleo Springs, town of.	H 400280 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	President, Town Hall, Cleo Springs, Okla. 73729.	Sept. 12, 1975.
Pennsylvania	Elk	Ridgway, township of.	H 420445 01 through H 420445 08	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Secretary, Township of Ridgway, Municipal Bldg., Ridgway Dr., Ridgway, Pa. 15853.	Do.
Texas	Bell and Williamson.	Bartlett, city of	H 480707 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, 140 West Clark St., Bartlett, Tex. 76511.	Do.
Do	Wood	Hawkins, city of	H 481056 01	do	Secretary, P.O. Drawer 329, Hawkins, Tex. 75765.	Do.
Do	do	Quitman, city of	H 481057 01	do	Mayor, 213 Bermuda St., Quitman, Tex. 75783.	Do.
Do	Grayson	Southmayd, town of.	H 481163 01 through H 481163 04.	do	Mayor, General Delivery, Southmayd, Tex. 76268.	Do.
Utah	Washington	Ivins, town of	H 49173 01 through H 49173 02.	Utah Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Town President, Town Hall, Ivins, Utah 84738.	Do.
Vermont	Windsor	Springfield, town of	H 500154 01 through H 500154 22.	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Town Manager, Town Hall, Springfield, Vt. 05156.	Feb. 22, 1974. Sept. 12, 1975.
Virginia	Loudoun	Leesburg, town of.	H 510091A 01 through H 510091A 08.	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Acting Town Manager, Box 88, Leesburg, Va. 22075.	Aug. 30, 1974. Sept. 12, 1975.
West Virginia	Raleigh	Beckley, city of	H 540170A 01 through H 540170A 06.	Flood Insurance Department, Office of Federal-State Relations, Division of Planning and Development, Capitol Bldg., Room 150, Charleston, W. Va. 25305. Mr. Donald W. Brown, Insurance Commissioner, Bldg. No. 3, Room 643, 1800 Washington St., Charleston, W. Va. 25305.	Mayor, Drawer AJ, Beckley, W. Va. 25801.	June 7, 1974. Sept. 12, 1975.

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

Issued: July 3, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[FR Doc.75-19086 Filed 7-24-75;8:45 am]

[Docket No. FI-640]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

● Purpose. The purpose of this notice is the identification of communities with areas of special flood/ or mudslide/ or erosion hazards in accordance with Part 1915 of Title 24 of the Code of Federal Regulations as authorized by the National Flood Insurance Program (42 U.S.C. 4001–4128). The identification of such areas is to provide guidance so that communities may adopt appropriate flood plain management measures to minimize damage caused by flood losses and to guide future construction, where practicable, away from locations which are threatened by flood hazards. ●

The Flood Disaster Protection Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of Federal or Federally related financial assistance for acquisition or construction purposes in an identified flood plain area having special flood hazards that is located within any community currently participating in the National Flood Insurance Program.

Effective July 1, 1975, or one year after the identification of the community as flood prone, whichever is later, the requirement will apply to all identified special flood hazard areas within the United States, so that, after that date, no such financial assistance can legally be provided for acquisition and construction in these areas unless the community has entered the program. The prohibition; however, does not apply to loans by a Federally regulated, insured, supervised or approved bank prior to January 1, 1976, to finance the acquisition of a previously occupied residential dwelling used as the primary residence of the owner.

Effective July 1, 1975, even though no areas with special flood hazards in the community had previously been identified, the identification of special hazard areas within the community makes mandatory the purchase of insurance. Therefore, the effective date of identification shall be August 25, 1975, or the date which appears in this notice, whichever is later.

This 30 day period does not supersede the statutory requirement that a community, whether or not participating in the program, be given the opportunity for a period of six months to establish that it is not seriously flood prone or that such flood hazards as may have existed have been corrected by floodworks or other flood control methods. Effective July 1, 1975, the six months period shall be considered to begin August 24, 1975, or the effective date of the Flood Hazard Boundary Map, whichever is later. Similarly, the one year period a community has to enter the program under section 201(d) of the Flood Disaster Protection Act of 1973 shall be considered to begin 30 days August 24, 1975, or the effective date of the Flood Hazard Boundary Map, whichever is later.

Where several dates appear in the column set forth below marked Effective Date of Identification, the first date is the date of initial identification, and all other dates represent modification by additions or deletions to identified areas with special hazards.

Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*		*	*	*	*
Arizona	Maricopa	Tempe, city of	H 040054A 01 through H 040054A 13.	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 West Glenrosa, Phoenix, Ariz. 85011.	Public Works Director, P.O. Box 5002, Tempe, Ariz. 85281.	June 28, 1974. Sept. 5, 1975.
Colorado	Weld	Dacono, town of	H 080236 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 08203.	Mayor, P.O. Box 186, Dacono, Colo. 80514.	Sept. 5, 1975.
Florida	Palm Beach	Pahokee, city of	H 120219 01 through H 120219 04.	Department of Community Affairs, 2571 Ex. Center Circle E., Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, City Hall, P.O. Box Y, Pahokee, Fla. 33476.	Do.
Do	do	Palm Beach, town of.	H 120220A 01 through H 120220A 05.	do	Town Manager, P.O. Box 2029, Palm Beach, Fla. 33480.	Sept. 13, 1974. Sept. 5, 1975.
Do	Polk	Haines City, city of.	H 120266A 01 through H 120266A 03.	do	City Manager, City Hall, Haines City, Fla. 33844.	Sept. 5, 1975. June 7, 1974.
Do	Volusia	South Daytona, city of.	H 120314A 01 through H 120314A 02	do	Mayor, City of South Daytona, P.O. Box 4220, South Daytona, Fla. 32021.	June 28, 1974. Sept. 5, 1975.
Do	Okaloosa	Niceville, town of.	H 120338 01 through H 120338 03	do	Mayor, City Hall, Niceville, Fla. 32578.	Sept. 5, 1975.
Idaho	Franklin	Franklin, city of	H 160137 01	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Mayor, P.O. Box 116, Franklin, Idaho 83237.	Do.
Do	Valley	McCall, city of	H 160175 01 through H 160175 03	do	Mayor, P.O. Box M, McCall, Idaho 83638.	Do.
Illinois	DuPage	Oak Brook, village of.	H 170214A 01 through H 170214A 05	Governor's Task Force on Flood Control, 300 North State St., Room 1010, P.O. Box 475, Chicago, Ill. 60610. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Village Engineer, 1200 Oak Brook Rd., Oak Brook, Ill. 60521.	Aug. 16, 1974. Sept. 5, 1975.
Iowa	Jasper	Mingo, town of	H 190166 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, Town Hall, Mingo, Iowa 50168.	Sept. 5, 1975.
Do	Clay	Dickens, city of	H 190335 01	do	Mayor, P.O. Box 130, Dickens, Iowa 51333.	Do.
Do	Pocahontas	Rolfe, town of	H 190487 01	do	Mayor, Town Hall, Rolfe, Iowa 50581.	Do.
Do	Wapello	Agency, town of	H 190539 01	do	Clerk, City Hall, Agency, Iowa 52530.	Do.
Do	Clarke	Murray, town of	H 190625 01	do	Clerk, P.O. Box 84, Murray, Iowa 50174.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Polk	Bondurant, city of.	H 190707 01	do	Mayor, P.O. Box 37, Bondurant, Iowa 50035.	Do.
Do	Winneshiek	Castalia, town of.	H 190713 01	do	Mayor, Town Hall, Castalia, Iowa 52133.	Do.
Do	Tama	Montour, city of.	H 190782 01	do	Mayor, P.O. Box No. 1, Montour, Iowa 50173.	Do.
Kansas	Allen	Humboldt, city of.	H 200002A 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor Statehouse, Topeka, Kans. 66612.	City Clerk, Office of City Administration, 701 Bridge St., Humboldt, Kans. 66748.	Dec. 7, 1973. Sept. 5, 1975.
Do	Russell	Russell, city of.	H 200315B 01 through H 200315B 02	do	City Manager, P.O. Box 112, Russell, Kans. 67665.	Feb. 8, 1974. Sept. 5, 1975.
Do	Washington	Linn, city of.	H 200431 01	do	Mayor, P.O. Box 325, Linn, Kans. 66953.	Do.
Do	Sedgwick	Clearwater, city of.	H 200482 01	do	Mayor, P.O. Box 435, Clearwater, Kans. 67026.	Do.
Michigan	Eaton	Eaton Rapids, city of.	H 260067A 01	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Mich. 48913.	Building Inspector, 147 South Main, City Hall, 101 West Hamlin St., Eaton Rapids, Mich. 48827.	May 24, 1974.
Do	Ingham	Leslie, city of.	H 260091A 01	do	Mayor, 107 East Bellevue, Leslie, Mich. 49251.	June 14, 1974.
Do	Ottawa	Hudsonville, city of.	H 260063 01 through H 260063 02	do	Mayor, City Hall, Hudsonville, Mich. 49426.	Sept. 5, 1975.
Do	Van Buren	Columbia, township of.	H 260531 01 through H 260531 11.	do	Township Supervisor, Township of Columbia, Columbia, Mich. No ZIP Code.	Do.
Missouri	St. Louis	Florissant, city of.	H 290352A 01 through H 290352A 07.	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	City Engineer, City Hall, Florissant, Mo. 63031.	Nov. 9, 1973. Sept. 5, 1975.
Nebraska	Saunders	Mead, village of.	H 310301 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L. St., Lincoln, Nebr. 68509.	Mayor, P.O. Box 189, Mead, Nebr. 68041.	Do.
Do	Cheyenne	Potter, village of.	H 310311 01	do	Chairman, Village Hall, Potter, Nebr. 69156.	Do.
Do	Gosper	Elwood, village of.	H 310365 01	do	Mayor, P.O. Box 124, Elwood, Nebr. 68937.	Do.
New Mexico	Torrance	Willard, village of.	H 350100 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, P.O. Box 46, Willard, N. Mex. 87063.	Do.
New York	Greene	Hunter, town of.	H 360292 01 through H 360292 12.	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Mayor, Town Hall, Hunter, N.Y. 12442.	Do.
North Dakota	McHenry	Balfour, city of.	H 380045 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City Hall, Balfour, N. Dak. 58712.	Do.
Ohio	Marion	Marion, city of.	H 390376 01 through H 390376 06.	Ohio Department of Natural Resources, Fountain Sq., Columbus, Ohio 43224. Director of Insurance, State of Ohio Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Mayor, City Hall, Marion, Ohio 43302.	Do.
Do	Fulton	Archbold, village of.	H 390663 01 through H 390663 02.	do	Village President, Village Hall, Archbold, Ohio 43502.	Do.
South Carolina	Beaufort	Beaufort, city of.	H 450026A 01 through H 450026A 05.	South Carolina Water Resources Commission, P.O. Box 4515, Columbia, S.C. 29240. South Carolina Insurance Department, 2711 Middleburg, St., Columbia, S.C. 29204.	Planning Engineer, County Joint Planning Commission, P.O. Box 406, Beaufort, S.C. 29902.	June 28, 1974. Sept. 5, 1975.
Do	Horry	North Myrtle Beach, town of.	H 450110A 01 through H 450110A 04.	do	Mayor, town of North Myrtle Beach, P.O. Box 1038, North Myrtle Beach, S.C. 29582.	Aug. 23, 1974. Sept. 5, 1975.
South Dakota	Minnehaha	Humboldt, town of.	H 460118 01	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance Dept., Pierre, S. Dak. 57501.	Mayor, P.O. Box 24, Humboldt, S. Dak. 57035.	Do.
Do	Bonhomme	Scotland, city of.	H 460213 01	do	Mayor, P.O. Box 233, Scotland, S. Dak. 57059.	Do.
Texas	Hidalgo	Alamo, city of.	H 480335A 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, Alamo, Tex. 78516.	Jan. 23, 1974. Sept. 5, 1975.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Young	Graham, city of	H 480685A 01 through H 480685A 02.	do	City Manager, P.O. Box 690, Graham, Tex. 76046.	June 28, 1974. Sept. 5, 1975.
Do	Denton	Roanoke, city of	H 480785 01	do	Mayor, P.O. Box 386, Roanoke, Tex. 76262.	Do.
Do	Lynn	New Home, town of.	H 480920 01	do	Alderman, Wilson Route 1, New Home, Tex. 79381.	Do.
Utah	Cache	Amalga, town of	H 490013 01 through H 490013 03.	Utah Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	President, Town of Amalga, R.F.D. No. 1, Smithfield, Utah 84335.	Do.
Do	do	Clarkston, town of.	H 490014 01	do	Mayor, Town Hall, Clarkston, Utah 84305.	Do.
Do	Box Elder	Bear River, town of.	H 490194 01 through H 490194 02.	do	Clerk, P.O. Box 364, Bear River, Utah no ZIP code.	Do.
Virginia	Prince William	Haymarket, town of.	H 510121A 01	Bureau of Water Control Management, State Water Control Board, 2d floor, Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Town Council, Town Hall, Haymarket, Va. 22069.	Aug. 9, 1974.
Washington	Lewis	Vader, town of	H 530266 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, P.O. Box 178, Vader, Wash. 98593.	Sept. 5, 1975.
Do	Snohomish	Lake Stevens, town of.	H 530291 01	do	Clerk, P.O. Box 257, Lake Stevens, Wash. 98258.	Do.
Wisconsin	Dane	Madison, city of	H 550083A 01 through H 550083A 23.	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701.	Mayor, 210 Monona Ave., Madison, Wis. 53709.	Mar. 8, 1974. Sept. 5, 1975.
Do	Sauk	Sauk City, village of.	H 550404A 01	do	Village Administrator, Village of Sauk City, 806 Water St., Sauk City, Wis. 53583.	Dec. 7, 1973. Sept. 5, 1975.

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

Issued: June 30, 1975.

FRANCIS V. REILLY,
Acting Federal Insurance Administrator.

[PR Doc.75-19087 Filed 7-24-75;8:45 am]

Title 36—Parks, Forests, and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 231—GRAZING

Grazing Advisory Boards

On April 11, 1975, the FEDERAL REGISTER (40 FR 16335) contained a notice of a proposed revision of the procedures for establishing grazing advisory boards to conform to the Federal Advisory Committee Act (Pub. L. 92–463).

Interested parties were given 30 days to submit data, views or objections pertaining to the proposed revision. Numerous comments were received supporting the provision for the continuation of grazing advisory boards.

As a result of comments received, the following changes in the revised procedures are made in addition to language changes for clarification:

1. Section (b)(1) was revised to clarify the procedures for establishing a grazing advisory board whenever a majority of the grazing permittees on a National Forest or National Grassland or subdivision thereof so petitions the Forest Supervisor.

2. Section (c) was revised to provide for the membership on the boards to exceed twelve (12) members with approval of the Chief. This was justified on the basis that situations do occur where it is necessary to have more than 12 members to obtain equitable representation of the grazing permittees in the area for which such board is constituted.

3. Section (d)(1) was revised to give emphasis to nondiscrimination in the nomination and election of advisory board members to effect equitable representation of all grazing permittees in the area for which the board is to be established.

4. Section (e)(2) was revised to provide for the adoption of bylaws by a majority of the board members rather than a majority of the permittees.

5. Section (f)(2) was revised to add a provision that actions by the grazing advisory board in considering complaints of grazing permittees will not be construed as a waiver of the right of appeal or administrative review of decisions of Forest officers.

6. Section (h)(2)(ii) was revised to clarify the provisions for withdrawing recognition of boards that become inactive.

Suggestions were made regarding the retention of certain provisions of the Granger-Thye Act. These have been included to the extent they do not conflict with the Federal Advisory Committee Act.

Section 17 of the Granger-Thye Act, dealing with advisory boards, was superseded by the Federal Advisory Committee Act (P.L. 92–263). The grazing advisory boards formerly organized under the Granger-Thye Act terminated on January 5, 1975, since their duration was not otherwise provided for by law. The purpose of this Regulation is to provide for the establishment and renewal of grazing advisory boards within the provisions of the Federal Advisory Committee Act.

Accordingly, with these changes and additions, the Regulation is hereby adopted to read as follows:

§ 231.10 Grazing Advisory Boards.

(a) *Purpose.* To provide National Forest System grazing permittees a means for expressing their recommendations concerning the management and administration of the range resources of the National Forest System.

(b) *Establishment.* (1) Whenever a majority of the grazing permittees of a

National Forest or National Grassland or any subdivision thereof wishes to have a grazing advisory board established, it may so petition the Forest Supervisor.

(2) Upon being petitioned, the Forest Supervisor shall determine whether the following requirements have been met:

(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 who have petitioned for a grazing advisory board are a majority of the grazing permittees in the area for which the board would be established.

(iii) Establishment of such a board is determined to be in the public interest.

(3) The request to have the grazing advisory board established will be submitted by the Regional Forester to the Chief, Forest Service, who will request concurrence of the Office of Management and Budget (OMB) 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 will request public comment within 15 days.

(ii) The Assistant Secretary for Conservation, Research, and Education will issue a formal establishment document in the form of an unnumbered Secretary's Memorandum.

(iii) The Forest Supervisor will prepare a charter as required by paragraph (e) of this section.

(c) *Membership.* Each grazing advisory board established under the provisions of this section shall consist of not fewer than three (3) nor more than twelve (12) members, except by approval of the Chief, 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. No person shall be denied the opportunity to serve as a grazing advisory board member because of race, color, sex, religion or national origin. 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) The Forest Supervisor will prepare a charter to be filed with the Department and the 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 its members and the Forest Supervisor, adopt bylaws to govern its proceedings.

(f) *Function.* (1) Grazing advisory board members discuss plans and procedures in the management of range resources, and give their advice and recommendations to Forest officers.

(2) The board may consider the complaints of grazing permittees within the area it represents and may recommend appropriate action for relief, provided that complaints taken under this paragraph shall not be construed as a waiver of any right to appeal or administrative review of decisions of Forest officers under 7 CFR 24.1-24.21 (39 FR 30912) and 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 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 on January 5 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 period of 2 consecutive years.

(3) Grazing advisory boards may be renewed, if it is determined to be in the public's interest to do so, by obtaining OMB concurrence, issuing a Secretary's Memorandum of renewal, publishing a Federal Register notice, and filing a new charter.

(Pub. L. 92-463, 86 Stat. 770)

Effective date. This revision becomes effective August 25, 1975.

Dated: July 22, 1975.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

[FR Doc.75-19400 Filed 7-24-75;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

[FPMR Amdt. E-165]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Improved Federal Supply Schedules Program

This regulation provides policy and procedures concerning the requisitioning of certain non-stock commodities through GSA and not directly with the contractor as previously specified in the Federal Supply Schedule program.

Section 101-26.401 is amended by adding paragraph (c) as follows:

§ 101-26.401 Applicability.

* * * * *

(c) Certain non-stock commodities are listed in a separate volume of the GSA Supply Catalog, entitled "Improved Federal Supply Schedules Program." Requisitions for these commodities shall be submitted in FEDSTRIP/MILSTRIP format to the GSA support region.

(1) Commodities requisitioned under this program will be shipped direct to the consignee by the contractor, and the ordering activity will be billed by GSA for the total amount of the purchase.

(2) This portion of the catalog is published periodically to incorporate additional commodities as they are included in the program. Each publication includes instructions concerning ordering, prices, delivery, inspection, and complaints involving quality of merchandise. Activities presently receiving copies of the GSA Supply Catalog will also receive this publication.

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

Effective date. This regulation is effective on July 25, 1974.

Dated: July 14, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-19378 Filed 7-24-75;8:45 am]

[FPMR Amdt. E-166]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Inspection, Nonconforming Supplies, and Illustrations of Forms

This amendment clarifies policy regarding the availability of assistance in source inspection of items, provides guidelines for reporting the receipt of nonconforming supplies, and illustrates current editions of forms.

1. The table of contents for Part 101-26 is amended to revise the following entry:

101-26.4904-416 DD Form 416, Purchase Request for Coal, Coke or Briquettes.

2. In § 101-26.403-2 paragraphs (a)(1) and (b)(1) are revised and (b)(3) is added as follows:

§ 101-26.403-2 Inspection.

(a) *Acceptance inspection.* (1) Acceptance inspection of supplies and services is necessary to ensure compliance with applicable specifications and other contractual requirements. Arrangements for inspection shall be the responsibility of the ordering agency except when the Federal Supply Schedule specifically provides for source inspection by GSA. When a Federal Supply Schedule does not provide for source inspection by GSA, the ordering agency may arrange for assistance from GSA in source inspection provided that the schedule is covered by specifications or technical descriptions. In determining the need for assistance from GSA in source inspection, the ordering agency shall consider the volume of the procurement, complexity of the items, and the past performance of the supplier. When the Federal Supply Schedule provides for source inspection by GSA or an agency desires assistance from GSA in source inspection of items covered by specifications or technical descriptions, the ordering agency shall furnish two copies of the purchase order or delivery order to the regional Director, Quality Control Division, Federal Supply Service, located at the GSA regional office serving the geographic area where the supplier is located or from where shipment will be made. The order shall indicate that inspection shall be performed at source, prior to shipment, by the Quality Control Division of the appropriate GSA regional office.

* * * * *

(b) *Nonconforming supplies or services.* (1) When inspection is performed by an activity other than GSA, the ordering agency shall report to the GSA office executing the contract all significant instances where nonconforming supplies and services are received. Ordering officers have the right either to reject supplies defective in material or workmanship, or otherwise not in conformity with contract requirements, or to require their removal for correction or correction in place, by and at the expense of the contractor. Ordering offices may accept nonconforming supplies and services and pay therefor at a proper reduction in price in accordance with the contract provisions, or may terminate the right of the contractor to proceed further under the purchase order. Unless the contractor corrects or replaces supplies within the delivery schedule, the ordering office may declare the contractor in default and purchase the supplies elsewhere against the contractor's account.

* * * * *

(3) Agency reports of nonconforming supplies ordered through Federal Supply Schedules and inspected at source by GSA shall be submitted to the General Services Administration, Federal Supply Service, Attention: Inquiry and Adjustments Activity, at the GSA regional office serving the area in which the material is located. Upon receipt of such a report, GSA will take appropriate action to correct the problem. To facilitate handling and adjustment, the ordering agency shall provide GSA with the following information, when it is available:

(i) FEDSTRIP/MILSTRIP requisition number;

(ii) National stock number (NSN);

(iii) Brief description of item;

(iv) Quantity received, on hand, and defective;

(v) Contract number;

(vi) Name of contractor;

(vii) Order number;

(viii) Manufacturer's batch or lot number;

(ix) Date deficiency/discrepancy discovered;

(x) Date received;

(xi) Date manufactured;

(xii) Location of material;

(xiii) Point of shipment;

(xiv) Name, address, and telephone number of person to contact; and

(xv) Brief statement of complaint.

§ 101-26.4902-457 [Amended]

3. Section 101-26.4902-457 is amended to illustrate the October 1973 edition of GSA Form 457, FSS Publications Mailing List Application.

§ 101-26.4904-416 [Amended]

4. Section 101-26.4904-416 is amended to illustrate the February 1972 edition of DD Form 416, Purchase Request for Coal, Coke or Briquettes, and change the section title to read as follows:

§ 101-26.4904-416 DD Form 416, Purchase Request for Coal, Coke or Briquettes.

NOTE: The forms illustrated in §§ 101-26.4902-457 and 101-26.4904-416 are filed as part of the original document.

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

Effective date. This regulation is effective on July 25, 1975.

Dated: July 14, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-19379 Filed 7-24-75;8:45 am]

[FPMR Amdt. F-22]

PART 101-35—TELECOMMUNICATIONS

Automatic Call Distributor Systems

This amendment revises §§ 101-35.202 and 101-35.203 for the purpose of specifically identifying Automatic Call Distributors (ACD) in FPMR 101-35 as telecommunication equipment requiring GSA approval before installation or relocation.

1. In § 101-35.202, paragraph (a)(11) is added to read as follows:

§ 101-35.202 Definition of major changes.

* * * * *

(a) * * *

(11) Installation, relocation, or removal of Automatic Call Distributor (ACD) equipment. (For the purpose of § 101-35.203(a)(1), an ACD is considered to be a specialized type of PBX equipment.)

2. In § 101-35.203, paragraph (a)(3) is added to read as follows:

§ 101-35.203 Justification of major changes and new installations.

* * * * *

(a) * * *

(3) In addition to the information required in paragraphs (a)(1) and (2) above, the requests for ACD's shall include a statement that the monitoring, service observing, or listening-in features of ACD's will be removed or disabled at the time of installation. These features are prohibited by § 101-35.308-9(f). Existing and future ACD's shall have this function removed unless specifically authorized in writing as required by § 101-35.307-2.

* * * * *

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

Effective date. This regulation is effective on July 25, 1975.

Dated: July 17, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-19380 Filed 7-24-75;8:45 am]

[FPMR Amendment H-91]

PART 101-42—PROPERTY REHABILITATION SERVICES AND FACILITIES

Revised Procedures Concerning Reclamation of Precious Metals

This regulation provides editorial and procedural changes and adds guidelines for the recovery of precious metals.

1. The table of contents for Part 101-42 is amended by the addition and revision of the following entries:

2. Subpart 101-42.3 is revised to read as follows:

Subpart 101-42.3—Recovery of Precious Metals and Critical Materials

§ 101-42.300 Scope of subpart.

This subpart prescribes the policy and procedures for recovery of precious metals and critical materials from articles of excess personal property.

§ 101-42.301 General.

GSA has the responsibility for the initiation of Government-wide precious metals and critical materials recovery programs, and for the issuance and administration of applicable contracts, except those issued and administered by the Department of Defense for precious metal recovery and refinement operations. Situations will occur where, in terms of economy, efficiency, and environmental quality, it is in the best interest of the Government to recover precious metals and critical materials from articles of excess personal property in lieu of other methods of disposal. GSA will determine when Government-wide recovery is appropriate based on the supply-demand factor, the price of the commodity, the cost of recovering the precious metal or critical material, and applicable guidelines or regulations on pollution control, each given proper weight. Precious metals that may be designated for recovery are gold, silver, and metals in the platinum group. Examples of silver-bearing scrap and waste include used photographic fixing (hypo) solution, photographic and X-ray film, silver alloys, and dental scrap. Strategic and critical materials, lists of which may be issued from time to time as provided in § 101-14.106, may also be designated for recovery.

§ 101-42.301 Guidelines for conducting intra-agency surveys.

Each agency having activities that generate used hypo solution, scrap film, or other precious metal-bearing scrap, and which has no precious metal recovery program shall periodically survey each such activity to evaluate recovery potential and implement recovery procedures when economically feasible. A copy of the original or updated survey shall be made available upon request to the General Services Administration (FWR), Washington, D.C. 20406. Section 101-42.4901 illustrates a suggested format for recording agency surveys. Each agency shall designate an individual to be responsible for coordinating the intra-agency surveys, implementing recovery procedures, monitoring the recovery programs, and submitting the consolidated annual report prescribed in § 101-42.301-2.

§ 101-42.301-2 Reporting to GSA.

Each agency generating silver or other precious metals (including used hypo solution, scrap film, and other precious metal-bearing scrap) shall submit a consolidated annual report on its precious metal generating activities to the General Services Administration (FWR), Washington, DC 20406. Reports shall cover the entire fiscal year and be submitted within 45 calendar days after the close of each fiscal year. Section 101-42.4902 illustrates a suggested format for the report (Interagency Report Control Number 1529-GSA-AN) to show the number of activities recovering silver from used hypo solution, scrap film, and other silver-bearing scrap; the number of activities recovering other precious metal-bearing scrap; the amounts recovered in terms of troy ounces; the method of recovery or disposal; and the agency estimate of savings for the report period. The first annual report shall be for fiscal year 1976.

§ 101-42.302 Recovery of silver from used hypo solution and scrap film.

Heads of executive agencies shall be responsible for establishing, maintaining, and pursuing a program for silver recovery from used hypo solution and scrap film.

§ 101-42.302-1 Agency responsibility.

Each agency shall consider recovering silver regardless of the quantity of used hypo solution generated. Installation of a silver recovery unit consistent with the quantity of used hypo solution generated or storage of used hypo solution until a processable quantity is obtained are two alternatives. Where an activity generates small quantities and tests show that there is a minimal amount of silver per gallon of solution, arrangements should be made with another activity in the area, which is using a recovery unit, to receive and process its used hypo solution to the extent feasible. When consolidation with other activities is not practicable, and information and assistance with regard to recovery techniques are required, the GSA regional office serving the area or DSA (in accordance with § 101-42.303) should be contacted. If it is determined that the silver cannot be recovered economically by Government-owned equipment or by a commercial recovery contractor, the solution should be disposed of in accordance with Part 101-45, and in an environmentally acceptable manner.

§ 101-42.302-2 General guidelines for the recovery of silver from used hypo solution.

The basic factors that determine the potential quantity of recoverable silver are: (a) The amount of used hypo solution generated; (b) the amount and type of film processed; and (c) the physical layout of the photographic facility. Since these factors may vary for each activity, a single method of recovery cannot be prescribed. Used hypo solution should be processed to recover the maximum amount of silver from the solution, consistent with overall economic feasibility and environmental considerations. Recovery can be effected either by Government-owned equipment or by commercial recovery contracts. Chemical precipitation, metallic replacement, or electrolytic methods may be used. Various types of recovery equipment are available which permit economic silver recovery from both large and small quantities of used hypo solution.

§ 101-42.302-3 General guidelines for the recovery of silver from scrap film.

Scrap film, the silver content of which varies according to the type of film and degree of exposure, is a source for recovery. The easiest method of recovering silver from scrap film is to burn it. The destruction of scrap film by burning and reducing it to ash can provide economy through savings in transportation costs as well as the conservation of the silver. This must be done by controlled burning without an open flue. Recovery on site by this method should only be accomplished at those activities or installations where adequate facilities exist and the local code on burning permits it. An indirect method of recovery is disposal by sale. In this method, film should be accumulated and periodically disposed of by sale in accordance with Part 101-45.

§ 101-42.302-4 Detailed guidelines for recovery of silver from used hypo solution and scrap film.

Detailed guidelines and economic criteria for evaluating silver recovery potential and establishing recovery programs are contained in the GSA pamphlet, "Guide for the Recovery of Silver from Used Fixing Solution and Scrap Film" (FPMR 101-42), copies of which may be obtained from GSA regional offices or from agency publications liaison officers.

§ 101-42.303 Recovery and utilization of precious metals through the Defense Precious Metals Recovery Program.

§ 101-42.303-1 Recovery of precious metals through the Defense Property Disposal Precious Metals Recovery Office (DPDPMRO).

Civil agency activities generating precious metal-bearing scrap and having no disposal facility available may utilize DPDPMRO which is a part of the Defense Supply Agency. Accumulations of precious metal-bearing scrap such as silver-cell batteries, missile and electronic parts, silver turnings, dental scrap, film scrap, and silver sludge recovered from used hypo solution, should be reported by letter with a request for shipping instructions to the Chief, Defense Property Disposal Precious Metals Recovery Office, Naval Weapons Station, Earle, Colts Neck, New Jersey 07722. A copy of the report shall be sent to General Services Administration (FWR), Washington, DC 20406. Shipping instructions will be furnished the activity by the DPDPMRO within 30 calendar days following receipt of the request. Participating civil agencies will be entitled to requisition refined precious metals for use as Government-furnished material (GFM) to reduce new procurement costs, in accordance with § 101-42.303-2. For additional in-

formation or recovery assistance, DSA may be contacted at the following address: Defense Supply Agency, DOD Precious Metals Recovery Program Manager, Cameron Station, Alexandria, Virginia 22314.

§ 101–42.303–2 Utilization of DOD-recovered precious metals as Government-furnished material (GFM) in Federal procurements.

To determine the need for recovered precious metals as GFM to reduce new procurement costs, each agency shall review procurements for which precious metals will be required by a contractor. Each agency having requirements for refined precious metals as GFM should submit a request to the Commander, Defense Industrial Supply Center, 700 Robbins Avenue, Philadelphia, Pennsylvania 19111. A copy of each such request shall be sent to the General Services Administration (FWR), Washington, D.C. 20406. Each agency requesting precious metals under the DOD Precious Metals Recovery Program shall also contribute any generated accumulations of silver, gold, and platinum to the DPDPMRO in accordance with § 101–42.303–1. Normally, the amount of precious metals authorized for sale to individual agencies would not exceed the quantity of such refined metals derived from the agency contributions of precious metal-bearing materials to the program. Exceptions to this limitation will be made on a case by case basis if refined precious metals on hand exceed DOD requirements. No minimum ordering quantity is prescribed. There is a nominal charge for the refined precious metals to cover the administrative and processing costs. Such costs, however, are substantially lower than the current market price of fine silver, gold, and platinum.

3. Sections 101–42.4901 and 101–42.4902 are revised to read as follows:

§ 101–42.4901 Intra-agency survey format for evaluating the recovery potential of activities not now recovering precious metals.

Agency_____ Date_____
Activity_____ Supervisor_____
Address_____ Telephone_____

1. *Used hypo solution*

a. Estimated monthly generation of used hypo solution. _____ Gallons.

b. Average silver content per gallon. _____ Troy Ounces.

c. Estimated monthly accumulation. _____ Troy Ounces. (multiply a × b)

d. Current method of disposal.

2. *Scrap film*

a. Estimated monthly generation of scrap film. _____ lbs.

b. Type of scrap film generated: X-ray, Motion Picture, Other (Specify).

c. Average silver content per pound. _____ Troy Ounces.

d. Estimated monthly accumulation. _____ Troy Ounces. (multiply a × c)

e. Current method of disposal.

3. *Other precious metal-bearing scrap*

a. Estimated monthly generation of other precious metal-bearing scrap. _____ lbs.

b. Type of other precious metal-bearing scrap generated (batteries, spark plugs, electronic parts, etc.) Specify: (if reporting more than one type of precious metal, use separate reports.)

c. Average precious metal content per pound. _____ Troy Ounces.

d. Estimated monthtly accumulation. _____ Troy Ounces. (multiply a×c).

e. Current method of disposal.

4. Does your activity anticipate establishing a silver recovery program?

Yes _____ No _____ If yes, when? If no, explain. (Consider the current price of silver and the environmental impact that your present method of disposal may be causing.)

NOTE: The format illustrated in this section shall be used only as a guide for individual preparation. GSA will not print, reproduce, or stock forms for this purpose because of the limited need for forms. Other agencies should not develop or print forms for the same reason.

§ 101–42.4902 Format for annual consolidated report to GSA on activities generating precious metals.

Agency_____ Date_____
Address_____ Report Prepared By_____
Period Covered_____ Telephone_____

---

1. *Used hypo solution*

a. Number of activities generating used hypo solution included in report. _____ Gallons generated. _____

b. Number of activities recovering silver from used hypo solution. _____ Gallons generated. _____

c. Amount of silver recovered. _____ Troy Ounces.

d. Method of recovery and disposition of recovered silver.

e. Method of disposal if silver is not recovered.

2. *Scrap film*

a. Number of activities generating scrap film included in report. _____ Pounds generated. _____

b. Number of activities recovering silver from scrap film. _____ Pounds generated. _____

c. Amount of silver recovered. _____ Troy Ounces.

d. Method of recovery and disposition of recovered silver.

e. Method of disposal if silver is not recovered.

3. *Other silver-bearing scrap*

a. Type of other silver-bearing scrap (batteries, electronic parts, etc.).

b. Number of activities generating other silver-bearing scrap included in report _____ Pounds generated. _____

c. Number of activities recovering silver from other scrap. _____ Pounds generated. _____

d. Amount of silver recovered. _____ Troy Ounces.

e. Method of recovery and disposition of recovered silver.

f. Method of disposal if silver is not recovered.

4. *Other precious metal-bearing scrap (Gold, Platinum metals, etc.)*

a. Type of other precious metal-bearing scrap.

b. Number of activities generating other precious metal-bearing scrap included in report. _____ Pounds generated. _____

c. Number of activities recovering gold or platinum metals from scrap. _____ Pounds generated. _____

d. Amount of gold recovered. _____ Troy Ounces. Amount of platinum metals recovered. _____ Troy Ounces.

e. Method of recovery and disposition of recovered gold and platinum metals.

f. Method of disposal if gold and platinum metals are not recovered.

5. What is your estimate of savings for the period? Describe the formula used to compute the savings.

NOTE: The format illustrated in this section shall be used only as a guide for individual preparation. GSA will not print, reproduce, or stock forms for this purpose because of the limited need for forms. Other agencies should not develop or print forms for the same reason.

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

Effective date. This regulation is effective on July 25, 1975.

Dated: July 15, 1975.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.75-19381 Filed 7-24-75;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Order

In the matter of Editorial amendment of Part 2 of the Commission's rules and regulations to delete Footnote NG65 from the table of frequency allocations.

1. In the First Report and Order in Docket No. 18262 (35FR8644) the Commission reallocated the upper 14 UHF–TV channels (Channels 70–83, 806–890 MHz) to the land mobile radio service. In that decision, a new footnote, NG65, was added to the Table of Frequency Allocations in § 2.106 of the Commission's Rules, stating that the disposition of existing ETV assignments at Bowling Green, Ohio (channel 70) and Glen Ridge, New Jersey (channel 77) would be treated in a separate rule making proceeding. However, our records now indicate that both of these channel assignments have been vacated. Therefore, no further rule making is required in connection with footnote NG65, and the footnote itself is obsolete and without effect. Compliance with the notice and procedure provisions of section 553 of the Administrative Procedure Act is therefore unnecessary.

2. This amendment to the Rules is issued under authority granted the Commission in Sections 4(i), 5(d), 303(c) and 303(r) of the Communications Act of 1934, as amended, and delegated to the Executive Director by the Commission under § 0.231(d) of the Commission's Rules and Regulations.

3. Accordingly, *It is ordered*, That, effective August 29, 1975, footnote NG65 in § 2.106 of the rules is deleted.

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

Adopted: July 16, 1975.

Released: July 17, 1975.

[SEAL] RICHARD D. LICHTWARDT,
Executive Director.

[FR Doc.75-19356 Filed 7-24-75;8:45 am]

[Docket No. 20265; FCC 75-844]

PART 73—RADIO BROADCAST SERVICES

AM Station Assignment Standards

In the matter of amendment of Part 73 of the Commission's rules regarding AM Station assignment standards re 40 FR 29850.

1. The *Report and Order* in the instant proceeding, FCC 75-769, adopted June 25, 1975, amended the rules, *inter alia*, to relax the acceptability standards for applications for new standard broadcast stations and for major changes to existing standard broadcast stations.

2. These amendments to § 73.37(e) were intended to relax, rather than restrict, the allocations standards for such standard broadcast facilities. However, through inadvertence, we neglected to provide for a limited class of applications which, while acceptable under the previous rules, would be excluded by the new standards. Such a result, of course, would run counter to the intent of the rules.

3. Accordingly, we are correcting Appendix B of the *Report and Order* in Docket No. 20265 by addition of the following, which merely insures that any application acceptable under the old rules will continue to be acceptable. In addition, some editorial corrections inadvertently omitted from the *Report and Order* are included herein.

4. Section 73.37 is amended by revising the introductory portion of paragraph (e) as well as (e) (1) (iii) and (2) (iii), by adding the word "or" to the ends of paragraphs (e) (1) (ii) and (2) (ii) and by adding Note 10 to read as follows:

§ 73.37 Applications for broadcast facilities; showing required.

* * * * *

(e) In addition to a demonstration of compliance with the requirements of paragraph (a), and, as appropriate, paragraphs (b), (c) and (d) of this section, an application for a new standard broadcast station, or for a major change (see § 1.571(a)(1) of this chapter) in an authorized standard broadcast station, as a condition for its acceptance, shall make a satisfactory showing, if new or modified nighttime operation by a Class II or Class III station is proposed, that objectionable interference will not result to any authorized station, as determined pursuant to § 73.182(o) of this chapter, and, for all classes of stations, a satisfactory showing as indicated below for the kind of application submitted.

(1) * * *

(ii) * * * or

(iii) That at least 20 percent of the area or population of the community designated in the application receives fewer than two daytime aural services from authorized stations, and that no FM channel is available for use in that community.

* * * * *

(2) * * *

(ii) * * * or

(iii) That at least 20 percent of the area or population of the community designated in the application receives fewer than two aural services at night from authorized stations, and that no FM channel is available for use in that community.

* * * * *

NOTE 10: Where the term "aural service" is used in paragraphs (e)(1)(iii) and (e)(2)(iii), it is intended to mean interference-free groundwave service provided by a standard broadcast station with a field strength of 5 mV/m or higher, or service provided by an FM broadcast station with a field strength of 3.16 mV/m (70 dBu) or higher. Stations whose transmitter sites are located more than 50 miles from the nearest boundary of the community designated in the application shall be excluded from consideration in determining the existence of such aural services.

5. In § 73.51 paragraph (f)(2)(ii) is amended to read as follows:

§ 73.51 Antenna input power; how determined.

* * * * *

(f) * * *

(2) * * * (ii) By reference to the following table:

Factor (F)	Method of modulation	Maximum rated carrier power	Class of amplifier
0.70	Plate	0.25 to 1 kW	
.80	do	2.5 kW and over	
.35	Low level	0.25 kW and over	B
.65	do	do	BC [1]
.35	Grid	do	

[1] All linear amplifier operation where efficiency approaches that of class C operation.

NOTE: When the factor F is obtained from the table, this value shall be used even though the antenna input power may be less than the maximum rated carrier power of the transmitter.

* * * * *

Adopted: July 16, 1975.
Released: July 21, 1975.

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

[FR Doc.75-19357 Filed 7-24-75;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 16—LIMITATION ON IMPORTS OF MEAT

Section 204 Import Regulations

The regulations set forth in this subpart are to assist in carrying out bilateral agreements negotiated with governments of foreign countries pursuant to section 204 of the Agricultural Act of 1956, as amended, limiting the export from the respective countries and the importation into the United States of certain meat. The meat is that covered by items 106.10 (relating to fresh, chilled, or frozen cattle meat) and 106.20 (relating to fresh, chilled, or frozen meat of goats and sheep (except lambs)) of the Tariff Schedules of the United States.

By E.O. 11539,[1] dated June 30, 1970, the Secretary of Agriculture was authorized, with the concurrence of the Secretary of State and the Special Representative for Trade Negotiations, to issue regulations governing the entry or withdrawal from warehouse for consumption in the United States of meat to carry out such bilateral agreements and to request the Commissioner of Customs to implement such action.

This regulation is to assist in the carrying out of bilateral agreements negotiated with the Governments of Australia and New Zealand pursuant to such authority by prohibiting the importation during the remainder of the calendar year 1975 of such meat which is the product of these countries except such meat exported from these countries as direct shipments to the United States on original through bills of lading.

The action taken herewith has been determined to involve foreign affairs functions of the United States. Therefore, this regulation falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553 and shall become effective as set forth below.

New Subpart, Section 204 Import Regulations, Part 26, Title 7, Code of Federal Regulations is added to read as follows:

AUTHORITY: Sec. 204, Pub. L. 540, 84th Cong., 70 Stat. 200, as amended (7 U.S.C. 1854) and Executive Order 11539 (35 FR 10733).

§ 16.1 General.

The regulations set forth in this subpart are issued by the Secretary of Agriculture, with the concurrence of the

[1] 35 FR 10733, 3 CFR, 1966-1970 Comp., p. 937.

Secretary of State and Special Representative for Trade Negotiations. The Commissioner of Customs has been requested to take such action as is necessary to implement these regulations.

§ 16.2 Definitions.

The following terms shall have the meaning set forth in this section:

(a) "Meat" means fresh, chilled, or frozen cattle meat (item 106.10 of the Tariff Schedules of the United States) and fresh chilled, or frozen meat of goats and sheep, except lambs (item 106.20 of the Tariff Schedules of the United States).

(b) "United States" means the 50 states of the United States, the District of Columbia, and Puerto Rico.

§ 16.3 Transshipment restrictions.

No meat which is the product of Australia or New Zealand may be entered, or withdrawn from warehouse, for consumption in the United States during the remainder of the calendar year 1975, except direct shipments of such meat destined to the United States on an original through bill of lading.

§ 16.4 Effective date.

This regulation shall become effective July 24, 1975 but shall not apply to meat released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)) prior to such date.

Issued at Washington, D.C., this 18th day of July 1975.

EARL L. BUTZ,
Secretary.

[FR Doc.75-19224 Filed 7-24-75;8:45 am]

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

[Lemon Reg. 3]

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 July 27–Aug. 2, 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.

§ 910.303 Lemon Regulation 3.

(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 is steady this week. Average f.o.b. price was $6.01 per carton the week ended July 19, 1975, compared to $6.05 per carton the previous week. Track and rolling supplies at 160 cars were down 69 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 August 25, 1975 (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 July 22, 1975.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period July 27, 1975, through August 2, 1975, is hereby fixed at 280,000 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: July 23, 1975.

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

[FR Doc.75-19511 Filed 7-24-75;8:45 am]

[Lime Regulation 8]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Handling

Preamble. This regulation fixes the quantity of Florida limes that may be shipped to fresh market during the weekly regulation period July 27–August 2, 1975. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 911. The quantity of limes so fixed was arrived at after consideration of the total available supply of Florida limes, the quantity currently available for market, lime prices, and the relationship of season average returns to the parity price for Florida limes.

§ 911.408 Lime Regulation 8.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 37 F.R. 10497), regulating the handling of limes grown in Florida, 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 Florida Lime 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 limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

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

(i) The committee has submitted its recommendation with respect to the quantity of limes which it deems advisable to be handled during the succeeding week. Such recommendation results from consideration of the factors enumerated

in the order. The committee further reports the fresh market demand for limes is weak and sluggish for the current week because of heavy rain in several major markets. Fresh shipments for the weeks ended July 19, 1975 and July 12, 1975, were 31,134 bushels and 30,623 bushels, respectively.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this 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 Florida limes, 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 limes; 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 July 22, 1975.

(b) *Order.* (1) The quantity of limes grown in Florida which may be handled during the period July 27, 1975, through August 2, 1975, is hereby fixed at 27,500 bushels.

(2) As used in this section, "handled" and "limes" have the same meaning as when used in said amended marketing agreement and order, and "bushel" means 55 pounds of limes.

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

Dated:

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

[FR Doc.75-19460 Filed 7-24-75;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE (PARTS 1000–1199)

[Docket No. AO-361-A14]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Chicago Regional marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Madison, Wisconsin, on June 3–4, 1975 pursuant to notice thereof issued on May 12, 1975 (40 FR 21033).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator on July 8, 1975, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. A new paragraph is added after the sixth paragraph under the heading—"Revision of limits on diversion of producer milk".

The material issues on the record of the hearing relate to:

1. Pool plant performance standards for supply plants.
2. Revision of limits on diversion of producer milk.
3. Need for emergency action.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Pool plant performance standards for supply plants.* The provisions of the order pertaining to supply plant performance for pool plant status should be modified as follows:

(a) The minimum proportion of the Grade A milk received from dairy farmers at a pool supply plant or unit of supply plants that is shipped to pool distributing plants should be:

30 percent for September, 35 percent for October and November, 25 percent for December, and 20 percent for all other months.

A supply plant that is a pool plant during each of the months of August through March should be permitted to retain its pool status for each of the following months of April through July even though no shipments are made to pool distributing plants during such four months of seasonally higher production.

(b) Each supply plant in a "unit" should be required to ship to pool distributing plants the following minimum percentages of its receipts of Grade A milk from dairy farmers:

15 percent for each of the months of September, October, and November;
10 percent for each of the months of January, February, March, August, and December.

No required shipments should apply to the months of April through July for individual plants within a unit. If for any month, the operator of a "unit" supply plant fails to meet the required shipping percentage, such plant should be excluded from the "unit" and the milk associated with such plant should not be pooled for such month.

(c) No change should be made in the provision giving authority to the Director of the Dairy Division to adjust the pooling standards applicable during any of the months of August through March by as much as 10 percentage points if he finds such action necessary to obtain needed shipments or to prevent uneconomic shipments.

The present order shipping percentage requirements for a supply plant to qualify as a pool plant are:

40 percent for September, October, and November, and 30 percent for all other months.

In addition, a supply plant which meets the shipping requirements for pool plant status during each of the months of August through December and which ships not less than 20 percent of its receipts of Grade A milk during each of the months of January, February, and March to pool distributing plants may continue to be a pool plant without shipments, during the April–July period.

Each supply plant in a "unit" is presently required to ship or transship to pool distributing plants the following percentages of its producer milk:

20 percent in each of the months of September, October, and November;
15 percent in each of the months of August and December; and
10 percent for each of the months of January, February, and March.

If a supply plant in a unit fails to meet the individual shipping percentage in any month, the milk associated with such plant is not included in the pool in such month.

The modifications of the shipping requirements for pool supply plants adopted herein were proposed and supported by a group of cooperatives representing a large majority of the producers in the Chicago Regional market.

In support of the revision of the requirements for pooling the milk received at supply plants, witnesses of the proponent cooperatives testified that their proposed adjustments were necessary to obviate uneconomic shipments of milk and to "tailor the supply of milk to the fluid demand." Increased supplies of producer milk were attributed to (a) increased average daily delivery per producer and (b) the spread between the order blend prices and the Grade B prices in the production area which has encouraged dairy farmers producing Grade B milk to meet Grade A standards and become producers under the Chicago Regional milk order. It was pointed out that receipts of milk from producers during

each of the months of January, February, and March 1975 exceeded receipts for these months during 1974 by nine percent.

In illustration of the supply-demand problem the market faces the cooperative's witness reported the percentages of receipts shipped to distributing plants by "AMPI-Agency" supply plants for the August–March 1974–75 period and for comparison the 1975–76 estimated figures for the 1975–76 August–March period. These figures are summarized below together with comparable data for the 1972–73 period.

	1972–73 [1] (percent)	1974–75 (percent)	Estimated 1975–76 (percent)
August	35.7	35.6	33.6
September	43.1	41.0	37.9
October	47.0	45.5	42.7
November	51.0	43.9	40.3
December	44.5	38.8	37.0
January	44.7	39.8	38.3
February	41.3	37.4	35.9
March	36.8	NA	31.8

[1] Official notice is taken of final decision appearing in 38 F R 18682.

The 1975–76 estimated figures were based on the assumption that receipts of producer milk would continue to increase during the coming August–March 1975–76 period over the previous year, but at a lesser rate than was shown for January–February 1975 compared to a year earlier. Proponents pointed out that, at the request of cooperatives, the Director of the Dairy Division had determined that the shipping percentages for both individual supply plants and "unit" supply plants should be lowered from 5 to 10 percent for the month of March and for the months of August through November 1974.

Another witness for the cooperatives presented an exhibit showing that production of Grade A milk in 24 Wisconsin counties within the Chicago Regional production area, but outside the defined marketing area, had increased approximately 200 million pounds between 1972 and 1974—from a total annual production of 2.3 billion to 2.5 billion pounds. Some of this milk was pooled in other markets and thus was not a part of the Chicago Regional market pool, however.

For the Chicago Regional market as a whole the proportion of supply plant milk receipts shipped to all distributing plants was 39.7 percent, 48.5 percent, and 39.9 percent, respectively, for the three-year August–March period of 1972–73 through 1974–75.

Total producer milk pooled in the Chicago Regional market has increased each month over the same month of the previous year beginning in July 1974. For the August–March 1974–75 period the average total milk pooled monthly in the Chicago Regional market increased 8.5 percent over the August–March 1973–74 period—from a monthly average of 617.6 million pounds in the 1973–74 period to 670.2 million pounds in 1974–75. The average number of producers on the market increased by 4.1 percent (666 producers) for the August–March 1974–75 period compared to the same period a year earlier.

Receipts at distributing plants directly from farms of producers during the August–March period have decreased in each of the past three years for both plants in the Chicago metropolitan segment of the market and for the remainder of the market. Direct receipts from farms at Chicago metropolitan area distributing plants represented 30.0 percent, 25.1 percent, and 24.2 percent, respectively, of the total receipts at such plants during the past three August–March periods. Direct receipts from farms at other distributing plants were 65.6 percent, 58.6 percent, and 57.5 percent, respectively, of the total receipts at such plants during the same three August–March periods.

The percent of total producer receipts classified as Class I for the years 1972–1974 was 42 percent, 43 percent and 38 percent, respectively. A comparison of the average Class I utilization of producer receipts for the first three months of each of the past three years shows a continuing decrease, as follows: 1973, 43 percent, 1974, 42 percent, and 1975, 38 percent.

The market statistics clearly indicate that during the past 10 months (June 1974 through March 1975), total producer receipts have increased, the number of producers has increased, Class I utilization percentage of total receipts has decreased, and the percentage of total receipts at distributing plants received directly from farms has decreased.

Dairy farmers in the milkshed, particularly in Wisconsin, have found it is to their economic advantage to improve their production facilities to meet Grade A inspection requirements. They have also found the means, after converting from Grade B to Grade A, of associating their milk with plants pooled on the Chicago Regional market—thus becoming producers on the market.

While one purpose of the Federal order is to insure an adequate supply of Grade A milk for the market, it is equally important as a necessary tool for maintaining orderly marketing conditions.

On the basis of a hearing record of April 11–12, 1973, shipping percentages for supply plants were increased for the August–December period of 1973. Subsequently, supply plant shipping requirements for the months of August and September 1974 were decreased 10 percentage points, and for the months of October–November 1974 five percentage points, by action of the Director of the Dairy Division.

The supply-demand situation in the Chicago Regional market has been distorted during much of the past three years—mostly as a result of the continuing increase in Grade A milk in this area as manufacturing plants convert their Grade B supplies to Grade A. As stated previously, total producer receipts for the August–March 1974–75 period were 8.5 percent higher than for the same period a year earlier and producer numbers increased 4.1 percent (666).

It is not practical under the circumstances existing in this market to provide pooling standards which do not reasonably accommodate the pooling of the qualified milk seeking to share in the pool. Unless milk is permitted access to the market, serious market disorders will develop as supplies compete for available qualifying outlets.

A reduction in the shipping percentages for pooling supply plants during the August–March period will allow greater flexibility in milk procurement as among supply plants by operators of pool distributing plants in the market and should reduce to a minimum uneconomic movements of milk which otherwise will be made solely for the purpose of maintaining pooling eligibility. If the shipping requirements prescribed by the order are set too high to accommodate the pooling of the plants which have associated with the market, pool distributing plants will curtail direct receipts of producer milk in favor of supply plant milk. To accomplish this end, milk normally received direclty may be diverted for manufacturing use. Through this procedure, the market can accommodate the pooling of a greater volume of milk than would otherwise be the case. This procedure is currently being employed by both proprietary and cooperative handlers.

The order should not be structured so that it encourages uneconomic practices as a means of compromising the intent of the pooling standards. Under the current supply conditions in this market, supply plant shipping standards appropriately should be modified to eliminate the need for uneconomic movements of milk.

Under the present order provisions a new supply plant entering the market during the months of April through July must meet a 30 percent shipping percentage during each of these months to qualify as a pool plant. This standard should be decreased 10 percentage points—i.e., to 20 percent. The shipping percentage requirements for new supply plants during the April–July period should not require higher shipments than are established for the months of August, January, February, and March. To provide a higher shipping percentage for the seasonally high production months of April through July than in other months would be both unreasonable and inappropriate.

Lower shipping percentages for individual plants in a system of supply plants pooled as a unit are also needed. With these modifications, the structure of the present order, including the "call" provision, appears at this time and on this record to provide reasonable assurance that operators of all supply plants will move milk to distributing plants when needed. Lower shipping percentages for individual plants in a "unit" of supply plants will implement flexibility in milk procurement and should reduce to a minimum the circumstances of uneconomic movements of milk solely for the purpose of maintaining pool plant status.

One cooperative witness proposed the elimination of any shipping percentage requirements for individual supply plants within a "unit." The proponent contended that "the controlling factor that determines the volume of milk that can be pooled through such unit is the shipping percentage requirement applied to the unit as a whole, which is the same as is specified for an individual supply plant not included in a unit." He suggested that "specification of a minimum shipping requirement for individual plants of such unit will not vary the amount of milk of the unit" and that any shipping percentage requirements for individual plants within a unit "only serves to defeat and limit the efficiencies in milk marketing that ought to be gained and realized through the use of the unit pooling device."

With the continuing transition of Grade B milk to Grade A in the Chicago Regional market production area, orderly marketing conditions can be maintained only under circumstances where all of the qualified milk seeking to pool under the order is accommodated. It is the ever-increasing volume of milk associating with the pool that has necessitated the reduction in shipping requirements. Under usual circumstances, with system pooling, it would appear unnecessary to require individual plant performance within a qualified unit. This seemingly would implement maximum efficiency of operation by permitting "unit" handlers to ship milk only from the most favorably located plants.

Handlers with manufacturing facilities strive to maximize manufacturing efficiency by keeping their plants operating near capacity. Withdrawal of milk from a manufacturing operation for shipment to the fluid market generally results in some additional cost through loss of efficiency, or product return. Unless the conditions of regulation are applied uniformly to all plants, some plant operators will experience financial gain at the expense of others in the absence of individual plant requirements.

The record of this hearing is limited to consideration of the matter of adjusting shipping requirements. Without specific shipping requirements, some other means of appropriately apportioning the responsibility of fully supplying the fluid needs of the market equally upon all handlers (including operating cooperatives), would be required. It is unavoidable therefore, that individual plant shipping requirements be continued at this time. However, because of the increased supply relative to fluid demand and the reduction in overall shipping requirements as herein provided, it is appropriate that the individual plant shipping requirements within a unit also be lowered. Unless this is done the intent of the lower overall shipping requirements might not be fully realized.

As recommended in this decision, shipping percentages for individual plants within a "unit" would be reduced to require only 15 percent of receipts to be shipped to pool distributing plants during September, October, and November and 10 percent during January, February, March, August, and December. Even though these shipping percentages are nominal, they are necessary to promote equity as between handlers and among producers under the current market structure.

Witnesses testifying regarding the lowering of shipping percentages for supply plants were in general support of such changes. One handler witness, however, did oppose the lowering of the shipping percentages requirements for supply plants to become pool plants. Such opposition was based on the opinion that the market already had too many producers and thus too much milk. A concern was expressed by this handler that under the marketwide pooling of proceeds, as provided in this order, an inequitable situation is created as among handlers.

This is not the case. Equity as among handlers is provided in the order by establishing the same price for the same use and test of milk for all handlers. The fact that one handler may utilize 90 percent of his receipts from producers in Class I, while a competitor's Class I utilization is only 50 percent does not mean the order has created an inequitable situation as between these two handlers. On the contrary, each handler pays the same uniform price for his receipts from producers utilized as Class I and likewise the same uniform class prices for the milk utilized in Class II and Class III. The fact that producers are paid on the weighted average Class use value of milk by all handlers does not affect the price handlers are charged for each class of milk. While the lowering of shipping percentages required of supply plants for pooling may permit additional dairy farmers to become associated with the market as producers, such additions of producers will not affect a handler's cost of milk under the Order.

The proposal to modify the authority of the Director of the Dairy Division to increase or decrease the shipping percentage of individual and "unit" supply plants from the present 10 percentage points to 15 percentage points should not be adopted. Several witnesses opposing any change in this provision held any change of more than 10 percentage points appropriately should be made only through the use of the public hearing procedure.

As previously recommended in this decision, supply plants not in a unit would be required to ship a minimum of 20 percent of their Grade A receipts from producers to pool distributing plants to qualify as pool plants during each of the months of January through August; 30 percent for September; 35 percent for the months of October and November and 25 percent for December. A decrease, or increase, of these percentages by as many as 10 percentage points by action of the Director permits a sufficiently wide range of adjustment in the requirements regarding pooling of such supply plants. The present authority of the Director should accomodate any foreseeable short term change in the market supply-demand situation that may develop. Since the provision, sometimes referred to as the "call provision" was adopted, shipping percentages have been increased only twice (December 1973 and January 1974) and then only by 5 percentage points.

Individual supply plants in a unit, as recommended herein, need ship for pooling only 10 percent of their Grade A receipts from producers to pool distributing plants during January, February, March, August and December; and only 15 percent during October, November, and December. It is difficult to conceive of circumstances which would require an increase or decrease in such requirements by more than 10 percentage points. If this should occur the matter most appropriately should be fully explored in a public hearing. There is no evident need to extend the Director's authority to adjust shipping requirements.

2. *Revision of limits on diversion of producer milk.* The diversion provisions should be modified to provide that the operator of a pool plant or a cooperative association may divert that quantity of milk of a producer that does not exceed:

(a) During each of the months of September, October, and November twice the quantity of such producer's milk received in the pool plant from which diverted; and

(b) During each of the months of December through August four times the quantity of such producer's milk received in the pool plant from which diverted.

The provision permitting unlimited diversions during the months of April through July for producers with an established relationship with the market during the short production months should be retained.

The order currently limits the diversion of any producer's milk to nonpool plants during the months of April through December to an amount not more than the quantity of such producer's milk received in the pool plant for such month. Such limit does not apply, however, during the months of April through July with respect to any producer who delivered milk to a pool plant at anytime during the previous August–December period and who subsequently maintained producer status, without interruption for more than 30 consecutive days. During the months of January, February, and March diversion of any producer's milk may not exceed 70 percent of the volume of such producer's milk pooled during the month.

The proponent cooperatives' proposed modification of the present diversion provision would remove the months of August and December from the April through December period and add such months to the period when the 70 percent rule applies.

Another cooperative proposed that diversion limitations be "geared" to the percentage shipping requirements for pooling supply plants. Thus, when the supply plant shipping percentages re-

quire 20 percent of receipts to be moved to pool distributing plants (January, February, March, and August) diversion of any producer's milk could not exceed 80 percent of the total production of such a producer. Diversion of up to 100 percent could be made April through July; 70 percent in September; 65 percent in October and November; and 75 percent in December. This cooperative also would eliminate the shipping percentage requirements for individual supply plants within a "unit."

For reasons set forth in the previous findings modifying the shipping requirements, it is desirable to implement, insofar as possible, the diversion to nonpool manufacturing plants of the milk associated with supply plants which is not moved to pool distributing plants. Many of the supply plants in this market serve solely in a milk assembly role in moving milk from the production area to bottling plants, and as a conduit for the pooling of milk supplies, and do not have manufacturing facilities.

An exceptor urged that diversion of a producer's milk be limited to 60 percent during each of the months of September through November, rather than the two-thirds limit proposed in the recommended decision, on the basis that pool distributing plants might need milk if supplies should decrease during these months when production is lowest. As a matter of fact, lowering the percent of producer milk that may be diverted during these three months could have the effect of causing uneconomic movements of milk to qualify it for pooling considering the present supply-demand situation in this market. Since a supply plant in a "unit" only need ship a minimum of 15 percent of its producer receipts to pool distributing plants to qualify as a pool plant during September through November, it is reasonable not to restrict diversions to less than the two-thirds limit proposed in the recommended decision. The pool plant performance provisions of the order adequately encourage movement of the needed milk supplies to pool distributing plants.

Some restraint, however, must be retained to deter any practice of "pool riding" during the flush production months; i.e., associating with the pool, for the single purpose of sharing in the higher Class I proceeds, milk intended solely for manufacturing use. This can most appropriately be accomplished by retaining diversion limitations for other than established producers. It is not practical therefore to adopt the suggested procedure of "gearing" diversion limitations directly to the shipping requirements for pool supply plants.

The cooperative's suggestion that one days' delivery of milk on April 1 should qualify a dairy farmer as a producer the balance of the April–July period is not an appropriate provision, under the circumstances, in this market. The findings discussing the need to retain minimum shipping percentages for pooling individual supply plants within a "unit" are equally applicable in the matter of diversion limitations. As a matter of equity it is necessary that a reasonable association with the market be required in order that a dairy farmer qualify as a producer and share in Class I proceeds of the market. The order provisions, as herein proposed, provide minimum and reasonable standards of association with the market, which should give easy access to dairy farmers to become producers on the Chicago Regional market. At the same time they appropriately preserve the integrity of the regulation by requiring evidence of performance as a condition of pooling.

The modifications herein provided will minimize the incident of receipt of unneeded quantities of milk at pool plants and subsequent back-haul to manufacturing plants, which commonly now occurs, for the single purpose of maintaining producer status for dairy farmers with an established association with the fluid market.

3. *Need for emergency action.* There is no need to omit the issuance of a recommended decision as requested.

The request for emergency action by proponents was based on the view that the Department would not have sufficient time after the hearing to issue both a recommended and final decision and make any action taken effective by August 1, 1975. Most witnesses opposed omission of a recommended decision.

Interested parties should have an opportunity to file exceptions to the action recommended herein. It now appears feasible, and with a reasonable time for exceptions, to issue a final order by August 1. Even if such action does not become effective by this date, an alternate means of adjusting the pool supply plant shipping percentages is available upon request to and action by the Director of the Division.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

A handler filed a motion requesting that the hearing be reopened for the purpose of further cross-examination of one of the witnesses. In that motion, the handler indicated that he desired to cross-examine the witness with regard to the economic conditions which had constituted the uneconomic shipments of milk in October and November, 1974 which were presented to the director of the dairy division at that time. The handler complained that the Administrative Law Judge did not allow him to cross-examine the witness with regard to 1974 economic conditions which the Administrative Law Judge ruled were not relevant to the current economic conditions which were the subject of this hearing.

Careful reading of the entire record of the hearing indicates that the question which the handler sought to ask was answered in the abstract by the witness who testified as to what he considered would be uneconomic shipments of milk. The Administrative Law Judge ruled that questions concerning the justification of a 1974 request for a change in shipping percentages, by the cooperative association represented by the witness, were irrelevant to this hearing. This ruling was correct. This hearing was called to hear evidence with regard to an amendment of the subject order provision and such amendment must be based on current economic conditions. Thus, the record of the hearing does not disclose the lack of any evidence which would be necessary to make the decision required in this proceeding. The motion by the handler, not appearing to be justified by the record, is denied.

With respect to the handler's motion to disqualify the Administrative Law Judge, the motion to reopen the hearing having been denied, that motion is moot—and is therefore also denied.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of

this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Chicago Regional marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

March 1975 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Chicago Regional marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during such representative period were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C., on July 23, 1975.

RICHARD L. FELTNER,
Assistant Secretary.

Order[1] *amending the order, regulating the handling of milk in the Chicago Regional marketing area.*

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

[1] This order shall not become effective unless and unless the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional marketing area.

The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, will tend to effectuate the declared policy and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Chicago Regional marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Associate Administrator on July 8, 1975, and published in the FEDERAL REGISTER on Friday, July 11, 1975 (40 FR 29296) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein

1. Revise § 1030.7(b)(4), introductory text, and (b)(7)(iii) to read as follows:

§ 1030.7 Pool plant.

* * * * *

(b) * * *

(4) Such percentage shall be not less than 30 for September, 35 for each of the months October and November, 25 for December, and 20 for all other months except that a plant that was a pool plant pursuant to this paragraph during each of the months August through March shall be a pool plant for each of the following months of April through July, unless: * * *

* * * * *

(7) * * *

(iii) Each plant in a unit ships or transships to plants specified in paragraph (b)(1) of this section the following percentages of its producer milk: 15 in each of the months of September, October, and November; 10 in each of the months of August, December, and January, February, and March. If for any month a plant does not meet the individual plant shipping percentage, that plant shall be excluded from the unit;

* * * * *

2. Revise § 1030.13(e)(1) to read as follows:

§ 1030.13 Producer milk.

* * * * *

(e) * * *

(1) Milk of a producer diverted for the account of the operator of a pool plant, or a handler described in § 1030.9(b), that does not exceed twice the quantity of such producer's milk received in the pool plant from which diverted during each of the months of September, October, and November; and during each of the months of December through August does not exceed four times such quantity received. No diversion limit shall apply during the months of April through July for a producer who delivered to a pool plant anytime during the prior August–December period and subsequently maintained producer status without interruption of more than 30 consecutive days;

* * * * *

[FR Doc.75-19495 Filed 7-24-75;8:45 am]

[Milk Order No. 131;
Docket No. AO-271-A20]

PART 1131—MILK IN THE CENTRAL ARIZONA MARKETING AREA
Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Central Arizona marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions

thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held:

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order effective not later than August 1, 1975. Any delay beyond that date would tend to disrupt the orderly marketing of milk in the marketing area.

The provisions of this order are known to handlers. The recommended decision of the Associate Administrator was issued on June 18, 1975 (40 FR 25682), and the decision of the Deputy Assistant Secretary containing all amendment provisions of this order was issued July 14, 1975 (40 FR 30087). The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order effective August 1, 1975, and that it would be contrary to the public interest to delay the effective date of this amendment until August 25, 1975. (Sec. 553(d), Administrative Procedure Act, 5 U.S.C. 551–559)

(c) *Determinations.* It is hereby determined that: (1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATIVE TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Central Arizona marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1131.7 (a) (b) and (c) is revised to read as follows:

§ 1131.7 Pool plant.

Except as provided in paragraph (d) of this section, "pool plant" means:

(a) Any plant approved by a duly constituted regulatory agency for the receipt or processing of Grade A milk or which supplies processed milk to an agency of the U.S. Government located within the marketing area, from which during the month:

(1) There is route disposition, except filled milk, equal to at least 50 percent of the total receipts at the plant (i) of milk qualified by inspection to become producer milk pursuant to § 1131.13(a), and (ii) from other milk plants and handlers described in § 1131.9(c) in the form of fluid milk products, except filled milk, qualified for fluid consumption; and

(2) There is route disposition, except filled milk, in the marketing area in a volume not less than 25 percent of such receipts and also greater than an average of 600 pounds per day.

(b) Any plant which ships fluid milk products except filled milk, approved by a duly constituted regulatory agency having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume not less than 50 percent of its receipts of milk (from dairy farmers who would be producers if this plant qualifies as a pool plant) in the current month during the period of July through October or 20 percent in the current month during the period of November through June to a plant specified in paragraph (a) of this section. If a plant qualifies in each of the months of July through October in the manner prescribed in this section, such plant shall upon written application to the market administrator on or before October 31 following such compliance be designated as a pool plant until the end of the following June.

(c) A milk manufacturing plant located within the marketing area at which milk may be received from the farms of dairy farmers holding permits or authorization issued by a duly constituted regulatory agency having jurisdiction in the marketing area and which is operated by a cooperative association qualified under § 1131.18 which has 65 percent or more of its member producer milk (including the skim milk and butterfat in fluid milk products transferred from its own plant pursuant to this paragraph that is not in excess of the skim milk and butterfat contained in member producer milk actually received at such plant) received at the pool plants of other handlers during the current month or the previous 12-month period ending with the current month. Milk received by such cooperative, in a truck owned or under contract to the cooperative, from a pool plant and transferred in such truck to another pool plant for the account of the cooperative shall be considered a receipt at the cooperative's plant and a transfer from such plant.

* * * * *

2. In § 1131.9, paragraph (c) is revised to read as follows:

§ 1131.9 Handler.

* * * * *

(c) Any cooperative association with respect to milk that it receives for its account from the farm of a producer for delivery to a pool plant of another handler in a tank truck owned and operated by, or under contract to, such cooperative association, unless both the cooperative association and the operator of the pool plant notify the market administrator in writing prior to the first day of the month in which such milk is delivered to the pool plant that the plant operator will be the handler for such milk and will purchase such milk on the basis of weights determined from its measurement at the farm and butterfat tests determined from farm bulk tank samples;

* * * * *

3. In § 1131.12, paragraph (a) is revised to read as follows:

§ 1131.12 Producer.

(a) Except as provided in paragraph (b) of this section, "producer" means any person who produces milk pursuant to the requirements specified in paragraph (a) (1) or (2) of this section, and whose milk is received directly from the farm at a pool plant or is diverted as producer milk pursuant to § 1131.13.

(1) Produces milk on a dairy farm subject to the regular inspection by a duly constituted regulatory agency under a dairy farm permit or rating issued by such agency for the production of milk to be disposed of for fluid consumption.

(2) Produces milk which is acceptable to an agency of the Federal Government for fluid consumption in its institutions or bases.

* * * * *

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

Effective date: August 1, 1975.

Signed at Washington, D.C., on July 22, 1975.

JOHN DAMGARD,
Deputy Assistant Secretary.

[FR Doc.75-19323 Filed 7-24-75;8:45 am]

Title 21—Food and Drugs

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

[Docket No. 75N-0001]

PART 2—ADMINISTRATIVE PRACTICES AND PROCEDURES

Partial Stay of Effective Date

The Commissioner of Food and Drugs has received from The Proprietary Association, the Health Industry Manufacturers Association, and the Cosmetic, Toiletry and Fragrance Association, Inc., petitions to delay the effective date of the regulations governing administrative practices and procedures published in the FEDERAL REGISTER on May 27, 1975 (40 FR 22950), until either the Food and Drug Administration has had an opportunity to respond to comments received or, at least, the conclusion of the time for comments, which the Commissioner extended until August 27, 1975, in a no-

tice published in the FEDERAL REGISTER of June 20, 1975 (40 FR 26027). In addition, these petitions request delay of the effective date of particular provisions of the regulations. Copies of the petitions are on file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852. Except with respect to two provisions, §§ 2.23(b) and 2.330(b)(2)(ii) (21 CFR 2.23(b) and 2.330(b)(2)(ii), the Commissioner is denying all petitions to delay the effective date of any part of the regulations.

The procedural regulations were published as a final regulation, although the Commissioner invited, and still strongly encourages, the submission of comments. The Administrative Procedure Act, 5 U.S.C. 553(b), permits the adoption of regulations governing administrative practice and procedure without notice and public comment. Publication as a final regulation was justified, indeed essential, in this instance because most of the regulations govern ongoing activities of the Food and Drug Administration for which procedures must exist.

The fact that the original date for submission of comments corresponded to the effective date of the regulations has caused some persons to assume that the agency intended to consider and respond to comments before the regulations became operative. This was not, and could not reasonably have been, the agency's expectation. The scope and coverage of the regulations, the novelty of some provisions, and the propensity of persons filing comments to utilize the entire comment period make it obvious that the agency could not have hoped to make any revisions that might eventually prove appropriate before the regulations became effective. This would be true even if the Commissioner were now to delay the effective date until the expiration of the extended comment period.

The agency recognizes that in so ambitious a project there may be flaws, and intends to consider seriously comments suggesting revisions in the regulations. This will be accomplished as promptly as possible after the conclusion of the time for submission of comments. Some changes in specific provisions may be made without awaiting republication of the entire package.

Section 2.23(b) of the regulations stands on a different footing, for it would, after July 28, 1975, govern the submission of comments on these very regulations, including § 2.23(b) itself. Several persons have contended that the requirement that a trade association submit with any comments or objections a list of members, or refer to a current list on file with the Hearing Clerk, improperly encumbers the right to comment on agency regulations and would unreasonably burden associations with a very large or transitory membership.

Accordingly, in order not to discourage the submission of comments on the regulations, the Commissioner is delaying the effective date of paragraph (b) of § 2.23.

No delay is appropriate for either paragraph (a) or paragraph (c). Section 2.23(a) has no prescriptive force and simply states that groups may represent their members in proceedings before the Food and Drug Administration. Section 2.23(c) sets forth the intended litigation posture of the Food and Drug Administration, which it intends to assume in suits by trade associations challenging agency regulations. This statement does not immediately affect any third person and has the desirable consequence of explaining the agency's current legal posture to all members of the public.

Section 2.330(b)(2)(ii) would require, for the first time, that nonvoting organizational liaison members of advisory committees be special government employees subject to the conflict of interest laws and regulations. A number of organizations whose employees or members' employees have served as organizational liaison members on existing advisory committees have raised questions concerning the consequences of special government employees status. These questions relate to the possible obligation to obtain Food and Drug Administration approval of public statements and writings, requirements for the submission of forms and records, the scope of limitations on political activity, and potential restrictions on future activities of organizational liaison members on behalf of their employers. Because of the number and complexity of these questions, the Food and Drug Administration is not in a position at this time to provide answers to all of them. Individuals who may desire to serve as organizational liaison members of advisory committees thus could be forced to make a decision without a full appreciation of the consequences of becoming special government employees. This could deprive the agency of the services of many well qualified individuals who would, if the many questions were resolved, readily agree to serve. Accordingly, because of the unique immediate impact on individuals currently assisting the agency in carrying out its regulatory duties, the Commissioner believes it is appropriate to stay § 2.330(b)(2)(ii) of the regulations pending resolution of these issues.

This will mean that § 2.335(a)(i) of the regulations shall not become effective so far as it requires appointment of nonvoting organizational liaison members of advisory committees as special government employees.

For the reasons stated, therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 201 et seq., 52 Stat. 1040; 21 U.S.C. 321 et seq.), the Public Health Service Act (sec. 1 et seq., 58 Stat. 682, as amended; 42 U.S.C. 201 et seq.), the Comprehensive Drug Abuse Prevention and Control Act of 1970 (sec. 4, 84 Stat. 1241; 42 U.S.C. 257a), the Controlled Substances Act (sec. 301 et seq., 84 Stat. 1253; 21 U.S.C. 821 et seq.), the Federal Meat Inspection Act (sec. 409(b), 81 Stat. 600; 21 U.S.C. 679(b)), the Poultry Products Inspection Act (sec. 24(b), 82 Stat. 807; 21 U.S.C. 467f(b)), the Egg Products Inspection Act (sec. 2, et seq., 84 Stat. 1620; 21 U.S.C. 1031 et seq.), the Federal Import Milk Act (44 Stat. 1101; 21 U.S.C. 141 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406; 15 U.S.C. 401-411 notes), the Fair Packaging and Labeling Act (80 Stat. 1296; 15 U.S.C. 1451 et seq.), and all other statutory authority delegated to him (21 CFR 2.120), the Commissioner denies the petitions of The Proprietary Association, the Health Industry Manufacturers Association, and the Cosmetic, Toiletry and Fragrance Association, Inc., to delay the effective date of the regulations governing administrative practices and procedures promulgated on May 27, 1975, with the exception of §§ 2.23(b) and 2.330(b)(2)(ii) of such regulations, which are hereby stayed until further notice.

Dated: July 23, 1975.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.75-19444 Filed 7-24-75;8:45 am]

[Docket No. 75N-0065]

PART 510—NEW ANIMAL DRUGS

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (100-128V) filed by Osborn Laboratories, Inc., Second and Oak Sts., Le Sueur, MN 56058, proposing safe and effective use of a tylosin premix for the manufacture of swine feed. The application is approved, effective July 25, 1975.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 510 and 558 (formerly Parts 135 and 135e prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13802)) are amended as follows:

1. In Part 510 by adding to § 510.600 (formerly § 135.501) a new sponsor, alphabetically to paragraph (c)(1) and numerically to paragraph (c)(2), as follows:

§ 510.600 Names, addresses, and code numbers of sponsors of approved applications.

* * * * *

(c) * * *

(1) * * *

* * * * *

Firm name and address:	*Drug listing No.*
Osborn Laboratories, Inc., 2d and Oak Sts., Le Sueur, Minn. 56058	012487

* * * * *

(2) * * *

Drug listing No.	Firm name and address
* * *	*
012487	Osborn Laboratories, Inc., 2d and Oak Sts., Le Sueur, Minn. 56058.
* * *	*

2. In Part 558 by adding to § 558.625 (formerly § 135e.10), a new paragraph (b)(39) as follows:

§ 558.625 Tylosin.

* * * * *

(b) * * *

(39) To 012487: 10 grams per pound, paragraph (f)(1)(vi)(*a*) of this section.

* * * * *

Effective date. This amendment shall become effective on July 25, 1975.

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

Dated: July 21, 1975.

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

[FR Doc.75-19443 Filed 7-24-75;8:45 am]

[FRL 407-1; FAP5H5078/R12]

SUBCHAPTER E—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Paraquat

On March 28, 1975, notice was given (40 FR 14117) that Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804, had filed a pesticide petition (FAP 5H5078) with the Environmental Protection Agency (EPA). This petition proposed establishment of a feed additive tolerance for residues of the desiccant paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the bis (methyl sulfate) or dichloride salt (calculated as the cation) in sunflower meal and flower seed hulls at 30 parts per million (ppm) from application of the pesticide to growing sunflowers.

Chevron Chemical Co. subsequently amended the petition by deleting the proposed tolerance for residues in sunflower meal and by decreasing the proposed tolerance for residues in sunflower seed hulls from 30 to 6 ppm. (A related document on paraquat and the establishment of pesticide tolerances also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. It has been concluded that the tolerance should be established as set forth below.

Any person adversely affected by this regulation may on or before August 25, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower, Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 25, 1975, Part 561 is amended by adding § 561.289.

Dated: July 23, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 409(c)(1) and (4) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1) and (4)) transferred to the Administrator EPA in Reorganization Plan No. 3 of 1970 (35 FR 15623))

Part 561 is amended by adding the following new section.

§ 561.289 Paraquat.

A tolerance of 6 parts per million is established for residues of the defoliant, desiccant, and herbicide paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the bis (methyl sulfate) or dichloride salt (both calculated as the cation) in sunflower seed hulls from application of the pesticide to growing sunflowers.

[FR Doc.75-19556 Filed 7-24-75;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

[OPP-280002A; FRL 405-3]

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

Pine Oil

On June 9, 1975, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (40 FR 24539) a notice of proposed rulemaking to exempt from the requirement of a tolerance the pesticide chemical pine oil, used as a deodorant, when it is used in accordance with good agricultural practice as an inert ingredient in formulation with the bee repellent butanoic anhydride at no more than 12 percent. No comments or requests for referral to an advisory committee on this proposal were received, and it has therefore been concluded that the proposed amendment to the regulation (40 CFR 180.1035) be adopted without change.

Any person adversely affected by this regulation may within on or before August 25, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, Room 1019 East Tower, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and should specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on the date of publication, Part 180, Subpart D, § 180.1035, is amended as set forth below.

Dated: July 22, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)))

Part 180, Subpart D, is amended by adding § 180.1035 to read as follows.

§ 180.1035 Pine oil; exemption from the requirement of a tolerance.

Pine oil is exempted from the requirement of a tolerance when used as a deodorant at no more than 12 percent in formulation with the bee repellent butanoic anhydride applied in an absorbent pad over the hive.

[FR Doc.75-19412 Filed 7-24-75;8:45 am]

[PP 5F1575 & 5F1588/R41 FRL 405-1]

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

Profluralin

On January 28, 1975, and February 27, 1975, notice was given (40 FR 4184 and 8379) that CIBA-GEIGY Corp., PO Box 11422, Greensboro NC 27409, had filed petitions for pesticide tolerances with the Environmental Protection Agency (EPA). These petitions proposed that 40 CFR 180.348 be amended by establishing tolerances of 0.1 part per million (negligible residue) of the herbicide profluralin [N-(cyclopropylmethyl-α,α,α-trifluoro-2,6-dinitro-N-propyl-*p*-toluidine] in or on the raw agricultural commodity group seed and pod vegetables (dry or succulent) and their forage and fodder (pesticide petition PP 5F1575), safflower seed and sunflower seed (pesticide petition PP 5F1588).

The data submitted in these petitions and other relevant material have been evaluated, and the herbicide is considered to be useful for the purposes for which the tolerances are sought. The established tolerance for residues in eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep is adequate to cover residues resulting from the proposed and existing uses, and Section 180.6(a)(2) applies. The tolerance established by amending the regulation will protect the public health.

For purposes of clarification of the established tolerance, the term "alfalfa forage" is changed to "alfalfa (fresh)" and, since soybeans are considered part of the raw agricultural commodity group "seed and pod vegetables" as defined by 40 CFR 180.34, the terms "soybeans" and "soybean forage" are being deleted from the regulation.

Any person adversely affected by this regulation may on or before August 25, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street SW., East Tower, Room 1019, Washington, DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 25, 1975, Part 180, Subpart C, § 180.348, is amended as follows.

Dated: July 22, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(d)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Section 180.348 is amended by (1) revising the paragraph "0.1 part per million * * *" to include the commodity group seed and pod vegetables (dry or succulent), their fodder and forage, safflower seed, and sunflower seed, and (2) deleting the words "soybeans and soybean forage".

§ 180.348 Profluralin; tolerances for residues.

* * * * *

0.1 part per million in or on alfalfa (fresh), alfalfa hay, cottonseed, safflower seed, the agricultural commodity group seed and pod vegetables (dry or succulent), seed and pod vegetable fodder and forage, and sunflower seed.

* * * * *

[FR Doc.75-19414 Filed 7-24-75;8:45 am]

[PP 4F1494/R45; FRL 405-2]

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

Zinc Phosphide

On June 11, 1974, notice was given (39 FR 20538) that the United States Department of the Interior, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20250, had submitted a pesticide petition (PP 4F1494) to the Environmental Protection Agency (EPA). This petition proposed amending 40 CFR 180.284 by establishing a tolerance for residues of phosphine resulting from use of the rodenticide zinc phosphide in or on the raw agricultural commodities rangeland grasses, forbs (broadleaf herbs), and shrubs at 0.1 part per million.

The data submitted in the petition and other relevant material have been evaluated, and the pesticide is considered to be useful for the purpose for which the tolerance is sought. To conform with other established tolerances for grasses, the tolerance is being expressed as grasses (rangeland). There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies. The tolerance will protect the public health.

Any person adversely affected by this regulation may on or before August 25, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW., East Tower, Room 1019, Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 25, 1975, Section 180, Subpart C, § 180.284, is amended as follows.

Section 180.284 is amended by changing the section paragraph to a listing and adding a tolerance 0.1 part per million for grasses (rangeland).

Dated: July 22, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)))

§ 180.284 Zinc Phosphide; tolerances for residues.

Tolerances are established for residues of phosphine resulting from the use of the rodenticide zinc phosphide in or on raw agricultural commodities as follows:

0.1 part per million in or on grasses (rangeland).

0.01 part per million in or on sugarcane resulting from the use of the rodenticide in sugarcane fields.

* * * * *

[FR Doc.75-19413 Filed 7-24-75;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 406-8; PP5F1598/R47]

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

Paraquat

On March 28, 1975, notice was given (40 FR 14117) that Chevron Chemical Co., Ortho Div., 940 Hensley St., Richmond CA 94804, had filed a pesticide petition (PP 5F1598) with the Environmental Protection Agency (EPA). This petition proposed establishment of a tolerance for residues of the desiccant paraquat (1,1'-dimethyl-4,4'-bipyridinium ion) derived from the application of either the bis (methyl sulfate) or dichloride salt (calculated as the cation) in or on the raw agricultural commodity sunflower seeds at 2 parts per million (ppm).

Chevron Chemical Co. subsequently amended the petition by proposing tolerances for residues of paraquat in eggs and the meat, fat, and meat byproducts of poultry and hogs at 0.01 ppm. (A related document on paraquat and the establishment of a feed additive tolerance also appears in today's FEDERAL REGISTER.)

The data submitted in the petition and other relevant material have been evaluated. The desiccant is considered useful for the purpose for which the tolerances are sought. Both the proposed tolerances for residues in eggs, and the meat, fat, and meat byproducts of hogs and poultry and the established tolerances for residues in milk, and the meat, fat, and meat byproducts of cattle, goats, horses, and sheep are adequate to cover residues in these commodities resulting from the proposed and established uses, and Section 180.6(a)(2) applies. The tolerances established by amending the regulation (40 CFR 180.205) as proposed will protect the public health. It is therefore concluded that the tolerances should be established as set forth below.

Any person adversely affected by this regulation may on or before August 25, 1975 file written objections with the Hearing Clerk, Environmental Protection Agency, 401 M Street, SW, East Tower Room 1019, Washington DC 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on July 25, 1975 Part 180, Subpart C, § 180.205, is amended as follows.

Dated: July 23, 1975.

EDWIN L. JOHNSON,
Deputy Assistant Administrator for Pesticide Programs.

(Sec. 408(d)(2) of the Fedferal Food, Drug and Cosmetic Act (21 U.S.C. 346a(d)(2)))

Section 180.205 is amended by (1) adding the new paragraph "2 parts per million * * *" after the paragraph "5 parts per million * * *", (2) deleting the paragraph "0.01 part per million (negligible residue) in milk" and combining this tolerance in the paragraph "0.01 part per million (negligible residue) in meat * * *", and (3) by revising the paragraph "0.01 part per million (negligible residue) in meat * * *" to include the commodities eggs, milk, and the meat, fat, and meat byproducts of hogs and poultry.

§ 180.205 Paraquat; tolerances for residues.

* * * * *

2 parts per million in or on sunflower seeds.

* * * * *

0.01 part per million (negligible residue) in eggs, milk, and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep.

* * * * *

[FR Doc.75-19557 Filed 7-24-75;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 rulemaking prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Fiscal Service

[31 CFR Part 306]

GENERAL REGULATIONS WITH RESPECT TO UNITED STATES SECURITIES

Notice of Proposed Rulemaking

Correction

In FR Doc. 75-18624 appearing at page 30485 in the FEDERAL REGISTER for Monday, July 21, 1975 make the following corrections:

1. On page 30486 in the table, the 4th heading should appear as "Term in formula (1)*";
2. Under the line reading "Amount paid to the Treasury" the following sentence should be inserted "Using Formula (2), the equivalent annual rate compounded semi-annually is: "; and,
3. The first line of the first paragraph following the table should read "*If Formula (3) were used (1+i) would be".

Internal Revenue Service

[26 CFR Part 1]

IMPUTED INTEREST RATES

Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by August 25, 1975. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropirate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by August 25, 1975. In such case a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

The Internal Revenue Service proposes to raise the imputed interest rates provided in the regulations in sections 482 and 483 so that they will better reflect prevailing interest rates.

For purposes of section 483 contracts entered into before July 24, 1975 will generally continue to be subject to the existing rates.

Proposed amendments to the regulations. The Income Tax Regulations (26 CFR Part 1) under sections 482 and 483 of the Internal Revenue Code of 1954, as amended, relating to imputed interest rates, are amended as follows:

1. Paragraph (a)(2) of § 1.482-2 is amended to read as follows:

§ 1.482-2 Determination of taxable income in specific situations.

(a) *Loans or advances.* * * *

(2) *Arm's length interest rate*—(i) *In general.* For the purposes of this paragraph, the arm's length interest rate shall be the rate of interest which was charged, or would have been charged at the time the indebtedness arose, in independent transactions, with or between unrelated parties under similar circumstances. All relevant factors will be considered, including the amount and duration of the loan, the security involved, the credit standing of the borrower, and the interest rate prevailing at the situs of the lender or creditor for comparable loans.

(ii) *Funds obtained at situs of borrower.* Notwithstanding the provisions of paragraph (a)(2)(i), (iii), and (iv) of this section, if the loan or advance represents the proceeds of a loan obtained by the lender at the situs of the borrower, the arm's length rate for any taxable year shall be equal to the rate actually paid by the lender increased by an amount which reflects the costs or deductions incurred by the lender in borrowing such amounts and making such loans, unless the taxpayer establishes a more appropriate rate under the standards set forth in paragraph (a)(2)(i) of this section.

(iii) Safe haven rule for certain loans or advances existing before July 24, 1975. (A) Paragraph (a)(2)(iii) of this section applies to interest paid or accrued—

(*1*) Before July 24, 1975,

(*2*) On or after July 24, 1975, but before (insert date final regulations are filed by the Office of the Federal Register), pursuant to a demand loan or advance which was in effect, or which was pursuant to a binding contract entered into, before July 24, 1975, and

(*3*) On or after July 24, 1975, pursuant to a loan or advance (other than a demand loan or advance) which was in effect, or which was pursuant to a binding contract entered into, before such date.

(B) If a creditor was not regularly engaged in the business of making loans or advances of the same general type as the loan or advance in question to unrelated parties, the arm's length rate of interest to which paragraph (a)(2)(iii) of this section applies shall be for purposes of this paragraph—

(*1*) The rate of interest actually charged if at least 4, but not in excess of 6, percent per annum simple interest, or

(*2*) Five percent per annum simple interest if no interest was charged or if the rate of interest charged was less than 4, or in excess of 6, percent per annum simple interest,

unless the taxpayer establishes a more appropriate rate under the standards set forth in paragraph (a)(2)(i) of this section. For purposes of the preceding sentence if the rate actually charged is greater than 6 percent per annum simple interest and less than the rate determined under the standards set forth in paragraph (a)(2)(i) of this section, or if the rate actually charged is less than 4 percent per annum simple interest and greater than the rate determined under the standards set forth in paragraph (a)(2)(i) of this section, then the rate actually charged shall be deemed to be a more appropriate rate under the standards set forth in paragraph (a)(2)(i) of this section.

(iv) Safe haven rule for other loans and advances. (A) Paragraph (a)(2)(iv) of this section applies to interest paid or accrued—

(*1*) Pursuant to a loan or advance (other than a loan or advance entered into pursuant to a binding contract entered into prior to July 24, 1975), which was entered into on or after such date, and

(*2*) On or after (insert date final regulations are filed by the Office of the

Federal Register) pursuant to a demand loan or advance.

(B) If a creditor was not regularly engaged in the business of making loans or advances of the same general type as the loan or advance in question to unrelated parties, the arm's length rate of interest to which paragraph (a)(2)(iv) of this section applies shall be for purposes of this paragraph—

(1) The rate of interest actually charged if at least 6, but not in excess of 8, percent per annum simple interest, or

(2) Seven percent per annum simple interest if no interest was charged or if the rate of interest charged was less than 6, or in excess of 8, percent per annum simple interest,

unless the taxpayer establishes a more appropriate rate under the standards set forth in paragraph (a)(2)(i) of this section. For purposes of the preceding sentence if the rate actually charged is greater than 8 percent per annum simple interest and less than the rate determined under the standards set forth in paragraph (a)(2)(i) of this section, or if the rate actually charged is less than 6 percent per annum simple interest and greater than the rate determined under the standards set forth in paragraph (a)(2)(i) of this section, then the rate actually charged shall be deemed to be a more appropriate rate under the standards set forth in paragraph (a)(2)(i) of this section.

* * * * *

2. Section 1.483-1 is amended as follows: Paragraph (c)(2) is revised; that part of paragraph (c)(3) as precedes example (1) is revised; examples (5) and (6) are added to paragraph (c)(3); a new paragraph (c)(4) is added; paragraph (d)(1) and (2) is revised; that part of paragraph (d)(4) that precedes example (1) is revised; examples (5) and (6) are added to paragraph (d)(4); that part of paragraph (e)(3) that precedes example (1) is revised; examples (6) and (7) are added to paragraph (e)(3); that part of the paragraph (f)(5) that precedes example (1) is revised, and examples (7) and (8) are added thereto; paragraph (f)(6)(iv) that precedes example (1) is revised and examples (5) and (6) are added thereto; paragraph (g)(1) and (4)(iii)(b) is revised; paragraph (g)(6), (7) and (8) is added to paragraph (g), and in paragraph (g)(2) the headings of tables I, II and III are revised and tables IV, V and VI are added after table III. The revised and added provisions read as follows:

§ 1.483-1 Computation of interest on certain deferred payments.

* * * * *

(c) *Total unstated interest* * * *

(2) *Present value of a payment* (i) In general. The present value of any interest payment due under the contract not more than 6 months after the date of the sale or exchange is an amount equal to 100 percent of such payment. The present value of any other interest payment, and of any payment to which section 483 applies, which is due under the contract shall be determined by discounting such payment at the interest rate prescribed by paragraph (c)(2)(ii) of this section, from the nearest date (to the date such payment is actually due under the contract) which marks a 6-month interval from the date of the sale or exchange. For purposes of computing the present value of a payment at such rate, column (b) of the appropriate table set forth in paragraph (g)(2) of this section shall be used.

(ii) *Prescribed interest rates.* (A) For payments on account of a sale or exchange of property entered into before July 24, 1975, as well as a sale or exchange of property pursuant to a binding written contract (including an irrevocable written option) entered into before such date, the interest rate prescribed by this subdivision shall be 5 percent per annum compounded semiannually.

(B) For payments on account of a sale or exchange of property entered into on or after July 24, 1975, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before such date, the interest rate prescribed by this subdivision shall be 7 percent per annum compounded semiannually. (See paragraph (c)(4) of this section for special rules where there has been a substantial change in the terms of a binding written contract entered into before July 24, 1975.

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples (Note that examples (1) through (5) use Tables II through III, because such tables generally apply to transactions entered into after June 30, 1963 and before July 24, 1975, and that the principles illustrated by such examples would apply for transactions entered into on or after July 24, 1975, in which case Tables IV through VI would generally be applied.):

* * * * *

Example (5). On December 31, 1974, A sells property to B under a contract which provides that B is to make four payments of $2,000 each, such payments being due, respectively, at the end of each year for the next four years. No interest is provided for in the contract. For purposes of paragraph (a) of this section, the total unstated interest under the contract is $918.38 (using Table III because the sale occurred before (inset date on which this notice is filed by the Office of the Federal Register)). The computation is as follows:

Sum of payments to which sec. 483 applies	$8,000.00
Less: Present value of $2,000 due every 12 months for 4 years ($2,000 × 3.54081 (factor for 4 years, col. (b), table III))	7,081.62
Total unstated interest	918.38

Example (6). On December 31, 1975, A sells property to B under a contract which provides that B is to make three payments of $2,000 each, such payments being due, respectively, at the end of each year for the next 3 years. No interest is provided for in the contract. For purposes of paragraph (a) of this section, the total unstated interest under the contract is $763.10 (using Table VI rather than Table III because the contract was entered into after July 24, 1975). The computation is as follows:

Sum of payments to which sec. 483 applies	$6,000.00
Less: Present value of $2,000 due every 12 months for 3 years ($2,000 × 2.61845 (factor for 3 years, col. (b), table VI))	5,236.90
Total unstated interest	763.10

(4) Special rule for binding contracts entered into before July 24, 1975. Payments made pursuant to a sale or exchange occurring before July 24, 1975 shall continue to be subject to the 5 percent prescribed interest rate of paragraph (c)(2)(ii)(A) of this section and the 4 percent prescribed test rate of paragraph (d)(1)(ii)(A) of this section even though there has been a change in the terms of the contract. However, where payments are pursuant to a sale or exchange occurring on or after July 24, 1975, but under the terms of a binding written contract entered into before such date, and there has been a substantial change in the terms of such contract, then the 7 percent prescribed interest rate of paragraph (c)(2)(ii)(B) of this section and the 6 percent prescribed test rate of paragraph (d)(1)(ii)(B) of this section shall be applied to payments made after the occurence of such substantial change.

(d) Test of whether there is total unstated interest under a contract—(1) *In general*—(i) How to apply prescribed test rate. Except as provided in paragraph (d)(2) and (3) of this section for purposes of determining whether section 483 applies to payments under a contract (that is, for purposes of paragraph (b)(1)(ii) of this section), the determination of whether there is total unstated interest under a contract shall be made in accordance with the method for computing total unstated interest provided in paragraph (c) of this section, except that column (a) of the appropriate table contained in paragraph (g)(2) of this section (which provides for discounting payments at the appropriate test rate prescribed by paragraph (d)(1)(ii) of this section) shall be used to determine the present value of a payment. If, after applying the appropriate test rate, there is total unstated interest (regardless of amount) with respect to a contract, section 483 applies to the payments described in paragraph (b) of this section which are due under the contract. In such case, the amount of total unstated interest under the contract which is includible in or deductible from income must be computed by using the higher interest rate prescribed in paragraph (c) of this section, and then allocating such amount among the payments due under the contract in the manner provided in paragraph (a) of this section.

(ii) *Prescribed test rates.* (A) For payments on account of a sale or exchange of property entered into before July 24,

1975, as well as a sale or exchange of property entered into pursuant to a binding written contract (including an irrevocable written option) entered into before such date, the test rate prescribed by this subdivision shall be 4 percent per annum simple interest.

(B) For payments on account of a sale or exchange of property entered into on or after July 24, 1975, except a sale or exchange entered into pursuant to a binding written contract (including an irrevocable written option) entered into before such date, the test rate prescribed by this subdivision shall be 6 percent per annum simple interest. (See paragraph (c)(4) of this section for special rules where there has been a substantial change in the terms of a contract entered into before July 24, 1975.)

(2) *Alternative test where contract rate is at least that prescribed in paragraph (d) (1) (ii) of this section.* The method provided in paragraph (d)(1) of this section for determining whether there is total unstated interest need not be used in the case of a contract which provides for interest at a rate of at least that prescribed in paragraph (d)(1)(ii) of this section, payable on each installment of principal at the time such installment is payable. For purposes of paragraph (b)(1)(ii) of this section, there is no total unstated interest under such a contract and, therefore, section 483 does not apply to payments under such a contract. For purposes of this paragraph, simple interest means straight interest computed on the principal amount of a payment from the time of the sale or exchange to the time the payment is required to be made. As an illustration of the meaning of simple interest, if a contract provides for payments totaling $6,000 in 3 equal installments of $2,000 plus 4 percent per annum simple interest, such installments of principal and interest being due 1, 2, and 3 years, respectively, from the date of the sale, the amount of interest due with the first installment is $80 ($2,000×0.04×1, the amount of interest due with the second installment is $160 ($2,000×0.04×2), and the amount of interest due with the third installment is $240 ($2,000×0.94×3.

* * * * *

(4) *Examples.* The provisions of this paragraph may be illustrated by the following examples (Note that examples (1) through (5) use Tables I through III, because such tables apply generally to transactions entered into after June 30, 1963 and before July 24, 1975, and that the principles illustrated by such examples would apply for transactions entered into on or after July 24, 1975, in which case Tables IV through VI would generally be applied.):

* * * * *

Example (5). (i) The facts are the same as in Example (4), except that the date of the sale of property to both B and C is December 31, 1973. Although three of the four payments under the contracts between A and B and between A and C are to be made after July 24, 1975, the test rate of 4 percent per annum simple interest is still applied to all payments in determining for purposes of this paragraph whether there is total unstated interest under either contract because in each case the sale occurred before July 24, 1975.

(ii) Since the interest rate specified in the contract between A and B is equal to the test rate of 4 percent per annum simple interest, paragraph (d)(2) of this section applies. Therefore, it is not necessary to compute whether there is total unstated interest under paragraph (d)(1) of this section, and section 483 does not apply to any payments due under the contract.

(iii) Since the contract between A and C does not provide for interest at a rate of at least 4 percent per annum, payable on each installment of principal at the time such installment is payable, paragraph (d)(2) of this section does not apply and the determination of whether there is total unstated interest must be made under paragraph (d)(1) of this section, in the same manner, and using the same tables, as computed in Example (4)(ii). Since the sum of the payments to which section 483 applies ($4,000) exceeds the sum of the present value of such payments and the present value of the stated interest payment ($3,987.23), there is total unstated interest under the contract and the provisions of section 483 apply to the payments of sales price due under the contract. For the method of computing the amount of total unstated interest which is includible in or deductible from gross income, the rules in paragraph (c) of this section are applied, using Tables I and III and not Tables IV and VI.

Example (6). On December 31, 1975, A sells property to B under a contract which provides that B is to make payments of $2,040 ($2,000 sales price plus $40 interest), $2,080 ($2,000 sales price plus $80 interest), and $2,120 ($2,000 sales price plus $120 interest), such payments being due, respectively, 1, 2, and 3 years from the date of sale. Because the contract was entered into after July 24, 1975, the determination of whether there is total unstated interest under the contract is made using Table IV instead of Table I in the following manner:

(i) Sum of payments to which sec. 483 applies	$6,000.00
(ii) Sum of:	
Present value of $2,040 due 1 yr. from date of sale ($2,040×0.94340 (factor for 9 to 15 months, col. (a), table IV))	1,924.54
Present value of $2,080 due 2 yrs. from date of sale ($2,080×0.89286 (factor for 21 to 27 months, col. (a), table IV))	1,857.15
Present value of $2,120 due 3 yrs. from date of sale ($2,120×0.84746 (factor for 33 to 39 months, col. (a), table IV))	1,796.62
Total	5,578.31

Since the sum of the payments to which section 483 applies ($6,000) exceeds the sum of the present values of such payments and the present values of the stated interest payments ($5,578.31), there is total unstated interest under the contract and the provisions of section 483 apply to the payments of sales price due under the contract. For the method of computing the amount of total unstated interest which is includible in or deductible from income, see paragraph (c) of this section.

(e) *Payments that are indefinite as to time, liability, or amount.* * * *

(3) *Examples.* The provisions of this paragraph may be illustrated by the following examples (Note that examples (1) through (6) use Tables I through III, because such tables generally apply to transactions entered into after June 30, 1963 and before July 24, 1975, and that the principles illustrated by such examples would apply for transactions entered into on or after July 24, 1975, in which case Tables IV through VI would generally be applied.):

* * * * *

Example (6). The facts are the same as those in Example (1), except that the property is sold on December 31, 1973, and all other relevant dates are 10 years later. Although two of the three payments due under the contract are to be made after July 24, 1975, total unstated interest is computed in the same manner, and using the same tables as in Example (1), because the sale of property occurred before July 24, 1975. Thus, total unstated interest under the contract, determined as of December 31, 1973, is $2,799.40, and the additional unstated interest at the end of the third year (1976) is $275.40.

Example (7). On December 31, 1975, A sells property to B under a contract which provides that B is to pay $40,000 at the time of the sale and $10,000 on December 29th of each year for the next three years, unless profits exceed a specified amount during the year, in which case, B is to pay $12,000 in that year. No interest is provided for in the contract. For the year 1976 profits have exceeded the specified amount and B pays $12,000. For 1977 B pays only $10,000, but for 1978 profits have again exceeded the specified amount and B pays $12,000. Since, on the date of sale, there are definite payments due under the contract, total unstated interest is computed with respect to the aggregate of such definite payments. The total unstated interest under the contract, determined as of December 31, 1975 is $3,815.50 (using Tables IV and VI rather than Tables I and III because the contract was entered into after July 24, 1975). The computation is as follows:

Sum of definite payments to which sec. 483 applies	$30,000.00
Less: Present value of $10,000 due every 12 months for 3 years ($10,000×2.61845 (factor for 3 years, col. (b), table VI))	26,184.50
Total unstated interest	$ 3,815.50

At the time of receipt of the indefinite portion ($2,000) of the first payment ($12,000), additional unstated interest is not computed on the amount of such indefinite portion since payment was made no more than 1 year after the date of the sale. At the time of receipt of the indefinite portion ($2,000) of the late payment ($12,000), additional unstated interest is computed based on the amount of such indefinite portion.

The additional unstated interest at the end of the third year is $373.00, computed as follows:

Indefinite portion of payment to which sec. 483 applies	$ 2,000.00
Less: Present value of such portion ($2,000×0.81350 (factor for 3 years, col. (2), table VI))	3,815.50
table IV))	1,627.00
Total unstated interest	$ 373.00

(f) *Changes in terms of contract.* * * *

(5) *Examples.* The provisions of paragraph (f) (1) through (5) of this section may be illustrated by the following examples (Note that the examples use Tables I through III, because such tables apply generally to transactions entered into after June 30, 1963 and before July 24, 1975, and that the principles illustrated by such examples would generally apply for transactions entered into on or after July 24, 1975, in which case Tables IV through VI would generally be applied.):

* * * * *

Example (7). The facts are the same as in example (5), except that the property is sold on December 31, 1973, and all other relevant dates are 10 years later. Although the change in the contract takes place after July 24, 1975, on December 31, 1977, under this paragraph the recomputation of total unstated interest is required to be made as if the original contract had contained the changed terms. Since the sale occurred before July 24, 1975, the test rate for purposes of applying paragraph (d) to the revised contract is still 4 percent per annum simple interest, and the interest rate to be used in computing the amount of total unstated interest under paragraph (c) is still 5 percent per annum compounded semiannually. Thus, the determination of whether there is total unstated interest under the revised contract, and the computation of total unstated interest to be allocated to the final $2,000 payment, are both made by applying Table I (and not Table IV), in the same manner as in example (5). Therefore, the total unstated interest to be allocated to the final $2,000 payment is $160.38.

Example (8). The facts are the same as in example (5), except that the property is sold on December 31, 1973, and all other relevant dates are 10 years later. In addition, when the final $2,000 payment is made on December 31, 1977, interest of $320 is also paid on such amount. Although the change in the contract takes place after July 24, 1975, on December 31, 1977, under this paragraph the recomputation of total unstated interest is required to be made as if the original contract had contained the changed terms. Since the sale occurred before July 24, 1975, the test rate for purposes of applying paragraph (d) to the revised contract is still 4 percent per annum simple interest. Since the $320 of interest which is paid in addition to the final $2,000 payment is equal to the test rate of 4 percent per annum simple interest, paragraph (d)(2) of this section applies. Therefore, it is not necessary to compute whether there is total unstated interest under paragraph (d)(1) of this section, and section 483 does not apply to the final $2,000 payment.

(6) *Transfer of obligation to make contract right to receive deferred payments.* * * *

(iv) The provisions of paragraph (f) (6) of this section may be illustrated by the following examples (Note that the examples use Tables I through III, with respect to transactions entered into after June 30, 1963 and before July 24, 1975, and that the principles illustrated by such examples would generally apply for transactions entered into on or after July 24, 1975, in which case Tables IV through VI would generally be applied.):

* * * * *

Example (5) (*a*) The facts are the same as in example (1), except that A sells property to B on December 31, 1973, and all other relevant dates are 10 years later.

(*b*) Although the transfer of property by B to C takes place after July 24, 1975, A is not affected with respect to section 483 merely by reason of such transfer (see paragraph (f)(6)(i)(*a*) of this section), and section 483 is applied to C in the same manner as it applied to B as if the transfer of the obligation to make the two remaining $2,000 payments had not been made (see paragraph (f)(6)(i)(*c*) of this section). With respect to each of the two remaining $2,000 payments, therefore, C may deduct $229.60, and A continues to include such amount in income. B has no deductions with respect to such payments by C.

(*c*) With respect to the contract between B and C, section 483 applies to each of the $1,000 payments to be made by C at the end of the next 4 years, and total unstated interest with respect to such payments must be computed in the manner provided in paragraph (c) of this section. Since the contract between B and C is treated as a new contract (see paragraph (f)(6)(i)(*d*) of this section), Tables IV to VI (and not Tables I to III) are used in making the computation because the transfer of property by B to C takes place on January 1, 1976, which is after July 24, 1975. Because the assumption of B's obligation is treated as a payment made at the time of the transfer, section 483 does not apply to the two remaining payments for purposes of the contract between B and C.

Example (6). (*a*) The facts are the same as in example (1), except that A sells property to B on January 31, 1973, and all other relevant dates are 10 years later. In addition, on January 1, 1976, A transfers his contract right to receive the two remaining $2,000 payments to C in exchange for property having a fair market value of $3,000.

(*b*) Although the transfer of his contract right by A to C takes place after July 24, 1975, B is not affected by the transaction (See paragraph (f)(6)(ii)(*a*) of this section) and B continues to deduct $229.60 with respect to each of the two remaining $2,000 payments. A treats his contract with B as having been changed to provide for two payments of $2,000 each, due December 31st of 1974 and 1975, respectively, and a final payment of $3,000 (the fair market value of the property transferred by C to A) due January 1, 1976. A recomputes his total unstated interest in accordance with the rules provided in paragraph (c) of this section and allocates such unstated interest in the manner provided in paragraph (f)(4) of this section. Since the sale to B took place before July 24, 1975, and since the recomputation is made as if the original contract with B had contained the changed terms, Tables I to III are used in making the recomputation and not Tables IV to VI.

(*c*) C treats the two remaining $2,000 payments from B as if they are due under a contract for the sale of property entered into with B on January 1, 1976. Thus, C computes total unstated interest under paragraph (c) of this section as if he had entered into a contract subject to section 483 which provided for $2,000 due December 31, 1976, and $2,000 due December 31, 1977, and then allocates such total unstated interest in the manner provided in paragraph (a) of this section. Since January 1, 1976, is after July 24, 1975, Tables IV to VI (and not Tables I to III) are applied in computing such total unstated interest.

(*d*) With respect to the contract between A and C, section 483 does not apply because there are no deferred payments.

(g) *Present value tables*—(1) *Computation of present value.* If the purpose of the present value computation is to determine under paragraph (d) of this section whether there is total unstated interest under a contract, column (a) of the appropriate table set forth in paragraph (g)(2) of this section shall be used. For the rules relating to certain governmental obligations, see paragraph (d)(3) of this section. If the purpose of the present value computation is to determine under paragraph (c) of this section the amount of total unstated interest under a contract to be included in or deducted from income (that is, after it has already been determined by using column (a) of the appropriate table that the contract contains total unstated interest), column (b) of the appropriate table set forth in paragraph (g)(2) of this section shall be used. If a contract provides for deferred payments for a period in excess of 60 years, the factor (or factors) necessary may be obtained upon request to the Commissioner of Internal Revenue, Washington, D.C. 20224. In general, such request must be accompanied by a copy of the contract (or the proposed contract) and other relevant instruments.

(2) *Tables.* * * *

TABLE I—PRESENT VALUE OF DEFERRED PAYMENT

TABLE I—PRESENT VALUE OF DEFERRED PAYMENT

(Applicable to contracts entered into before July 24, 1975 to which paragraphs (c)(2)(ii)(A) and (d)(1)(ii)(A) of this section apply).

(COL. (a) 4 PERCENT SIMPLE INTEREST—COL. (b) 5 PERCENT INTEREST, COMPOUNDED SEMI-ANNUALLY)

* * * * *

TABLE II—PRESENT VALUE OF ANNUITY CERTAIN: $1 EVERY 6 MONTHS

(Applicable to contracts entered into before July 24, 1975 to which paragraphs (c)(2)(ii)(A) and (d)(1)(ii)(A) of this section apply).

(COL. (a) 4 PERCENT SIMPLE INTEREST—COL. (b) 5 PERCENT INTEREST, COMPOUNDED SEMI-ANNUALLY)

* * * * *

TABLE III—PRESENT VALUE OF ANNUITY CERTAIN: $1 EVERY 12 MONTHS

(Applicable to contracts entered into before July 24, 1975 to which paragraphs (c)(2)(ii)(A) and (d)(1)(ii)(A) of this section apply).

(COL. (a) 4 PERCENT SIMPLE INTEREST—COL. (b) 5 PERCENT INTEREST, COMPOUNDED SEMI-ANNUALLY)

* * * * *

TABLE IV.—*Present value of deferred payment—applicable to contracts entered into on or after July 25, 1975, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply*

[Col. (a) 6 percent simple interest; col. (b) 7 percent interest, compounded semiannually]

Number of months deferred		Col. (a)	Col. (b)	Number of months deferred		Col. (a)	Col. (b)	Number of months deferred		Col. (a)	Col. (b)
More than	But not more than	Present value of $1 at 6 percent simple interest	Present value of $1 at 7 percent compounded semi-annually	More than	But not more than	Present value of $1 at 6 percent simple interest	Present value of $1 at 7 percent compounded semi-annually	More than	But not more than	Present value of $1 at 6 percent simple interest	Present value of $1 at 7 percent compounded semi-annually
0	6	1.00000	1.00000	243	249	.44843	.24403	489	495	.28902	.05955
6	9	.97087	.96618	249	255	.44248	.23578	495	501	.28653	.05754
9	15	.94340	.93351	255	261	.43668	.22781	501	507	.28409	.05559
15	21	.91743	.90194	261	267	.43103	.22010	507	513	.28169	.05371
21	27	.89286	.87144	267	273	.42553	.21266	513	519	.27933	.05190
27	33	.86957	.84197	273	279	.42017	.20547	519	525	.27701	.05014
33	39	.84746	.81350	279	285	.41494	.19852	525	531	.27473	.04845
39	45	.82645	.78599	285	291	.40984	.19181	531	537	.27248	.04681
45	51	.80645	.75941	291	297	.40486	.18532	537	543	.27027	.04522
51	57	.78740	.73373	297	303	.40000	.17905	543	549	.26810	.04369
57	63	.76923	.70892	303	309	.39526	.17300	549	555	.26596	.04222
63	69	.75188	.68495	309	315	.39062	.16715	555	561	.26385	.04079
69	75	.73529	.66178	315	321	.38610	.16150	561	567	.26178	.03941
75	81	.71942	.63940	321	327	.38168	.15603	567	573	.25974	.03808
81	87	.70423	.61778	327	333	.37736	.15076	573	579	.25773	.03679
87	93	.68966	.59689	333	339	.37313	.14566	579	585	.25575	.03555
93	99	.67568	.57671	339	345	.36900	.14073	585	591	.25381	.03434
99	105	.66225	.55720	345	351	.36496	.13598	591	597	.25189	.03318
105	111	.64935	.53836	351	357	.36101	.13138	597	603	.25000	.03206
111	117	.63694	.52016	357	363	.35714	.12693	603	609	.24814	.03098
117	123	.62500	.50257	363	369	.35336	.12264	609	615	.24631	.02993
123	129	.61350	.48557	369	375	.34965	.11849	615	621	.24450	.02892
129	135	.60241	.46915	375	381	.34602	.11449	621	627	.24272	.02794
135	141	.59172	.45329	381	387	.34247	.11062	627	633	.24096	.02699
141	147	.58140	.43796	387	393	.33898	.10688	633	639	.23923	.02608
147	153	.57143	.42315	393	399	.33557	.10326	639	645	.23753	.02520
153	159	.56180	.40884	399	405	.33223	.09977	645	651	.23585	.02435
159	165	.55249	.39501	405	411	.32895	.09640	651	657	.23419	.02352
165	171	.54348	.38165	411	417	.32573	.09314	657	663	.23256	.02273
171	177	.53476	.36875	417	423	.32258	.08999	663	669	.23095	.02196
177	183	.52632	.35628	423	429	.31949	.08694	669	675	.22936	.02122
183	189	.51813	.34423	429	435	.31646	.08400	675	681	.22779	.02050
189	195	.51020	.33259	435	441	.31348	.08116	681	687	.22624	.01981
195	201	.50251	.32134	441	447	.31056	.07842	687	693	.22472	.01914
201	207	.49505	.31048	447	453	.30769	.07577	693	699	.22321	.01849
207	213	.48780	.29998	453	459	.30488	.07320	699	705	.22173	.01786
213	219	.48077	.28983	459	465	.30211	.07073	705	711	.22026	.01726
219	225	.47393	.28003	465	471	.29940	.06834	711	717	.21882	.01668
225	231	.46729	.27056	471	477	.29674	.06603	717	723	.21739	.01611
231	237	.46083	.26141	477	483	.29412	.06379				
237	243	.45455	.25257	483	489	.29155	.06164				

TABLE V.—*Present value of annuity certain: $1 every 6 mos.—Applicable to contracts entered into on or after July 24, 1975, paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.*

[Col. (a) 6 percent simple interest; col. (b) 7 percent interest, compounded semiannually]

Number of years final payment deferred	Col. (a) Present value at 6 percent simple interest	Col. (b) Present value at 7 percent compounded semiannually	Number of years final payment deferred	Col. (a) Present value at 6 percent simple interest	Col. (b) Present value at 7 percent compounded semiannually	Number of years final payment deferred	Col. (a) Present value at 6 percent simple interest	Col. (b) Present value at 7 percent compounded semiannually
*0.5	0.97087	0.96618	20.5	26.45962	21.59010	40.5	40.73343	26.81041
1.0	1.91427	1.89969	21.0	26.90210	21.83488	41.0	41.02245	26.86996
1.5	2.83170	2.80164	21.5	27.33878	22.06369	41.5	41.30898	26.92750
2.0	3.72456	3.67308	22.0	27.76981	22.28279	42.0	41.59307	26.98309
2.5	4.59413	4.51565	22.5	28.19534	22.49545	42.5	41.87476	27.03680
3.0	5.44159	5.32855	23.0	28.61551	22.70092	43.0	42.15409	27.08870
3.5	6.26804	6.11454	23.5	29.03045	22.89944	43.5	42.43110	27.13884
4.0	7.07449	6.87396	24.0	29.44029	23.09124	44.0	42.70583	27.18728
4.5	7.86189	7.60769	24.5	29.84515	23.27656	44.5	42.97831	27.23409
5.0	8.63112	8.31661	25.0	30.24515	23.45562	45.0	43.24858	27.27932
5.5	9.38300	9.00155	25.5	30.64041	23.62862	45.5	43.51668	27.32301
6.0	10.11829	9.66333	26.0	31.03103	23.79576	46.0	43.78264	27.36523
6.5	10.83771	10.30274	26.5	31.41713	23.95726	46.5	44.04649	27.40602
7.0	11.54194	10.92052	27.0	31.79881	24.11330	47.0	44.30827	27.44543
7.5	12.23160	11.51741	27.5	32.17617	24.26405	47.5	44.56801	27.48350
8.0	12.90728	12.09412	28.0	32.54930	24.40971	48.0	44.82574	27.52029
8.5	13.56953	12.65132	28.5	32.91830	24.55045	48.5	45.08149	27.55584
9.0	14.21888	13.18968	29.0	33.28326	24.68642	49.0	45.33530	27.59018
9.5	14.85582	13.70984	29.5	33.64427	24.81780	49.5	45.58719	27.62337
10.0	15.48082	14.21240	30.0	34.00141	24.94473	50.0	45.83719	27.65543
10.5	16.09432	14.69797	30.5	34.35477	25.06738	50.5	46.08533	27.68640
11.0	16.69673	15.16712	31.0	34.70442	25.18587	51.0	46.33164	27.71633
11.5	17.28845	15.62041	31.5	35.05044	25.30036	51.5	46.57614	27.74525
12.0	17.86985	16.05837	32.0	35.39291	25.41097	52.0	46.81886	27.77318
12.5	18.44128	16.48151	32.5	35.73189	25.51785	52.5	47.05982	27.80018
13.0	19.00308	16.89035	33.0	36.06746	25.62111	53.0	47.29905	27.82626
13.5	19.55557	17.28536	33.5	36.39969	25.72088	53.5	47.53658	27.85146
14.0	20.09905	17.66702	34.0	36.72864	25.81727	54.0	47.77243	27.87581
14.5	20.63381	18.03577	34.5	37.05437	25.91041	54.5	48.00662	27.89933
15.0	21.16013	18.39205	35.0	37.37695	26.00040	55.0	48.23918	27.92206
15.5	21.67826	18.73628	35.5	37.69644	26.08734	55.5	48.47013	27.94402
16.0	22.18846	19.06887	36.0	38.01290	26.17134	56.0	48.69949	27.96523
16.5	22.69097	19.39021	36.5	38.32638	26.25251	56.5	48.92728	27.98573
17.0	23.18602	19.70068	37.0	38.63694	26.33092	57.0	49.15352	28.00554
17.5	23.67382	20.00066	37.5	38.94463	26.40669	57.5	49.37824	28.02467
18.0	24.15459	20.29049	38.0	39.24951	26.47989	58.0	49.60145	28.04316
18.5	24.62852	20.57053	38.5	39.55162	26.55062	58.5	49.82318	28.06103
19.0	25.09581	20.84109	39.0	39.85102	26.61896	59.0	50.04344	28.07829
19.5	25.55664	21.10250	39.5	40.14776	26.68498	59.5	50.26226	28.09496
20.0	26.01119	21.35507	40.0	40.44188	26.74878	60.0	50.47965	28.11108

*The factor for 0.5 year is applicable to a payment due more than 6 months but not more than 9 months from the date of sale or exchange. In the case of a payment due not more than 6 months from the date of the sale or exchange, see the instructions in subparagraph (7)(ii) of this section.

TABLE VI.—*Present value of annuity certain: $1 every 12 mos.—Applicable to contracts entered into on or after July 24, 1975, to which paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.*

[Col. (a) 6 percent simple interest; col. (b) 7 percent interest, compounded semiannually]

Number of years final payment deferred	Col. (a) Present value at 6 percent simple interest	Col. (b) Present value at 7 percent compounded semiannually	Number of years final payment deferred	Col. (a) Present value at 6 percent simple interest	Col. (b) Present value at 7 percent compounded semiannually	Number of years final payment deferred	Col. (a) Present value at 6 percent simple interest	Col. (b) Present value at 7 percent compounded semiannually
1.0	0.94340	0.93351	21.0	13.31470	10.72967	41.0	20.33693	13.20391
2.0	1.83626	1.80456	22.0	13.74573	10.94977	42.0	20.62102	13.25950
3.0	2.68372	2.61845	23.0	14.16590	11.15524	43.0	20.90035	13.31140
4.0	3.49017	3.37787	24.0	14.57574	11.34705	44.0	21.17508	13.35985
5.0	4.25940	4.08678	25.0	14.97574	11.52610	45.0	21.44535	13.40507
6.0	4.99469	4.74857	26.0	15.36636	11.69325	46.0	21.71131	13.44729
7.0	5.69892	5.36635	27.0	15.74804	11.84929	47.0	21.97309	13.48670
8.0	6.37460	5.94305	28.0	16.12117	11.99495	48.0	22.23082	13.52349
9.0	7.02395	6.48142	29.0	16.48613	12.13092	49.0	22.48463	13.55783
10.0	7.64895	6.98398	30.0	16.84327	12.25785	50.0	22.73463	13.58980
11.0	8.25136	7.45313	31.0	17.19292	12.37635	51.0	22.98094	13.61982
12.0	8.83276	7.89109	32.0	17.53539	12.48697	52.0	23.22366	13.64776
13.0	9.39456	8.29993	33.0	17.87096	12.59023	53.0	23.46289	13.67384
14.0	9.93804	8.68158	34.0	18.19991	12.68662	54.0	23.69874	13.69818
15.0	10.46436	9.03786	35.0	18.52249	12.77661	55.0	23.93130	13.72091
16.0	10.97456	9.37045	36.0	18.83895	12.86061	56.0	24.16066	13.74213
17.0	11.46961	9.68093	37.0	19.14951	12.93903	57.0	24.38690	13.76194
18.0	11.95038	9.97076	38.0	19.45439	13.01223	58.0	24.61011	13.78042
19.0	12.41767	10.24132	39.0	19.75379	13.08057	59.0	24.83037	13.79768
20.0	12.87222	10.49389	40.0	20.04791	13.14436	60.0	25.04776	13.81380
*	*		*	*		*	*	*

(4) *Instructions for Table II.* * * *

(iii) * * *

(*b*) Adjust the factor determined under (*a*) of this subdivision by increasing such factor either by 0.01961 (1 minus the column (a) factor for deferral of payment for 0.5 years; in this case 0.98039) if the present value computation is made under column (a), or by 0.02439 (1 minus the column (b) factor for the deferral of payment for 0.5 years; in this case 0.97561) if the present value computation is made under column (b); and

* * * * *

(6) *Instructions for Table IV.* In general, the instructions for Table I are applicable to Table IV, taking into account the change in the rate of imputed interest for contracts entered into on or after July 24, 1975, to paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.

(7) *Instructions for Table V.* (i) In general, the instructions for Table II are applicable to Table V, taking into account the change in the rate of imputed interest for contracts entered into on or after July 24, 1975, to paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.

(ii) Notwithstanding the preceding subdivision, where a contract entered into on or after July 24, 1975 is otherwise described in paragraph (g)(4)(iii) of this section, then the present value of a series of equal payments described in that subsection shall be computed under Table V as follows:

(*a*) Determine the factor contained in that subsection shall be computed under (that is, col. (a) or col. (b)) for the appropriate number of years the final payment under the contract is deferred;

(*b*) Adjust the factor determined under (*a*) of this subdivision by increasing such factor either by 0.02913 (1 minus the column (a) factor for deferral of payment for 0.5 years; in this case 0.97087) if the present value computation is made under column (a), or by 0.03382 (1 minus the column (b) factor for deferral of payment for 0.5 years; in this case 0.96618) if the present value computation is made under column (b); and

(*c*) Multiply the amount of a single payment under the contract by the adjusted factor determined under paragraph (g)(7)(ii)(*b*) of this section.

For example, the present value, using a rate of 6 percent per annum simple interest, of a series of eight $1,000 payments, the first payment being due exactly 6 months from the date of sale, and the remaining seven payments being due, respectively every 6 months thereafter (so that under the rule of paragraph (g)(7)(i) of this section the final payment is deferred 3 years), is $7,103.62 ($1,000 × (7.07449 plus 0.02913)).

(8) *Instructions for Table VI.* In general, the instructions for Table III are applicable to Table VI, taking into account the change in the rate of imputed interest for contracts entered into on or

after July 24, 1975 to paragraphs (c)(2)(ii)(B) and (d)(1)(ii)(B) of this section apply.

[FR Doc.75-19208 Filed 7-24-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 927]

HANDLING OF PEARS GROWN IN OREGON, WASHINGTON, AND CALIFORNIA

Proposed Rulemaking

This notice invites written comments relative to a proposed seasonal regulation of the grade and size of fresh Oregon, Washington, and California winter pears in interstate shipments. It would be effective from August 25, 1975, through June 30, 1976. The proposed regulation, as hereinafter set forth, was unanimously recommended by the members of the Control Committee that functions pursuant to the amended marketing agreement and Order No. 927, as amended (7 CFR Part 927), which regulate the handling of fresh Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau varieties of pears grown in Oregon, Washington, and California. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed regulation reflects the committee's appraisal of the 1975 crop and the current and prospective market conditions. The proposed grade and size requirements are designed to prevent the handling of winter pears grading lower than the specified grade or smaller than the specified size so as to provide consumers with good quality fruit consistent with the overall quality of the crop, while improving returns to the producers pursuant to the declared policy of the act.

In addition to the basic grade and size requirements specified for Beurre D'Anjou, Beurre Bosc, and Doyenne du Comice pears, the regulation would permit the handling of such pears bearing limited damage from skin punctures, however, this reduction in market desirability would be offset by the requirement that any pears thus affected be otherwise of a specified higher grade and of a larger size. The provision that any handler may ship Size 180 Beurre D'Anjou pears of at least U.S. No. 1 grade in an amount not exceeding 2 percent of his total seasonal Beurre D'Anjou shipments that are U.S. No. 1 grade, or better, would permit the limited marketing of smaller pears of a desirable quality which offsets the smaller size.

The requirement that the core temperature of Beurre D'Anjou pears grown in the Oregon and Washington Districts and shipped prior to October 15, 1975, must have been lowered to the specified temperature (35° F. or less) is designed to assure proper ripening of such pears.

The proposed regulation is as follows:

§ 927.314 Pear Regulation 14.

Order. (a) During the period August 25, 1975, through June 30, 1976, no handler shall ship any of the following varieties of pears which do not meet the requirements hereinafter specified:

(1) Beurre D'Anjou pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2 except that any handler may ship a quantity of Beurre D'Anjou pears that are not smaller than 180 size and not less than U.S. No. 1 grade which quantity shall not exceed 2 percent of the total U.S. No. 1 or better grades of such variety shipped by the handler, during the aforesaid period: *Provided*, That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(2) Beurre D'Anjou pears shipped from the Medford, Hood River-White Salmon-Underwood, Wenatchee, and Yakima Districts prior to October 15, 1975, shall have an appropriate certification by the Federal-State Inspection Service, issued prior to shipment, showing that the core temperature of such pears has been lowered to 35° Fahrenheit or less;

(3) Beurre Bosc pears shall grade at least U.S. No. 1 and shall be of a size not smaller than 195 size: *Provided*, That pears of such variety which grade at least U.S. No. 2 may be shipped if they are of a size not smaller than 180 size: *Provided further*, That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size;

(4) Doyenne du Comice pears shall be of a size not smaller than 165 size and shall grade at least U.S. No. 2: *Provided*, That pears of such variety which bear unhealed skin punctures not exceeding 3/16 of an inch in diameter may be shipped if they otherwise grade at least U.S. No. 1 and are of a size not smaller than 135 size; and

(5) Winter Nelis pears shall be of a size not smaller than 195 size and shall grade at least U.S. No. 2.

(b) During the aforesaid period, each handler may ship on any one conveyance up to, but not to exceed, 200 standard western pear boxes of any variety of pears, or an equivalent quantity of pears in other containers computed by weight to the nearest 5 pounds, without regard to the inspection requirements of § 927.60 (a), under the following conditions:

(1) Each handler desiring to make shipment of pears pursuant to this paragraph shall first apply to the committee, on forms furnished by the committee, for permission to make such shipments. At the time of any such shipment the handler shall report to the committee, on forms supplied by the committee, the car or truck number and the destination of the shipment.

(2) On the basis of such individual reports the committee shall require spot check inspection of such shipments.

(c) When used herein, "U.S. No. 1" and "U.S. No. 2" shall have the same meaning as when used in the United States Standards for Winter Pears such as Anjou, Bosc, Winter Nelis, Comice, and Other Similar Varieties (7 CFR 51.1300-51.1323); "135 Size", "165 Size", "180 Size", and "195 Size" shall mean that the pears of such designated sizes will pack, in accordance with the sizing and packing specification of a standard pack as specified in said United States Standards, 135, 165, 180, or 195 pears, respectively, in a standard western pear box (inside dimensions 18 inches long by 11½ inches wide by 8½ inches deep); and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

All persons who submit written data, views, or arguments in connection with the proposal should file the same, in quadruplicate, with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 11, 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: July 22, 1975.

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

[FR Doc.75-19399 Filed 7-24-75;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

REA SPECIFICATIONS FOR RURAL TELEPHONE FACILITIES

Proposed Revision of REA Standard for Station Installations

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue Bulletin 345-52 to announce a revision in REA Standard PC-5 for station installations. On issuance of REA Bulletin 345-52, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than August 25, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised REA Standard PC-5 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345-52 announcing the revision of the standard is as follows:

REA BULLETIN 345-52

SUBJECT: REA STANDARD FOR STATION INSTALLATIONS

I. *Purpose:* To announce issuance of a revised REA Standard PC-5 for Station Installations.

II. *General:* REA Standard PC-5 provides details relating to telephone station installations. This revision supersedes the current issue dated January 1968. The major changes include a general updating of installation practices. These include:

1. A greater emphasis on buried services.
2. The addition of sections covering aerial services and service entrance conduits.
3. Revised instructions for mobile home installations.
4. Grounding practices that conform with the 1975 edition of the National Electric Code.
5. New illustrations, tables, and construction drawings.

The revised standard becomes effective October 1, 1975. All station installations contracted for after that date shall comply in all respects with the revised REA Standard PC-5. This does not preclude the adoption of the revised standard prior to the effective date.

III. *Availability of Standard:* Copies of the revised PC-5 will be furnished by REA upon request. Questions concerning this revised standard may be referred to the Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447-3173.

Dated: July 21, 1975.

C. R. BALLARD,
Assistant Administrator.

[FR Doc.75-19401 Filed 7-24-75;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 75-WE-12]

VOR FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would realign the segment of V-108 between Linden, Calif., and Crockett Intersection, Calif., and redesignate V-108 from Crockett Intersection to Santa Rosa, Calif., via Napa, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009. All communications received on or before August 25, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would[1]:

1. Realing V-108 from Linden, Calif., to the Crockett Intersection, Calif., via Concord, Calif.
2. Revoke that segment of V-108 from San Francisco, Calif., to Crockett Intersection.
3. Establish a new segment of V-108 from Crockett Intersection to Santa Rosa, Calif., via Napa, Calif.

Realignment of V-108 east of the Crockett Intersection via Concord, Calif., would eliminate navigational problems that have existed between Crockett Intersection and Linden, and provide more precise navigation at the lower altitudes. That portion of the airway between Crockett Intersection and Concord would be reduced to a 3 mile width on the south side to permit aircraft operations on that segment of V-108 from 6,000 feet to 8,000 feet MSL without encroachment on airspace contained within the San Francisco Terminal Control Area (TCA). Otherwise, TCA coordination would need to be effected with the Bay TRACON and aircraft would be required to be properly equipped to operate in Group I TCA airspace before flights could be conducted on that segment at those altitudes.

Redesignation of V-108 from the Crockett Intersection to Santa Rosa via Napa, Calif., would provide an airway for the use of aircraft on the heavily traveled route from Sonoma County to Napa County and Buchanan Airports. Revoking that portion of V-108 between Crockett Intersection and San Francisco would have no effect on airway continuity since those segments also have other airway designations.

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

Issued in Washington, D.C., on July 21, 1975.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-19327 Filed 7-24-75;8:45 am]

[14 CFR Parts 71 and 75]

[Airspace Docket No. 74-SO-82]

REPORTING POINTS, CONTROLLED AREAS AND JET ROUTES

Proposed Designation, Modification, and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would modify control areas, jet routes, and reporting points in the Atlantic offshore airspace between Wilmington, N.C., and Miami, Fla.

In conjunction with this proposal for rule-making actions, nonrule-making actions would be taken to modify warning areas and establish Atlantic routes in the offshore control areas.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 25, 1975 will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary

[1] Map filed as part of the original document.

of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Proposed rule-making actions are as follows: [1]

1. In § 71.163, Control Areas 1150, 1151, 1152, 1153, 1232, 1386, 1404, 1412, 1489, Myrtle Beach, S.C., and Wilmington, N.C., would be revoked. In lieu thereof, the South Atlantic Control Area would be designated as follows:

That airspace extending upward from 2,000 feet AMSL, bounded on the south by Latitudes 24°00'00'' N., and 27°00'00'' N.; on the west and northwest by Control 1233, by a line from Lat. 24°34'30'' N., Long. 80°-50'15'' W., to Lat. 40°45'45'' N., Long. 80°-48'15'' W., and by a line 3 NM from and parallel to the shoreline; and on the northeast and east by Control 1181 and the New York and Miami Oceanic CTA/FIR.

The revoked control areas would be replaced by the single South Atlantic Control Area, which would consist of the same airspace contained in the revoked control areas.

2. In § 71.209, the following reporting points would be revoked: Azalea, Barracuda, Halibut, Swordfish, and Snook. These reporting points would no longer be required as compulsory reporting points.

3. In § 71.209, the following reporting points would be relocated to coincide with the centerlines of Atlantic Routes AR-1, AR-2, and AR-3 as proposed herein:

Hobe Int: Int of the Biscayne Bay, Fla., VORTAC 015°T (015°M) and the Orlando, Fla., VORTAC 070°T (070°M) radials.

Squid Int: Int of the 191°T (197°M) bearing from Croatan, N.C., RBN; the (090°M) bearing from Dinsmore, Fla., RBN; and the Jacksonville, Fla., VORTAC 090°T (090°M) radial.

Carp Int: Int of a direct line between Carolina Beach, N.C., RBN and Nassau, Bahamas, RBN; the 090°T (090°M) bearing from Dinsmore, Fla., RBN; and the Jacksonville, Fla., VORTAC 090°T (090°M) radial.

Abaco Int: Int of a direct line between Carolina Beach, N.C., RBN and Nassau, Bahamas, RBN, and the 050°T (050°M) bearing from Bimini, Bahamas, RBN (at latitude 27°00'00'' N.)

4. In § 75.100, J-141, J-183, and J-190 would be revoked, and the portion of J-81 which presently extends northeast of Orlando, Fla., would be revoked. In lieu of these jet routes, nonrule-making Atlantic Routes AR-1, AR-2, AR-3, and AR-6 as proposed herein would be used.

Related nonrule-making actions would be taken as follows:

1. W-177A would be reduced by approximately 3 miles on its eastern side and would be redescribed as fololws:

Boundaries: Lat. 33°50'30'' N., Long. 78°23'-45'' W., to Lat. 33°50'30'' N., Long. 78°09'00'' W., to Lat. 32°37'30'' N., Long. 78°31'00'' W., to Lat. 32°50'40'' N., Long. 79°23'15'' W., to Lat. 32°58'30'' N., Long. 79°18'00'' W., to Lat. 33°11'00'' N., Long. 79°05'30'' W., to Lat. 33°17'00'' N., Long. 79°04'15'' W., to Lat. 33°19'40'' N., Long. 79°02'10'' W., to Lat. 33°27'40'' N., Long. 78°55'20'' W., thence via the 15-mile arc of Conway TACAN (33°40'-39''/78°55'53'') to Lat. 33°40'10'' N., Long. 78°40'15'' W., thence to point of beginning.

Altitudes: Surface to and including FL-500.

Times of use: Sunrise to 0600Z.

Controlling agency: FAA, Jacksonville ARTC Center or Area FSS

Using agency: CMDR 354-TFW (9th AF) Myrtle Beach AFB

2. W-177B would be relocated from south of W-177A to east of W-177A, and would be redescribed as follows:

Boundaries: Lat. 33°50'30'' N., Long. 78°09'-00'' W., to Lat. 33°50'30'' N., Long. 78°06'00'' W., to Lat. 32°55'00'' N., Long. 78°04'00'' W., to Lat. 32°31'30'' N., Long. 78°09'00'' W., to Lat. 32°37'30'' N., Long. 78°31'00'' W., thence to point of beginning.

Altitudes: Surface to and including FL-240.

Time of use: Sunrise to 0600Z.

Controlling agency: FAA, Jacksonville ARTC Center or Area FSS

Using agency. CMDR 354-TFW (9th AF) Myrtle Beach AFB

3. W-122B would be redescribed as follows:

Boundaries: Lat. 34°50'00'' N., Long. 76°15'-00'' W., to Lat. 33°36'00'' N., Long. 74°52'00'' W., to Lat. 33°00'45'' N., Long. 75°41'00'' W., to Lat. 34°29'00'' N., Long. 77°19'00'' W., thence along a line parallel with and three miles from the shoreline to the point of beginning.

Altitudes: Surface to unlimited but excluding that airspace at and below FL-180 in W-122D.

Time of use: Monday-Friday 1000Z-0500Z; Saturday 1000Z-1700Z; other times by NOTAM.

Using agency: Commanding General, Marine Corps Air Station, Cherry Point, North Carolina.

Controlling agency: Federal Aviation Administration, Washington ARTC Center.

4. W-122C would be redescribed as follows:

Boundaries: Lat. 34°29'00'' N., Long. 77°-19'00'' W., to Lat. 33°00'45'' N., Long. 75°-41'00'' W., to Lat. 32°12'10'' N., Long. 76°48'-40'' W., to Lat. 32°20'00'' N., Long. 77°20'00'' W., to Lat. 33°10'00'' N., Long. 77°31'00'' W., to Lat. 34°23'00'' N., Long. 77°30'00'' W., thence along a line parallel with and three miles from the shoreline to the point of beginning.

Altitudes: Surface to unlimited.

Time of use: Monday-Friday 1000Z-0500Z; Saturday 1000Z-1700Z; other times by NOTAM.

Using agency: Commanding General, Marine Corps Air Station, Cherry Point, North Carolina.

Controlling agency: Federal Aviation Administration, Washington ARTC Center.

5. Most of W-122D as presently established would be included in the enlarged W-122C, and the remainder would be revoked. A portion of W-122B would be reidentified as W-122D and described as follows:

Boundaries: Lat. 34°37'15'' N., Long. 76°56'00'' W., to Lat. 34°17'00'' N., Long. 76°44'50'' W., to Lat. 34°32'00'' N., Long. 76°18'40'' W., to Lat. 34°40'00'' N., Long. 76°25'00'' W., thence along a line parallel with and three miles from the shoreline to the point of beginning.

Altitudes: Surface to and including FL-180.

Time of use: Monday-Friday 1000Z-0500Z; Saturday 1000Z-1700Z; other times by NOTAM.

Using agency: Commanding General, Marine Corps Air Station, Cherry Point, North Carolina.

Controlling agency: Federal Aviation Administration, Washington ARTC Center.

6. W-157 would be reidentified as W-157A, would be reduced on its easternmost side by 5 to 8 miles, and would be redescribed as follows:

Boundaries: Lat. 32°00'00'' N., Long. 80°29'00'' W., to Lat. 32°00'00'' N., Long. 78°42'30'' W., to Lat. 30°39'00'' N., Long. 79°08'30'' W., to Lat. 30°33'15'' N., Long. 80°58'00'' W., to Lat. 30°43'45'' N., Long. 80°56'50'' W., to Lat. 31°12'00'' N., Long. 80°59'00'' W., to Lat. 31°37'00'' N., Long. 80°41'00'' W., thence to point of beginning.

Altitudes: Surface to and including FL-430.

Time of use: Intermittent.

Controlling agency: FAA, Jacksonville ARTC Center or Area FSS.

Using agency: Jacksonville Operating Area Coordination Center, Naval Air Station, Jacksonville, Florida.

7. W-157B would be established as a new warning area east of W-157A, and would be described as follows:

Boundaries: Lat. 32°00'00'' N., Long. 78°42'30'' W., to Lat. 32°00'00'' N., Long. 78°14'30'' W., to Lat. 30°41'00'' N., Long. 78°28'00'' W., to Lat. 30°39'00'' N., Long. 79°08'30'' W., thence to point of beginning.

Altitudes: Surface to and including FL-240.

Time of use: Intermittent.

Controlling agency: FAA, Jacksonville ARTC Center or Area FSS.

Using agency: Jacksonville Operating Area Coordination Center, Naval Air Station, Jacksonville, Florida.

8. W-157C would be established as a new warning area east of W-157B, and would be described as follows:

Boundaries: Lat. 32°00'00'' N., Long. 78°-14'30'' W., to Lat. 32°00'00'' N., Long. 77°00'-00'' W., to Lat. 30°00'00'' N., Long. 77°00'00'' W., to Lat. 30°00'00'' N., Long. 77°13'00'' W., to Lat. 29°30'15'' N., Long. 78°18'00'' W., to Lat. 29°20'00'' N., Long. 78°20'20'' W., to Lat. 29°14'00'' N., Long. 78°43'30'' W., thence to point of beginning.

Altitudes: Surface to and including 5,000 feet AMSL.

Time of use: Intermittent.

Controlling agency: FAA, Jacksonville ARTC Center or Area FSS.

Using agency: Jacksonville Operating Area Coordination Center, Naval Air Station, Jacksonville, Florida.

9. W-158A would be reduced by 10 to 20 miles on its eastern side, and would be redescribed as follows:

Boundaries: Lat. 30°17'25'' N., Long. 81°-00'00'' W., to Lat. 30°12'00'' N., Long. 79°17'-00'' W., to Lat. 29°17'00'' N., Long. 79°34'00'' W., to Lat. 28°59'00'' N., Long. 79°37'00'' W., to Lat. 28°50'00'' N., Long. 80°06'15'' W., to Lat. 28°50'00'' N., Long. 80°41'35'' W., to Lat. 29°00'00'' N., Long. 80°48'15'' W., to Lat. 29°32'20'' N., Long. 81°01'40'' W., to Lat. 30°03'20'' N., Long. 81°01'45'' W., thence to point of beginning.

Altitudes: Surface to and including FL-430, excluding that airspace within W-158D.

Time of use: Intermittent.

Controlling agency: FAA, Jacksonville ARTC Center or Area FSS.

[1] Map filed as part of the original document.

Using agency: Jacksonville Operating Area Coordination Center, Naval Air Station, Jacksonville, Florida.

10. W-158B would be relocated from north of W-158A to east of W-158A, and would be redescribed as follows:

Boundaries: Lat. 30°12'00" N., Long. 79°-17'00" W.; to Lat. 30°10'00" N., Long. 78°34'-00" W., to Lat. 29°14'00" N., Long. 78°43'30" W., to Lat. 28°59'00" N., Long. 79°37'00" W., to Lat. 29°17'00" N., Long. 79°34'00" W., thence to point of beginning.

Altitudes: Surface to and including FL-240.

Time of use: Intermittent.

Controlling agency: FAA, Jacksonville ARTC Center or Area FSS.

Using agency: Jacksonville Operating Area Coordination Center, Naval Air Station, Jacksonville, Florida.

11. W-158C would be relocated from east of W-158A to be superimposed above W-157A, W-157B, W-158A, W-158B, and W-159 as proposed herein, and would be described as follows:

Boundaries: Lat. 32°00'00" N., Long. 80°-29'00" W., to Lat. 32°00'00" N., Long. 78°14'-30" W., to Lat. 29°14'00" N., Long. 78°43'30" W., to Lat. 28°59'00" N., Long. 79°37'00" W., to Lat. 28°50'00" N., Long. 80°06'15" W., to Lat. 28°50'00" N., Long. 80°41'35" W., to Lat. 29°00'00" N., Long. 80°48'15" W., to Lat. 29°32'20" N., Long. 81°01'40" W., to Lat. 30°03'20" N., Long. 81°01'45" W., to Lat. 30°-17'25" N., Long. 81°00'00" W., to Lat. 30°-33'15" N., Long. 80°58'00" W., to Lat. 30°43'-45" N., Long. 80°56'50" W., to Lat. 31°12'00" N., Long. 80°59'00" W., to Lat. 31°37'00" N., Long. 80°41'00" W., thence to point of beginning.

Altitudes: From FL-430 to unlimited.

Time of use: Intermittent.

Controlling agency: FAA, Jacksonville ARTC Center or Area FSS.

Using agency: Jacksonville Operating Area Coordination Center, Naval Air Station, Jacksonville, Florida.

12. W-159 would be established where W-158B is now, but would be increased on the eastern side by approximately 25 miles, and would be redescribed as follows:

Boundaries: Lat. 30°33'15" N., Long. 80°-58'00" W., to Lat. 30°41'00" N., Long. 78°-28'00" W., to Lat. 30°10'00" N., Long. 78°-34'00" W., to Lat. 30°17'25" N., Long. 81°00'00" W., thence to point of beginning.

Altitudes: Surface to and including FL-430, except surface to and including FL-240 east of a line drawn from Lat. 30°39'00" N., Long. 79°08'30" W., to Lat. 30°12'00" N., Long. 79°17'00" W.

Time of use: Intermittent.

Controlling agency: FAA, Jacksonville ARTC Center or Area FSS.

Using agency: Jacksonville Operating Area Coordination Center, Naval Air Station, Jacksonville, Florida.

13. W-161 would be established where W-177B is now, but would be increased on the eastern side by approximately 30 miles, and would be described as follows:

Boundaries: Lat. 32°50'40" N., Long. 79°23'15" W., to Lat. 32°31'30" N., Long. 78°09'00" W., to Lat. 32°12'30" N., Long. 78°13'00" W., to Lat. 32°20'00" N., Long. 78°6'00" W., to Lat. 32°34'30" N., Long. 79°22'00" W., to Lat. 32°37'30" N., Long. 79°33'25" W.

Altitudes: Surface to and including FL-620, except surface to and including FL-240 east of a line drawn from Lat. 32°37'30" N., Long. 78°31'00" W., to Lat. 32°20'00" N., Long. 78°36'00" W.

Time of use: Sunrise to 0600Z.

Controlling agency: FAA, Jacksonville ARTC Center or Area FSS.

Using agency. CMDR 354-TFW (9th AF) Myrtle Beach AFB.

14. W-132 would be enlarged by approximately 17 miles on its eastern side, and would be redescribed as follows:

Boundaries: Lat. 32°34'30" N., Long. 79°22'00" W., to Lat. 32°20'00" N., Long. 78°36'00" W., to Lat. 32°12'30" N., Long. 78°13'00" W., to Lat. 32°00'00" N., Long. 78°14'30" W., to Lat. 32°00'00" N., Long. 78°42'30" W., to Lat. 32°00'00" N., Long. 79°22'00" W.

Altitudes: Surface to unlimited, except surface to and including FL-240 east of a line drawn from Lat. 32°20'00" N., Long. 78°36'00" W., to Lat. 32°00'00" N., Long. 78°42'30" W.

Time of use: Daily, 1200Z to 0400Z.

Using agency: Commander, Naval Base, Charleston, South Carolina.

Controlling agency: Federal Aviation Administration, ARTC Center, Jacksonville, Florida.

15. W-133 would be changed slightly and redescribed as follows:

Boundaries: Lat. 32°42'10" N., Long. 79°45'30" W., to Lat. 32°34'30" N., Long. 79°22'00" W., to Lat. 32°00'00" N., Long. 79°22'00" W., to Lat. 32°00'00" N., Long. 80°29'00" W., to Lat. 32°29'30" N., Long. 80°10'35" W., thence along a line parallel with and three miles from the shoreline to point of beginning.

Altitudes: Surface to and including 4,500 feet MSL.

Time of use: Daily, 1200Z to 0400Z.

Using agency: Commander, Naval Base, Charleston, South Carolina.

Controlling agency: Federal Aviation Administration, ARTC Center, Jacksonville, Florida.

16. W-134 would be changed slightly and redescribed as follows:

Boundaries: Lat. 32°42'10" N., Long. 79°45'30" W., to Lat. 32°34'30" N., Long. 79°22'00" W., to Lat. 32°00'00" N., Long. 79°22'00" W., to Lat. 32°00'00" N., Long. 80°29'00" W., to Lat. 32°29'30" N., Long. 80°10'35" W., thence along a line parallel with and three miles from the shoreline to point of beginning.

Altitudes: 4,500 feet MSL to unlimited.

Time of use: Daily, 1200Z to 0400Z.

Using agency: Commanding Officer, Marine Corps Air Station, Beaufort, South Carolina.

Controlling agency: Federal Aviation Administration, ARTC Center, Jacksonville, Florida.

17. Atlantic Route AR-1 would be used in lieu of J-141 (which would be revoked), would be realigned up to 23 miles east of J-141, and would be established as follows:

From Biscayne Bay, Fla., VORTAC via the Biscayne Bay 015°T (015°M) radial to intercept the 192°T (196°M) bearing from Carolina Beach, N.C., RBN (intercept point Lat. 29°13'00" N., Long. 79°07'00" W.); Carolina Beach RBN; to Wilmington, N.C., VORTAC.

18. Atlanta Route AR-2 would be used in lieu of J-183 (which would be revoked), would be approximately 10 miles east of J-183, and would be established as follows:

From Bimini, Bahamas, RBN via the 013°T (013°M) bearing from Bimini RBN to intercept the 191°T (195°M) bearing from Croatan, N.C., RBN (intercept point Lat. 30°11'00" N., Long. 78°06'30" W.); via the 191°T (195°M) bearing from Croatan RBN to intercept the Haw, N.C., VORTAC 184°T (189°M) radial (intercept point Lat. 31°21'00" N., Long. 77°-52'30" W.); to HAW VORTAC.

19. Atlantic Route AR-3 would be used in lieu of Control 1151 (which would be revoked), would be aligned along the center of Control 1151 as presently designated, and would be established as follows:

From Nassau, Bahamas, RBN via the 357°T (359°M) bearing from Nassau RBN to intercept the 177°T (181°M) bearing from Carolina Beach, N.C., RBN; to Carolina Beach RBN.

20. Atlantic Route AR-4 would be established from near Charleston, S.C., to Smelt Intersection as follows:

From Ashley, S.C., RBN via the 110°T (112°M) bearing from Ashley RBN to the Smelt Intersection (Lat. 31°58'38" N., Long. 77°00'00" W.).

21. Atlantic Route AR-5 would be established from near Jacksonville, Fla., to Trout Intersection as follows:

From Dinsmore, Fla., RBN via the 090°T (090°M) bearing from Dinsmore RBN to the Trout Intersection (Lat. 30°22'35" N., Long. 77°00'00" W.).

22. Atlantic Route AR-6 would be used in lieu of J-81 from Orlando, Fla., to the Hobe Intersection, and would be established as follows:

From Orlando, Fla., VORTAC via the Orlando 070°T (070°M) radial to the Hobe Intersection (Lat. 29°13'00" N., Long. 79°07'-00" W.).

The warning area adjustments, relocations, and changes in effective altitudes make possible the establishment of two routes in the offshore airspace for traffic operating between Wilmington and Miami. This would improve offshore traffic flow, reduce traffic congestion over Wilmington, and at the same time provide additional warning area airspace required by the United States Navy.

These amendments are proposed under the authority of sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1358(a) and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D. C., on July 18, 1975.

WILLIAM E. BROADWATER,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.75-19329 Filed 7-24-75;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 75-EA-46]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a Pineville, W. Va., Transition Area.

A new NDB Rwy 7 instrument approach procedure is being developed for Kee Field, Pineville, W. Va. The procedure will utilize the Pineville, W. Va., nonfederal NDB and will require designation of a transition area to provide

controlled airspace for IFR arrival and departure aircraft at Kee Field.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430. All communications received on or before August 25, 1975 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, New York.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Pineville, West Virginia, proposes the airspace action hereinafter set forth:

Amend § 71.181 of Part 71, Federal Aviation Regulations by adding the Pineville, W. Va. 700-foot floor Transition Area as follows:

PINEVILLE, W. VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Kee Field, Pineville, W. Va. (lat. 37°36'01'' N., long. 81°33'59'' W.); within an 8.5-mile radius of the center of the airport, extending clockwise from a 265° bearing to a 305° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 305° bearing to a 343° bearing from the airport; within a 14-mile radius of the center of the airport, extending clockwise from a 343° bearing to a 005° bearing from the airport; within a 14.5-mile radius of the center of the airport, extending clockwise from a 005° bearing to a 025° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 025° bearing to a 085° bearing from the airport; within an 8-mile radius of the center of the airport, extending clockwise from a 085° bearing to a 125° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 125° bearing to a 172° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 172° bearing to a 210° bearing from the airport; and within 3 miles each side of a 243° bearing from the Pineville, W. Va. radio beacon (lat. 37°36'11'' N., long. 81°33'35'' W.) extending from the radio beacon to 8.5 miles southwest of the radio beacon.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on July 9, 1975.

R. J. VAN VUREN,
Acting Director, Eastern Region.

[FR Doc.75-19328 Filed 7-24-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20368 RM-1985]

[47 CFR Parts 2 & 21]

OFFSHORE RADIO TELECOMMUNICATIONS SERVICE

Order for Extension of Time for Filing Reply Comments

In the matter of amendment of Parts 2 and 21 of the Commission's rules to provide for the creation of an Offshore Radio Telecommunications Service (ORTS).

1. On June 2, 1975, the Association of Maximum Service Telecasters (MST) filed a Motion to extend for 60 days the time for filing reply comments in response to the Commission's Notice of Inquiry and Notice of Proposed Rule Making herein. The present comment and reply dates are July 11, 1975, and July 25, 1975, respectively.

2. According to MST, direct comments to the Commission's proposals will contain much complex and controversial material on such matters as propagation, co-channel and adjacent channel protection criteria, and the alternative service proposals specifically invited by the Commission. MST contends that the two weeks provided by the Commission for the filing of replies are "wholly inadequate" and that "a 60-day extension * * * is the minimum time necessary and appropriate * * * to obtain, review, analyze and respond to such theories and data" as may be submitted in the initial comments. MST points out that "the Commission has provided some 4½ months for direct comments and only two weeks for reply." It further points out that the two weeks "fall in the middle of the summer and at a time when interested parties and their counsel are involved in innumerable other proceedings instituted by the Commission."

3. The points made by MST, as summarized above, would appear to warrant some extension of the time for filing replies. However, the two months requested would appear excessive and would unnecessarily delay the Commission's consideration of this proceeding. The important issues in this proceeding were identified and discussed by the Commission in its Notice, and the attention of interested parties were specifically directed to these issues at that time. A lengthy comment period was provided to enable all parties to adequately complete their study of these issues, to develop positions, and to prepare meaningful comments. Moreover, the basic issues presented in the Notice have been before the Commission for several years. The public has had several opportunities since June 1972 to address these issues in response to the original petition and subsequent filings by the petitioner and other interested parties. Although some new information may be submitted in the comments to be filed on July 11, 1975, it is not expected that lengthy original engineering or other studies will be necessary for appropriate response to such comments. However, recognizing the general work slow-down that occurs during the summer months, some additional time for the preparation and filing of replies would appear reasonable. A thirty-day's extension should be sufficient and would not seriously delay the Commission's further consideration of this proceeding.[1]

4. Accordingly, *it is ordered*, pursuant to § 0.251(b) of the Commission's rules and regulations, that the date for filing reply comments in this proceeding is extended from July 25, 1975, to August 25, 1975.

Adopted: July 14, 1975.

Released: July 18, 1975.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DANIEL R. OHLBAUM,
Deputy General Counsel.

[FR Doc.75-19358 Filed 7-24-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

[42 CFR Part 85a]

OCCUPATIONAL SAFETY AND HEALTH INVESTIGATIONS OF PLACES OF EMPLOYMENT

Extension of Comment Period

On June 24, 1975, a notice of proposed rulemaking was published in the FEDERAL REGISTER (40 FR 26530) to amend Title 42, Code of Federal Regulations by adding a new Part 85a which set forth the manner in which the National Institute for Occupational Safety and Health (NIOSH) would conduct research investigations of places of employment.

Interested persons were invited to submit written comments concerning the proposed rules by July 24. A number of organizations have responded, indicating that the time period (30 days) for submitting written comments is insufficient to permit a detailed study of the proposal due to staff involvement in the current hearings on noise exposure.

In order to permit adequate public participation in the rulemaking process, the period for submitting written comments on the proposed rules is hereby extended until August 24, 1975.

Dated: July 23, 1975.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.75-19601 Filed 7-24-75;11:27 am]

[1] An opposition to MST's motion was filed by the Offshore Telephone Company on July 13, 1975, one day beyond the close of the filing period provided by § 1.45 of the Commission's Rules. However, Offshore Telephone Company's Opposition contains nothing which would persuade us to reach a different decision.

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 STATE

Agency for International Development

HOUSING GUARANTY PROGRAM FOR CHILE

Information for Investors

The Agency for International Development (A.I.D.) is advising the Central Bank of Chile (the Borrower), that upon execution by an eligible U.S. investor acceptable to A.I.D. of an agreement to loan the Borrower an amount not to exceed $30 million, and subject to the satisfaction of certain further terms and conditions by the Borrower, A.I.D. will guaranty repayment to the investor of the principal and interest on such loan. The guaranty will be backed by the full faith and credit of the United States of America and will be issued pursuant to authority, contained in section 222 of the Foreign Assistance Act of 1961, as amended (the Act). Proceeds of the loan will be used to finance housing for lower income families organized in cooperatives.

Eligible investors interested in extending a guaranteed loan to the Borrower should communicate promptly with:

Edgar Mahn, Central Bank of Chile, c/o CORFO, World Trade Center Building, Suite 5151, New York, New York 10048, Telephone 212-466-6705.

Investors eligible to receive a guaranty are those specified in section 238(c) of the Act. They are: (1) U.S. citizens; (2) domestic corporations, partnerships, or associations substantially beneficially owned by U.S. citizens; (3) foreign corporations whose share capital is at least 95 percent owned by U.S. citizens; and (4) foreign partnerships or associations wholly owned by U.S. citizens.

To be eligible for a guaranty, the loan must be repayable in full no later than the thirtieth anniversary of the first disbursement of the principal amount thereof and the interest rate may be no higher than the maximum rate to be established by A.I.D.

Information as to eligibility of investors and other aspects of the A.I.D. housing guaranty program can be obtained from:

Director, Office of Housing, Agency for International Development, Room 200E, SA-2, Washington, D.C. 20523.

This notice is not an offer by A.I.D. or by the Borrower. The Borrower and not A.I.D. will select a lender and negotiate the terms of the proposed loan.

Dated: July 18, 1975.

PETER M. KIMM,
Director of Housing, Agency for International Development.

[FR Doc.75-19382 Filed 7-24-75;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

JULY 16, 1975.

The Air Force Systems Command Aeronautical Systems Division Advisory Group will hold a meeting on August 18, 1975 from 8:30 a.m. to 5:30 p.m. in Building 653, Room 223, Wright-Patterson AFB, Ohio.

The meeting will be open to the public. The Group will meet to examine test results on MIL-H-83282A hydraulic fluid.

For further information contact the Scientific Advisory Board Secretariat at 202-697-4648.

JAMES L. ELMER,
Major, USAF Executive, Directorate of Administration.

[FR Doc.75-19366 Filed 7-24-75;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Wyoming 51688]

WYOMING

Application

JULY 18, 1975.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Husky Pipeline Company has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 56 N., R. 101 W.,
Tracts 44-G, 45-L, M.

The pipeline will convey natural gas from a well in Tract 44-G, T. 56 N., R. 101 W. to an existing gathering system in Tract 45-M, T. 56 N., R. 101 W. in Park County, Wyoming.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, WY 82401.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.75-19313 Filed 7-24-75;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

INSPECTION OF RICE

Interpretive Line Samples for Degree of Milling for Medium-Grain Milled Rice

The Agricultural Marketing Act of 1946, as amended, provides for the issuance by the Secretary of Agriculture of standards with respect to the quality, condition, quantity, grade, and packaging of agricultural commodities for the voluntary use by producers, merchandisers, processors, and consumers in the marketing of these commodities. An official grading service is provided under the Act upon request of the applicant and payment of a fee to cover the cost of the service.

Standards for degree of milling are illustrated by the official interpretive line samples for each type of rice under authority of section 203(c) of the Agricultural Marketing Act of 1946 [7 U.S.C. 1622(c)].

Statement of considerations. One of the factors considered in determining the grade of milled rice under the U.S. standards is the degree of milling (i.e., the amount of germ and bran removed from the kernels during the milling process). Official interpretive line samples are currently used for long-grain milled rice, medium-grain milled rice produced in the Southern United States, medium-grain milled rice produced in California, and short-grain milled rice.

Two separate interpretive line samples for degree of milling were developed initially for medium-grain rice by area of production. One interpretive line was prepared by the Department for medium-grain rice produced in the Southern United States, and the other for medium-grain rice produced in California. This was done to reflect the separate entity basis of the two producing areas. The degree of milling for the two interpretive lines was not equal because samples illustrating the degree of milling are milled less severely for southern-produced rice than those for California-produced rice.

The Department now believes that the official interpretive lines for degree of milling for medium-grain rice should be identical regardless of area of production. Foreign and domestic buyers purchase medium-grain milled rice from both geographical areas, and the use of different official interpretive lines for the same degree of milling creates confusion in the market.

Therefore, the Department is considering the development and establishment of a single set of official interpretive line samples for degree of milling for grading medium-grain milled rice regardless of

area of production. This interpretive line will: (1) promote uniformity in the milling of medium-grain rice, (2) prevent confusion in the marketing of rice, (3) simplify inspection procedures, and (4) reduce the number of official interpretive line samples that are needed.

The new official interpretive line sample will be prepared by the Department. Samples for consideration will be obtained from the rice milling industry. The Department will select from these samples the official interpretive line for degree of milling for medium-grain milled rice.

All persons who desire to submit data, views, or arguments on this proposal should file them in duplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than September 8, 1975. Any persons who desire to submit their views orally in an informal manner should so inform the Director, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., Washington, D.C. 20250 [telephone (202) 447-9164].

Done at Washington, D.C. on: July 22, 1975.

JOHN C. BLUM,
Acting Administrator.

[FR Doc.75-19398 Filed 7-24-75;8:45 am]

Forest Service

LONE PEAK WILDERNESS STUDY REPORT

Public Hearing

Notice is hereby given that a public hearing will be held from 3:30 p.m. to 5:30 p.m. and 7:30 p.m. to 9:30 p.m. on August 27, 1975, in the auditorium of the Jordan High School, 9351 South State Street, Sandy, Utah. The hearing is on the Lone Peak Wilderness Study Report and Alternatives for Future Management of the Study Area, which is located in the Uinta and Wasatch National Forests in the counties of Salt Lake and Utah, in the State of Utah.

Copies of the Study Report and the Draft Environmental Statement for the Management Alternatives may be obtained from the following offices:

U.S. Forest Service, Intermountain Region, 324 25th Street, Ogden, Utah 84001.
Uinta National Forest, 88 West 100 North, Provo, Utah 84601.
Pleasant Grove Ranger District, 390 North 100 East, Pleasant Grove, Utah 84062.
Wasatch National Forest, 4311 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.
Salt Lake Ranger District, 3070 East 33rd South, Salt Lake City, Utah 84109.

Individuals and organizations may express their views by appearing at these hearings, or may submit written comments for inclusion in the official record to the Regional Forester, Federal Office Building, Ogden, Utah 84401, by September 29, 1975.

Dated: July 23, 1975.

THOMAS C. NELSON,
Acting Chief, Forest Service.

[FR Doc.75-19515 Filed 7-24-75;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

TANKER CONSTRUCTION PROGRAM

Collision Avoidance System of the Standard Specifications for Merchant Ship Construction

Pursuant to the Final Opinion and Order of the Maritime Subsidy Board in Docket A-75 (served August 30, 1973), notice is hereby given that a revised Section 94, Article 4(b) Collision Avoidance System of the Standard Specifications for Merchant Ship Construction has been adopted by the Maritime Subsidy Board. All future and present construction differential subsidy contracts for tankers in the Maritime Administration Tanker Construction Program shall require strict compliance with these collision avoidance system specifications.

The revisions to Section 94, Article 4 (b) include the following:

(1) Require that a collision avoidance system be able to operate as a supplement to both surface search navigational radars, via interswitching.

(2) Require that the system provide unattended monitoring of all radar echoes.

(3) Allow for computer-generated display data for each acquired target to be in the form of a line or vector.

(4) Allow for target acquisition, for display data purposes, to be manual, automatic or both, as specified by Owner.

(5) Clarify that the system shall be capable of simulating a trial maneuver.

Further, the following revision to Section 94, Article 4(b) was adopted by the Board as a result of comments received pursuant to notice of the Board's proposed revisions to Section 94, Article 4 (b), published in the FEDERAL REGISTER of July 29, 1974 (39 FR 27483):

(6) Revise the last sentence, third paragrpah of Article 4(b) to clarify the required display brightness level.

A complete text of the revised Section 94, Article 4(b) is published herein as an attachment to this notice.

By Order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Subsidy Board.

STANDARD SPECIFICATION FOR MERCHANT SHIP CONSTRUCTION

SECTION 94, ARTICLE 4(B), COLLISION AVOIDANCE SYSTEM

A collision avoidance system designed as a supplement to both surface search navigational radars, via interswitching, shall be installed. The system shall provide unattended monitoring of all radar echoes and automatic audio and visual alarm signals that will alert the watch officer of a possible threat. The display shall be contained within a console capable of being installed adjacent to the radar displays in the wheelhouse and may form a part of the bridge console.

Provision for signal input from the ship's radars, gyro compass, and speed log, without modification to these equipments shall be made. The collision avoidance system, whether operating normally or having failed, must not introduce any spurious signals or otherwise degrade the performance of the radars, the gyro compass or the speed log.

Computer generated display data for each acquired target shall be in the form of a line or vector indicating true or relative target course, speed and both present and extrapolated future positions. Data shall be automatically displayed on a cathode ray tube or other suitable display contrivance sufficiently bright and unobstructed to permit viewing by more than one person at a time.

In addition to displaying the collision potential of the most threatening fixed and moving targets, the system shall be capable of simultaneously showing land masses.

The system display shall include a heading indication and bearing ring. The system shall also have the capability of allowing the operator to select "head-up" and "north-up" mode and to cancel the vector or line presentation of any of the targets. The presentation shall be non-smearing when changing modes or display scales in order to permit rapid evaluation of the displayed data.

Target acquisition, for display data purposes, may be manual, automatic or both, as specified by Owner.

For any manual acquisition system the alarms shall be initiated by a preset minimum range; and likewise for any automatic acquisition system the alarms shall be initiated by a preset minimum acceptable passing distance (CPA—Closest point of approach) and a preset advance warning time (TCPA—Time to closest point of approach). Means shall be provided to silence the audio alarm for a given threat but the alarm shall resound upon a subsequent threat. The visual alarm shall continue to operate until all threats have been eliminated. If the collision avoidance system fails to perform as indicated above, after the system is set for unattended monitoring, the system shall produce both audio and visual warning alarms.

The system shall be capable of simulating a trial maneuver.

In addition to the target display, an alphanumeric readout shall be provided which can present range, bearing, course, speed, CPA and TCPA for any selected target, either on the target display or by other display means.

The collision avoidance system shall be energized from the interior communications panel board in the wheelhouse.

The collision avoidance function may be incorporated in an integrated conning system, provided that failure of any other integrated system component will not degrade the collision avoidance function.

[FR Doc.75-19402 Filed 7-24-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-75-394]

RIVER ROAD CITY

Proceedings and Opportunity for Hearing

In the matter of River Road City, Units I and II Land Sales Enforcement Division File No. Y-504IS.

Notice is hereby given that:

On June 10, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Ralph C. Honda, General Partner, Hanc Enterprises, P.O. Box 366, Bullhead City, Arizona 86430, a Notice of Proceedings and Opportunity for Hearing by certified mail and service of process was not possible since the address could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the Notice of Pro-

ceedings and Opportunity for Hearing is being issued as follows:

I. The Secretary in administrating the Interstate Land Sales Full Disclosure Act of 1968, 15 U.S.C. 1701, et seq., and its Regulations finds his public files disclose that:

A. Respondent is a limited partnership organized under the laws of the State of Arizona and has its principal office in Bullhead City, Arizona.

B. Ralph C. Honda and Mary Noonan are general partners of the Respondent.

C. The last known mailing address of Respondent is Hanc Enterprises, P.O. Box 366, Bullhead City, Arizona 86430.

D. The Respondent, Hanc Enterprises, filed a Statement of Record and Property Report for River Road City, Units I and II, located in Mohave County, Arizona, which became effective on April 23, 1970 and is still effective.

II. The Office of Interstate Land Sales Registration (OILSR) from its records or from other sources has obtained information which tends to show, and it so alleges, that the Statement of Record and Property Report of the subdivision captioned above omits provisions in certain documents required by law affecting the rights of purchasers and notifying purchasers of said rights; which provisions are required to be included in said Statement of Record and Property Reports not only to meet such requirements but also to make the said Statement of Record and Property Report not misleading, to wit:

Failure to file the revised first page of the Property Report and revised form of contract in the form and with the language as prescribed by Regulations 24 CFR 1710.110, Part B, 2, 4, 5 and 6 and 24 CFR 1710.105, Part VI, C 1 or 24 CFR 1710.120 Section II B, as amended, to disclose and conform to the amendments made in the Interstate Land Sales Full Disclosure Act (15 USC 1701 et seq.) by subsection 812 (c) (1) of the Housing and Community Development Act of 1974 (Public Law 93-383) which subsection became effective October 21, 1974, to wit:

1. Property Report face page contains incorrect Notice and Disclaimer language.

III. In view of the allegations contained in Part II above, the Secretary will provide an opportunity for a public hearing to determine:

A. Whether the allegations set forth in Part II are true and in connection therewith to afford Respondent an opportunity to establish any defenses to such allegations; and

B. What, if any, remedial action is appropriate in the public interest and for the protection of purchasers pursuant to the Interstate Land Sales Full Disclosure Act.

IV. If the Respondent desires a hearing, he shall file a request for hearing accompanied by an answer within fifteen days after service of this Notice of Proceedings. Respondent is hereby notified that if he fails to file an answer, motion or other appropriate response within 15 days after service of this Notice of Proceedings, Respondent shall be deemed in default, and the proceedings shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the Statement of Record and Property Report hereinabove identified shall be issued pursuant to 24 CFR 1710.45(b) (1) and 24 CFR 1720.160(c). Such order shall remain in effect until the Statement of Record and Property Report have been amended in accordance therewith, and thereupon the Order shall cease to be effective.

V. Any request for hearing, answer, motion amendment to pleading, offer of settlement or correspondence forwarded during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, S.W., Washington, D.C. 20410. All such papers shall clearly identify the type of matter and the docket number as set forth in this Notice of Proceedings.

VI. It is hereby ordered that upon request of the Respondent a public hearing for the purpose of taking evidence on the questions set forth in Part III hereof be held before Administrative Law Judge James W. Mast or such other Judge as may be designated, in Room 7146, HUD Building, 451 Seventh Street, S.W., Washington, D.C. 20410, at 10 a.m. on the 30th day after receipt of the answer or at such other time as the Secretary or her designee may fix by further order.

This Notice of Proceeding shall be served upon the Respondent pursuant to 24 CFR 1720.440.

By the Secretary.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

Dated: July 18, 1975.

ALAN J. KAPPELER,
Authorized Designee.

[FR Doc.75-19331 Filed 7-24-75;8:45 am]

[Docket No. N-75-395]

TRINITY LAKE FOREST

Proceedings and Opportunity for Hearing

In the matter of Trinity Lake Forest Land Sales Enforcement Division File No. Y-1161IS.

Notice is hereby given that:

On May 15, 1975, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Guy L. Covington, President, Robert J. Oberdick, President, Trinity Lake Estates, c/o Austin Roberts Company, P.O. Box 232, Covina, California 91722, a Notice of Proceedings and Opportunity for Hearing by certified mail and service of process was not possible since the address could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b) (1), the Notice of Proceedings and Opportunity for Hearing is being issued as follows:

I. The Secretary in administering the Interstate Land Sales Full Disclosure Act of 1968, 15 U.S.C. 1701, et seq., and its Regulations finds his public files disclose that:

A. Respondent is a joint venture organized under the laws of the State of California and has its principal office in Covina, California.

B. Guy L. Covington and Robert J. Oberdick are principals of the Respondent.

C. The last known mailing address of Respondent is Trinity Lake Estates, c/o Austin Roberts Company, P.O. Box 232, Covina, California 91722.

D. The Respondent, Trinity Lake Estates, filed a Statement of Record and Property Report for Trinity Lake Forest, located in Trinity County, California, which become effective November 5, 1970 and is still effective.

II. The Office of Interstate Land Sales Registration (OILSR) from its records or from other sources has obtained information which tends to show, and it so alleges, that the Statement of Record and Property Report of the subdivision captioned above omits provisions in certain documents required by law affecting the rights of purchasers and notifying purchasers of said rights; which provisions are required to be included in said Statement of Record and Property Reports not only to meet such requirements but also to make the said Statement of Record and Property Report not misleading, to wit:

Failure to file the revised first page of the Property Report and revised form of contract in the form and with the language as prescribed by Regulations 24 CFR 1710.110, Part B, 2, 4, 5 and 6 and 24 CFR 1710.105, Part VI, C 1 or 24 CFR 1710.120, Section II B, as amended, to disclose and conform to the amendments made in the Interstate Land Sales Full Disclosure Act (15 USC 1701 et seq.) by subsection 812(c)(1) of the Housing and Community Development Act of 1974 (Public Law 93-383) which subsection became effective October 21, 1974, to wit:

1. Note does not contain required voidance and revocation language.

2. Contract not submitted.

3. Face page of Property Report does not contain red border and red overlay.

III. In view of the allegations contained in Part II above, the Secretary will provide an opportunity for a public hearing to determine:

A. Whether the allegations set forth in Part II are true and in connection therewith to afford Respondent an opportunity to establish any defenses to such allegations; and

B. What, if any, remedial action is appropriate in the public interest and for the protection of purchasers pursuant to the Interstate Land Sales Full Disclosure Act.

If the Respondent desires a hearing, he shall file a request for hearing accompanied by an answer within fifteen days after service of this Notice of Proceedings. Respondent is hereby notified that if he fails to file an answer, motion or other appropriate response within 15 days after service of this Notice of Pro-

ceedings, Respondent shall be deemed in default, and the proceedings shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the Statement of Record and Property Report hereinabove identified shall be issued pursuant to 24 CFR 1710.45(b)(1) and 24 CFR 1720.160(c). Such order shall remain in effect until the Statement of Record and Property Report have been amended in accordance therewith, and thereupon the Order shall cease to be effective.

V. Any request for hearing, answer, motion, amendment to pleadings, offer of settlement or correspondence forwarded during the pendency of this proceeding shall be filed with the General Counsel's Clerk for Administrative Proceedings, Room 10150, HUD Building, 451 Seventh Street, S.W., Washington, D.C. 20410. All such papers shall clearly identify the type of matter and the docket number as set forth in this Notice of Proceedings.

VI. It is hereby ordered that upon request of the Respondent a public hearing for the purpose of taking evidence on the questions set forth in Part III hereof be held before Administrative Law Judge James W. Mast or such other Judge as may be designated, in Room 7146, HUD Building, 451 Seventh Street, S.W., Washington, D.C. 20410, at 10 a.m. on the 30th day after receipt of the answer or at such other time as the Secretary or her designee may fix by further order.

This Notice of Proceeding shall be served upon the Respondent pursuant to 24 CFR 1720.440.

Dated: July 18, 1975.

By the Secretary.

CARLA A. HILLS,
Secretary of Housing and Urban Development.

[FR Doc.75-19330 Filed 7-24-75;8:45 am]

CIVIL AERONAUTICS BOARD

CIVIL AERONAUTICS BOARD ADVISORY COMMITTEE ON PROCEDURAL REFORMS

Establishment

Pursuant to the provisions of section 9 (a) of the Federal Advisory Committee Act (86 Stat. 770; 5 App. I U.S.C.) I have determined that the establishment of the Civil Aeronautics Board Advisory Committee on Procedural Reforms is in the public interest in connection with the performance of the duties imposed on the Civil Aeronautics Board by the Federal Aviation Act (72 Stat. 742, as amended by 75 Stat. 785, 49 U.S.C. 1322; 72 Stat. 743, 49 U.S.C. 1324; and 72 Stat. 788, 49 U.S.C. 1481). Accordingly, notice is hereby given that the Civil Aeronautics Board Advisory Committee on Procedural Reforms is established for the period July 24, 1975, to July 1, 1976, unless earlier terminated by the Chairman of the Civil Aeronautics Board. The purpose, functions, and operations of the Committee shall be in accordance with the charter published simultaneously herewith.

[SEAL] JOHN E. ROBSON,
Chairman,
Civil Aeronautics Board.

JULY 24, 1975.

[FR Doc.75-19497 Filed 7-24-75;8:45 am]

CIVIL AERONAUTICS BOARD ADVISORY COMMITTEE ON PROCEDURAL REFORMS

Charter

1. *Official Designation:* Civil Aeronautics Board Advisory Committee on Procedural Reforms.

2. *Objectives and Scope of Activity:* Review the procedural practices, regulations and statutes governing the proceedings and decision-making process of the Civil Aeronautics Board and recommend reforms designed to reduce the time, cost, and complexity of the Board's decision-making process. Statutory analysis includes, but is not limited to, the provisions of the Federal Aviation Act (72 Stat. 737, as amended) and the Administrative Procedure Act (80 Stat. 378, as amended).

3. *Period of Time Necessary for Committee's Activities:* The Committee is established for a period commencing with notice of establishment in the FEDERAL REGISTER and ending July 1, 1976, unless sooner terminated by the Chairman of the Civil Aeronautics Board. Initial recommendations are expected to be made by December 31, 1975.

4. *Agency or Official to Whom the Advisory Committee Reports:* Chairman, Civil Aeronautics Board, Washington, D.C. 20428.

5. *Agency Responsible for Administrative Support:* Civil Aeronautics Board.

6. *Advisory Committee Duties:* In an advisory capacity only, to study the procedures, regulations and statutes governing the proceedings and decision-making process of the Civil Aeronautics Board and report and make recommendations to the Civil Aeronautics Board for procedural reforms.

7. *Estimated Annual Operating Costs:* $85,000 including allocation of one man year of Federal manpower.

8. *Estimated Number and Frequency of Meetings:* As necessary until completion of final report.

9. *Advisory Committee Termination Date:* July 1, 1976, unless sooner terminated by the Chairman of the Civil Aeronautics Board.

(Charter filed July 24, 1975)

[SEAL] JOHN E. ROBSON,
Chairman,
Civil Aeronautics Board.

JULY 24, 1975.

[FR Doc.75-19498 Filed 7-24-75;8:45 am]

CIVIL AERONAUTICS BOARD ADVISORY COMMITTEE ON PROCEDURAL REFORMS

Request for Public Comments

To assist the proposed Civil Aeronautics Board Advisory Committee on Procedural Reforms, the Board invites members of the public to submit their views on matters within the Committee's charter. That charter instructs the Committee to review the procedural practices, regulations and statutes governing the proceedings and decision-making process of the Civil Aeronautics Board and to recommend reforms designed to reduce the delay, cost and complexity of the Board's procedures.

The Committee requests that public comments be submitted by September 1, 1975, so that they may be given full consideration in the formulation of the Committee's research and recommendations. Written comments should be addressed to:

Executive Director, CAB Advisory Committee on Procedural Reforms, Civil Aeronautics Board, Washington, D.C. 20428.

The meetings of the Advisory Committee will be open to the public. Oral presentations by members of the public may be arranged in advance with the Executive Director. Oral presentations not arranged in advance will be permitted at the discretion of the Committee Chairman. Notice of committee meetings will be announced in the FEDERAL REGISTER and by press release. Individual mail notification can be arranged by specific request to the Executive Director.

[SEAL] JOHN E. ROBSON,
Chairman,
Civil Aeronautics Board.

JULY 24, 1975.

[FR Doc.75-19499 Filed 7-24-75;8:45 am]

[Dockets 27846, 27859, 27918; Order 75-7-101]

PAN AMERICAN WORLD AIRWAYS, INC.

North Atlantic Fares Investigation, Order Denying Petition for Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of July, 1975.

By Order 75-6-86, June 18, 1975, the Board dismissed complaints by the Davis Agency, Inc. (Davis) against one-way transatlantic fares for U.S. military personnel stationed in Europe filed by Pan American World Airways, Inc. (Pan American). In a petition for reconsideration and/or clarification filed June 30, 1975, Davis requests clarification that Pan American's fares are not available for change-of-station travel by military personnel or, alternatively, suspension of the tariff to the extent it permits such travel.

Pan American's tariff rules governing the military fares at issue, have been reviewed, and it is clear that the fares are not available for purposes of change of station.

Accordingly, *it is ordered*, That:

Except to the extent granted herein, the petition of Davis Agency, Inc. for reconsideration of Order 75-6-86 be and hereby is denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

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

[FR Doc.75-19387 Filed 7-24-75;8:45 am]

[Docket Nos. 28096, 27625, 27684; Order 75-1-104]

PAN AMERICAN WORLD AIRWAYS, INC. AND NORTHWEST AIRLINES, INC.

Order; Category Y Fare Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 22nd day of July, 1975.

The Board by Order 75-3-124, dated March 31, 1975, dismissed a complaint filed jointly by five supplemental carriers[1] against the tariff[2] filed on behalf of Pan American World Airways, Inc. (Pan Am) which enabled the carrier to transport military charter passengers pursuant to MAC contracts on scheduled flights at fares which are equivalent to the minimum MAC Category B round-trip charter rate, and permitting the tariff of Pan Am and a like tariff of Northwest Airlines, Inc. (Northwest)[3] to go into effect on April 1, 1975.

On April 11, 1975, Pan Am filed a petition for reconsideration of Order 75-3-124, in which it requested a review of that order only insofar as it would require, as a condition of Board approval, that an expiration date of September 30, 1975, be added to the carriers' tariffs. Pan Am requests modification of the Board's order so as to permit an expiration date of June 30, 1976, on its tariff. In support thereof, Pan Am contends that the September 30, 1975, expiration date established by the Board effectively precludes implementation of the fuel and cost savings which the Board found to justify the substitute MAC service because of the requirement that basic MAC contract schedules must normally be provided by the carrier 105 days prior to the month of operation.[4] Pan Am states that the expiration date imposed by the Board as particularly inappropriate, since the tariff would expire just as the carrier was about to enter its weakest commercial travel season. Pan Am also claims that a tariff extension would not benefit it, in any event, because the carrier will be effectively precluded from offering the service during the October-November off season due to the MAC scheduling requirement.

Northwest and the Department of Defense (DOD) filed answers in support of Pan Am's petition.

Northwest echoes Pan Am's contentions, noting that only one round trip was eliminated by its substitute services in May and that full implementation of the program will not commence for Northwest until June 1975.

DOD confirms that the limitation of the tariff to a six-month period will not allow sufficient time for planning its requirements to make the most effective use of the service.

Five supplemental carriers jointly[5] filed an answer opposing the petition for reconsideration. The supplemental carriers object to any extension of the expiration date of the tariff and point out that the requested extension would result in Category Y authority for one year and eight months.[6] They argue that a full year's experience to effectively evaluate the tariff will be obtained by September 30, 1975; and furthermore, this service has been analyzed and evaluated by the Board over the past five years. They contend that the program is patently uneconomic and was allowed by the Board only as a short-term solution to the unusual problems currently confronting Pan Am. Any further extensions of the tariff, in the eyes of the supplemental carriers, would run the chance of making this fare a basic part of the fare structure.

Upon consideration of the petition and answers, the Board has decided to grant Pan Am's petition and permit the tariffs to continue in effect through June 30, 1976. Moreover, we believe that the time is right to review this entire matter and have concluded that the Pan Am and Northwest tariffs should be set down for investigation.

Pan Am's deteriorating financial circumstances indicate the carrier's need for continuation of the financial relief the carrier states is being realized from the military charter substitution services. Despite extended efforts to reduce scheduled capacity, there appears to be adequate space available on the scheduled flights to accommodate this traffic, particularly during the low-traffic shoulder and winter months for which Pan Am requests that the tariff be allowed to continue. It is also now apparent that fuel conservation will be of national interest and concern for the indefinite future. The complainants have not challenged the carrier's estimates of the economic and fuel conservation benefits to be realized. With the fiscal year 1976 MAC contracts fixed at this time, the diverted military charter revenues involved would be Pan American's in any event. Neither past experience nor the complainants' objection give any evidence that this traffic represents any revenue diversion from them. Under these circumstances, we are unwilling to second-guess Pan Am's management with respect to the benefits and continued short-term need for the substitution service in the absence of any showing of adverse impact. Therefore, we are inclined to allow the Pan Am and Northwest tariffs to remain in effect through June 30, 1976.

Over the many years that this service concept has been before us in one form or another, there has been a continuing controversy on its merits.[7] Numerous questions have been raised and representations made as to the economic validity of this "part-charter" service. As a result, the Board has expressed serious reservations in granting the carriers authority to perform the substitution services.[8] However, the scheduled carriers continue to assert that this service is in their financial interest. We believe that the time has come for a decision based on an exploration of this service through an evidentiary hearing of the various issues raised in the past. We look to this investigation to answer definitively the questions raised such as, *inter alia*, the adequacy of scheduled capacity to accommodate the military charter traffic, the fare-cost relationship of the military round-trip charter rates for scheduled services, the economic impact of this part-charter service on the regular-fare traffic, the potential for revenue diversion and unfair competition, and the feasibility of achieving similar cost and fuel conservation benefits through available alternatives such as tailoring scheduled capacity. Once and for all it should be definitely resolved whether or not the rates for military substitution services such as performed pursuant to the Pan Am and Northwest tariffs are economic.

Accordingly, pursuant to the Federal Aviation Act of 1958, as amended, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. The petition for reconsideration of Order 75-3-124 by Pan American World Airways, Inc., insofar as it requests that an expiration date of June 30, 1976, be permitted for the fares and provisions set forth in the tariffs listed in the Appendix[9] hereto, be and it is hereby granted;

2. An investigation be instituted to determine whether the fares and provisions set forth in the tariffs listed in the Appendix hereto, including revision thereto and reissuance thereof, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly preju-

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[1] Capital International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[2] Local Military Passenger Fares Tariff No. MAC-1, CAB No. 438.

[3] Local Military Passenger Fares Tariff No. MAC-1, CAB No. 520. In addition, Order 75-4-85, April 17, 1975, denied motions for leave to file a late joint complaint by the same five supplemental carriers against the tariff of Northwest, and for leave to file a late answer of the United States Department of Defense to the complaint of the supplemental carriers against the tariff of Pan Am.

[4] Pan Am states that it has only been able to schedule on substitute service two round-trip charters during May and five round-trip charters in June due to the advance time schedule requirements of MAC.

[5] Capitol International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[6] Category Y (a term which is often used to describe this particular type of military traffic) authority has been effective since October 25, 1974, either by exemption or tariff.

[7] With the tariff extension granted herein, the authorizations will have accumulated approximately two and one-half years—November 1973 through June 1976, exclusive of most of the third quarter of 1974.

[8] Order 73-11-74, November 16, 1973; Order 73-12-7, December 4, 1973; Order 73-12-91, December 21, 1973; Order 74-2-6, February 1, 1974; and, Order 74-10-132, October 25, 1974.

[9] Filed as part of the original document.

dicial, or otherwise unlawful, and, if found to be unlawful, to determine and prescribe what action may be taken to cancel such tariffs, and to prevent the use of such fares, rates, or charges, or such classifications, rules, regulations, or practices;

3. The investigation ordered herein, designated Docket 28096, be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

4. Copies of this order will be filed with the aforesaid tariffs and served upon Capitol International Airways, Inc., Northwest Airlines, Inc., Overseas National Airways, Inc., Pan American World Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., Trans World Airlines, Inc., World Airways, Inc., and the Department of Defense, which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board: [10]

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

[FR Doc.75-19389 Filed 7-24-75;8:45 am]

[Docket 23080-2; Order 75-7-99]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order Fixing Temporary Mail Rates

Issued under delegated authority July 21, 1975. By Order 75-6-139, dated June 27, 1975, the Board directed all interested persons, and particularly the Postmaster General and all certificated air carrier parties to this investigation, to show cause why the Board should not amend its temporary rate order [1] so as to reflect the minimum chargeable weight and pickup and delivery charges proposed in the show cause order for M-2 containers.

The time designated for filing notice of objection has elapsed, and no notice of objection or answer to the order has been filed by any party. All parties have therefore waived the right to a hearing and all other procedural steps short of a final decision by the Board.

Upon consideration of the record, the findings and conclusions set forth in said Order are hereby reaffirmed and adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR, Part 302 and the authority duly delegated by the Board in its Organization Regulations, 14 CFR 385.16(g):

It is ordered, That:

1. Subparagraphs (e) and (g) of ordering paragraph 3 of Order 74-1-89, January 16, 1974, be and they hereby are amended as follows:

(a) In subparagraph (e), insert "M-2" and "15,000" in the columns headed "Container Type" and "Minimum Charge Weight" before the terms "M-1" and "7,500", respectively.

(b) In subparagraph (g) insert "M-2" and "$75" in the columns headed "Container Type" and "Charge", respectively, before the terms "M-1" and "$50";

2. The temporary service mail rates established herein shall be paid in their entirety by the Postmaster General and shall be subject to retroactive adjustment to March 28, 1973, as may be required by the order establishing final service mail rates in Docket 23080-2.

3. This order shall be served upon Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may do so within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

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

[FR Doc.75-19386 Filed 7-24-75;8:45 am]

TOURIST ENTERPRISES CORP.

[Docket 27914]

Postponement of Hearing

In the matter of TOURIST ENTERPRISES CORP., "ORBIS" d/b/a ORBIS POLISH TRAVEL BUREAU, INC., and d/b/a PARGIELLO SERVICES, INC.

Objection has been filed by the applicant to the holding of the hearing in this matter immediately following the prehearing conference. Accordingly, the hearing in this matter will not immediately follow the prehearing conference.

However, the prehearing conference will proceed as scheduled on July 30, 1975 (40 F.R. 29332, July 11, 1975) at 10:00 a.m. (local time), and will be held in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Dated at Washington, D.C., July 21, 1975.

[SEAL] DEE C. BLYTHE, *Administrative Law Judge.*

[FR Doc.75-19388 Filed 7-24-75;8:45 am]

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[10] Minetti and West, Members, filed the attached joint concurrence and dissent.

[1] Order 74-1-89, January 16, 1974.

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, August 13, 1975. This meeting will be held in room 5323 of the U.S. Civil Service Commission building, 1900 E. Street, N.W., and will consist of continued discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government.

The Chairman of the U.S. Civil Service Commission is responsible for the making of determinations under section 10(d) of the Federal Advisory Committee Act as to whether or not meetings of the Federal Employees Pay Council shall be open to the public. He has determined that this meeting will consist of exchanges of opinions and information which, if written, would fall within exemptions (2) or (5) of 5 U.S.C. 552(b). Therefore, this meeting will not be open to the public.

For the President's Agent:

RICHARD H. HALL, *Advisory Committee Management Officer for the President's Agent.*

[FR Doc.75-19311 Filed 7-24-75;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Executive Assistant Commissioner, Office of the Assistant Secretary for Housing Production & Mortgage Credit.

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

[FR Doc.75-19310 Filed 7-24-75;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Addition to Procurement List

Notice of proposed addition to Procurement List 1975, November 12, 1974 (39 FR 39964) was published in the FEDERAL REGISTER on May 23, 1975 (40 FR 22581).

Pursuant to the above notice the quantities produced for the following commodity are increased as follows:

CLASS 8465

Bag, Sleeping, Firefighter's (IB), 8465-00-681-0798, GSA Regions 9 and 10 only. Price $6.66 ea.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-19319 Filed 7-24-75;8:45 am]

PROCUREMENT LIST 1975

Notice of Proposed Addition

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following service to Procurement List 1975, November 12, 1974 (39 F.R. 39964).

INDUSTRIAL CLASS 7699

Repair and Maintenance of Adding Machines and Calculators for all Federal agencies located at: 1515 Broadway, and 32 Old Slip, New York, New York.

Comments and views regarding this proposed addition may be filed with the Committee not later than August 25, 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, and supersedes the notice of proposed addition of Repair and Maintenance of Adding Machines and Calculators dated June 9, 1975 (40 FR 24552), which is cancelled.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.75-19321 Filed 7-24-75;8:45 am]

PROCUREMENT LIST 1975

Notice of Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodities and services to Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 7230

Curtain, Shower, 7230-00-247-1280.

CLASS 8115

Box, Wood, 8115-00-935-6526, 8115-00-935-6527, 8115-00-935-6528, 8115-00-935-6532.

INDUSTRIAL CLASS 7374

Data Capturing, Interstate Commerce Commission, Washington, D.C.

INDUSTRIAL CLASS 7641

Furniture Rehabilitation, Alameda County, Contra Costra County, City of San Francisco, San Mateo County, Santa Clara County, California.

INDUSTRIAL CLASS 7699

Repair and Maintenance of Electric and Manual Typewriters for all Federal agencies located at: 1515 Broadway, and 32 Old Slip, New York, New York.

CLASS 6505-

Swabs, Iodine Ampoules, 6505-00-664-1408.
Swabs, Thimerosol Tincture, 6505-00-664-6911.

CLASS 6532

Gown, Hospital, Patient's Bedshirt, 6532-00-410976, 6532-00-410951.
Trousers, Operating, Surgical (Anti-Static), 6532-00-149-0327, 6532-00-149-0328, 6532-00-149-0329, 6532-00-149-0330.
Shirt, Operating, Surgical (Anti-Static), 6532-00-149-0322, 6532-00-149-0323, 6532-00-149-0324, 6532-00-149-0325.

CLASS 7210

Pillow, Passenger, Headrest, 7210-00-682-6601.

Comments and views regarding these proposed additions may be filed with the Committee not later than August 25, 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.75-19320 Filed 7-24-75;8:45 am]

PROCUREMENT LIST 1975

Proposed Additions

Notice is hereby given pursuant to Section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodities to Procurement List 1975, November 12, 1974 (39 F.R. 39964).

CLASS 5510

Stakes (GSA Region 9 Only):
5510-00-171-7701
5510-00-171-7700
5510-00-171-7734
5510-00-171-7733
5510-00-171-7732

Comments and views regarding these proposed additions may be filed with the Committee not later than August 25, 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.75-19353 Filed 7-24-75;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

DRAFT ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from July 14, 1975 through July 18, 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. (September 8, 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: Dr. Fowden G. Maxwell, Coordinator of Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 359-A, Washington, D.C. 20250, (202) 447-3965.

FOREST SERVICE

Draft

Timber Management Plan, Talladega National Forest, several Counties in Alabama, July 14: The Talladega National Forest Timber Management Plan proposes even-aged forest management for the part of the forest which is suitable for sustained yield timber production (annual average cut area of 11,879 acres). Adverse impacts include some soil compaction and dislocation, temporary shifts in wildlife populations, temporary increases in turbidity and stream runoff, and temporary degradation of air quality. (ELR Order No. 51012.)

West Chicagof—Yakobi Island Land Use Plan, Alabama, July 14: The statement proposed five alternative plans for the management of Tongass National Forest land in the West Chicagof—Yakobi area: Wilderness Candidate Study Area, A; Partial Wilderness Candidate Study Area, B; Recreation Use Emphasized, C; Resource Use of Moderate Intensity, D; and Intensive Use of Resources, E. Adverse impacts include loss of commodity uses, primarily of timber, with all alternatives; loss of wilderness qualities with all but alternative A; and loss of scenic quality in areas of development, particularly with alternatives D and E (109 pages). (ELR Order No. 51017.)

Basin Planning Unit, Deerlodge National Forest, Jefferson County, Mont., July 14: (ELR Order No. 51006.)

Final

Osceola National Forest Timber Plan, Baker and Columbia Counties, Fla., July 14: The proposed action is the implementation of the revised 10-year Timber Management Plan for Osceola National Forest. Estimated annual yield from approximately 1,800 acres of regeneration cuts and 3,300 acres of intermediate cuts will be 6.3 million board feet and 36 thousand cords of small roundwood. Adverse impacts include degradation of forest scenery and road construction. Comments made by: DOI, EPA, USDA, HEW, and State agencies and individuals. (ELR Order No. 51010.)

Apalachicola National Forest Timber Plan, several Counties in Florida, July 14: Proposed is the implementation of a revised 10-year Timber Management Plan for Apalachicola National Forest. Estimated annual yield from approximately 4,600 acres of regeneration cuts will be 11.1 million board feet of saw-timber and 45 thousand cords of small

roundwood. Adverse effects include temporary loss of pleasing forest scenery from timber cutting, other silvicultural treatments, and road construction. Comments made by: DOI, EPA, HEW, and State agencies and individuals. (ELR Order No. 51011.)

Upper Hiwassee Unit, Cherokee National Forest, Polk and Monroe Counties, Tenn., July 14: The statement refers to a proposed ten year plan for the 47,740 acre Upper Hiwassee Unit of the Cherokee National Forest. The management will be aimed towards timber harvest, wildlife habitat improvement, watershed restoration projects control of ORV's, and concentrated recreational use along the Hiwassee River. There will be some road construction. There will be adverse impact to soil and aesthetic quality. Comments made by: USDA, HUD, EPA, TVA, DOI, and State and local agencies and individuals. (ELR Order No. 51009.)

Piney River Unit, George Washington National Forest, Nelson and Amherst Counties, Va., July 17: The statement concerns the proposed 10-year plan for the Piney River Unit, George Washington National Forest. The Unit contains 27,456 acres of National Forest and 47,632 acres of private lands. Proposed management direction emphasizes dispersed recreation, protection of the Appalachian National Scenic Trail, Crabtree Falls environment, and soil and water values. The major developments proposed at Crabtree Falls are dispersed timber cuts, and roads. Comments made by: DOI, DOT, EPA, USDA, and State and local agencies, organizations, and individuals. (ELR Order No. 51032.)

Herbicide Use, Colville, Okanogan, Wenatchee National Forests, several Counties in Washington, July 18: 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 competion from native vegetation where it hampers forest management activities. Some non-target species may be affected. Comments made by: USDA, DOI, and State and local agencies. (ELR Order No. 51036.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

230 Transmission Line, Colorado and Wyoming, July 16: The statement refers to the proposed granting of REA insured or guaranteed funds to the Tri-State Generation and Transmission Association for the construction of 272 miles of 230 kV transmission line and substations. Counties affected are Grand, Lincoln, Kit Carson, Weld, Morgan, and Larimer in Colorado, and Albany and Laramie in Wyoming. The lines will be a visual intrusion upon the landscape. Comments made by: DOI, USDA, EPA, DOT, and State agencies. (ELR Order No. 51026.)

SOIL CONSERVATION SERVICE

Draft

Bear Swamp Watershed, Chowan and Perquimans Counties, N.C., July 14: The project for Bear Swamp Watershed entails conservation land treatment supplemented by 17.3 miles of stream channel work and one grade control structure. Adverse impacts of the project will be disruption of some wildlife habitat; loss of 62 acres of forestland to be used for spoil placement and increased channel widths; temporary clearance of 31 acres for debris disposal; and temporary damage to fishing resources during construction (31 pages). (ELR Order No. 51018.)

Cedar Run Watershed, Fauquier County, Va., July 14: The Cedar Run Watershed Project entails watershed protection, flood prevention, and municipal and industrial waste storage in Fauquier County, Virginia. Adverse effects will be the loss of 486 acres of terrestrial wildlife habitat; the inundation of 7.7 miles of perennial stream; the inundation of restriction of 1421 acres presently in cropland, pastureland, and forest uses (672 of these acres will be flooded only occasionally); the disruption of wildlife habitat patterns during flooding, the relocation of one family; the exposure of up to 93 acres of mudflats during severe droughts; increased traffic, noise, fire hazard, and litter; and temporary construction disruption. (ELR Order No. 51014.)

Final

Little Luckiamute River Watershed, Polk County, Oreg., July 16: Proposed is the land treatment, flood prevention, irrigation recreation, fishery, and water supply project on the Little Luckiamute River Watershed. Project measures will include land treatment on 51,770 acres, and the construction of Teal Creek Dam. The dam will block passage of anadromous fish and will inundate 2 miles of spawning area. Seven hundred acres of land will be disturbed, of which 340 acres will be permanently inundated. Land acquisition will displace 14 families. The project will stimulate development in the area, and will alter wildlife habitat. Comments made by: OE 2, State agencies, organizations, and individuals. (ELR Order No. 51025.)

The Red Deer Creek Watershed Project was noticed in the FEDERAL REGISTER of July 3, 1975 as a draft eis. The statement is a final and the review period ended July 26, 1975.

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, (202) 967-4335.

NAT'L OCEANIC AND ATMOSPHERIC ADMIN.

Draft

Importation of S. African Sealskins, Moratorium Waiver, July 18: The statement discusses the implications of granting or denying a waiver to allow importation of raw sealskins from the 1975 South African harvest for processing and sale in the United States. The applicant, Fouke Co., is proposing that skins taken after August 1 will meet U.S. requirements. No adverse ecological effects are anticipated, provided the Republic of South Africa continues its current management policies. (ELR Order No. 51035.)

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, S.W., Washington, D.C. 20314 (202) 693-6861.

Draft

Mobil Bay Exploratory Oil Well Permit, Alabama, July 17: The proposed action is the issuance of a section 10 Permit for the drilling of an exploratory oil well in Mobile Bay as requested by Mobile Oil Corporation. Adverse impacts include increased noise levels in the Dauphin Island vicinity, degradation of the aesthetic quality of the area, and the possibility of oil spills which would affect beaches, wetlands and the Bay ecosystem (Mobile District). (ELR Order No. 51029.)

Tuttle Creek Lake Operation and Maintenance, Riley, Pottawatomie, and Marshall Counties, Kans., July 14: The proposed project is the continued operation and maintenance of Tuttle Creek Lake, consisting of water control operations, operation and maintenance of recreation areas, and management of project land and water resources. Adverse impacts include shoreline erosion, disruption of recreation use, and damage to project roads and recreation areas (all due to flood control operations); and disturbance of benthic life, fish populations, and use of the lake (all due to sedimentation). (ELR Order No. 51019.)

Kentucky River Basin Small Flood Control Project, Jessamine County, Ky., July 14: The proposed project consists of snagging and clearing 0.5 mile and removing sediment and debris from a channel of Town Fork in Nicholasville, Kentucky. Construction of a trash collector and bypass is also part of the proposal. Adverse impacts include the alteration of aquatic habitat; limited stream siltation; and temporary air and noise pollution during construction. (ELR Order No. 51016.)

Aquilla Lake, Aquilla Creek (Supplement), Hill County, Tex., July 14: The statement is a supplement of an eis filed with CEQ 27 March 1974. Proposed is a plan to increase the volume of water storage for municipal and industrial use by 4.7 million gallons per day. The conservation pool will permanently inundate about 1,992 additional acres of land (a 61 percent increase) and the new flood control pool will occasionally inundate an additional 635 acres. About 9 additional miles of stream will be lost due to inundation (Fort Worth District). (ELR Order No. 51020.)

Oil Refinery and Marine Platform, St. Croix, Virgin Islands, July 15: The statement concerns consideration of a permit application to construct and operate an oil refinery, submarine pipeline, and marine terminal on the south coast of St. Croix. Approximately 700 acres of scrap woodland will be cleared in an existing industrial zone for the refinery, a fixed platform will be constructed 1.05 miles offshore, a submerged pipeline trench will be dredged to connect the refinery and terminal, the existing shoreline will be modified below mean high water, and a marine intake and diffusing outfall will be constructed. Any major oil spill will have an adverse impact on the marine and intertidal environments (Jacksonville District). (ELR Order No. 51023.)

Final

Willamette River Basin, Riverbanks and Channels, Oreg., July 14: The statement discusses a two-part plan dealing with actions affecting riverbanks and channels in the Willamette River Basin. The first part deals with bank protection along Willamette River and the lower reaches of its major tributaries. The second part of the project involves the continued operation and maintenance of Willamette Falls Locks without major authorized improvements. The project will cause the destruction of some fish and wildlife habitat along riverbanks (Portland District). Comments made by: EPA, DOC, DOI, USDA, FPC, and State agencies and other organizations. (ELR Order No. 51013.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, (202) 755-0940.

Final

Easthaven Wastewater Facility, Harris County, Houston, Tex., July 15: Proposed is the addition of 1.5 mgd of capacity to the 0.5 mgd Easthaven treatment facility. The enlarged plant would provide secondary biological treatment process. Adverse impacts will be those of construction disruption, and

operational noises and odors. Comments made by: DOT, HEW, USDA, COE, HUD, DOI, and State and local agencies. (ELR Order No. 51021.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street, N.W., Washington, D.C. 20426, (202) 386-6084.

Draft

Eascogas, Algonquin Gas, LNG Permits (Supplement), Rhode Island, July 16: The statement is a supplement to a final eis filed with CEQ 8 August 1974 and contains new data on vapor cloud travel in the event of a large LNG spill on water. (ELR Order No. 51027.)

Eascogas, Distrigas LNG Importation, New York, July 16: The supplement is an addition of new data analyzing the vapor dispersion from a massive instantaneous spill of LNG on water. (ELR Order No. 51028.)

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

Federal Building and Parking Facility, Norfolk, Va., July 18: The proposed action consists of the construction of a Federal Building and parking facility for the consolidation of Federal agencies in Norfolk, Virginia. The cost of the project, including site acquisition, relocation, design, construction and inspection will be about 14.5 million. Long-term environmental impacts are primarily those related to the use of limited resources and City services necessary for the operation of the facility. (ELR Order No. 51034.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Brown, Director, Office of Environmental Quality, Room 7258, 451 7th Street, SW., Washington, D.C. 20410, (202) 755-6308.

Draft

New Elmira Urban Renewal Project, Chemung County, N.Y., July 18: The New Elmira Project is a major recovery and redevelopment effort resulting from the Hurricane Agnes Flood Disaster of June 1972. Project proposals call for the acquisition and demolition structures and the relocation of families, individuals, and businesses within a 1100 acre area. Some structures only slightly damaged will be rehabilitated. Improvements to damaged streets, sewer and water lines, and other utilities along with development of new housing, commercial and recreational facilities will be included. (ELR Order No. 51037.)

The draft eis, Osceola Water Treatment Plant Improvements, was noticed in the FEDERAL REGISTER of July 18, 1975, as filed by the Department of HUD. The statement was filed under Section 104(h) of the Housing and Community Development Act of 1974.

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, (202) 343-3891.

BUREAU OF MINES

Draft

Surface Subsidence Control in Mining Regions, July 17: The project entails the control of surface subsidence due to collapsing mine voids by hydraulically flushing solids into the mine voids under endangered areas. The temporary adverse effects of this operation include noise, dust, water spills, partial blocking of streets, and some safety hazards. (ELR Order No. 51031.)

BONNEVILLE POWER ADMINISTRATION

Draft

BPA—Fiscal Year 1977 Proposed Program, July 17: Proposed is the construction of the following fiscal year 1977 new facility additions and modifications to BPA's electric transmission system: 88 miles of new transmission lines, six new substations, maintenance of 12,600 miles of existing lines and related structures, and vegetation control on 18,000 acres of transmission line rights-of-way and 860 acres of substation land. Adverse effects will be conversion of 300 acres of forestland for transmission line rights-of-way; permanent removal of 75 acres of vegetative cover; visual impacts to 3 waterways and 3 roadways; increased turbidity and siltation in waterways and several streams; air pollution during slash burning. (ELR Order No. 51033.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Noise Reduction Requirements, Subsonic Transport, July 14: The proposed action is an amendment of the Federal Aviation Regulations, Part 36 to provide for three stages of noise reduction, to require new applications for type certificates to comply with noise limits more restrictive than those in current Appendix C, and to increase the severity of the acoustical change requirements for airplanes that comply with current Appendix C. These proposals would apply to transport category large airplanes and to turbojet powered airplanes. Minor increases in fuel consumption would result. (ELR Order No. 51005.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

West Lee St., I-65 Interchange, Chickasaw, Mobile County, Ala., July 17: The proposed action is the construction of an interchange for Interstate 65 with West Lee Street in the City of Chickasaw, Alabama. The total distance covered by the project is 0.7 mile. The project is located in a primarily residential area and pressures for commercial development are expected. A number of businesses and families will be displaced. (ELR Order No. 51030.)

Final

Lower Columbia River Highway (U.S. 30), Columbia County, Oreg., July 18: The proposed action would modernize a 5.1 mile section of U.S. 30 by widening the existing roadway from two to four lanes, modifying grades and curvatures, and increasing the width of turn radii of intersecting county roads. The project would displace 14 operating businesses and 17 families, and would require the acquisition of approximately 31 acres for highway right-of-way. Other adverse impacts include the removal of aquatic habitat associated with the proposed rechannelization of a 250-foot meander of the South Fork of Scappoose Creek, and the removal of vegetation. (ELR Order No. 51038.)

U.S. 23, Letcher County, Ky., July 14: The statement refers to the proposed construction of U.S. 23 beginning at the Kentucky-Virginia state line and extending 2.5 miles in a northerly direction to a junction with U.S. 119 northwest of Jenkins. There will be increased noise levels and a degradation of water quality in Elkhorn Lake. Comments made by: HEW, HUD, EPA, DOI, USDA, and State agencies. (ELR Order No. 51008.)

Russell Road, Lenanee County, Mich., July 14: The proposed project is the construction/reconstruction of Russell Road from M-52 east of Rogers Highway, for a distance of 4.0 miles. The facility will require 4.5 acres for right-of-way. Loss of wildlife habitat will occur. Ground water levels/flows may be disrupted. Increased levels of litter, noise, air, and water pollution will be imposed on lands adjacent to the highway (45 pages). Comments made by: COE, USCG, EPA, USDA, DOI, DOT, and State and local agencies. (ELR Order No. 51007.)

I-15, Montana, July 16: The three projects encompassed in this report, Armstead North and South, Pipe Organ North and South and Pipe Organ North, involve the addition of a pair of southbound lanes parallel to the existing two-lane interstate highway. Length of the project is 19.9 miles. Some new right of way will be required for the projects. The Pipe Organ Landslide area will be altered by excavation. Comments made by: USCG, EPA, and State and local agencies. (ELR Order No. 51024.)

Oregon State Highway 42, Coos Bay-Roseburg, Douglas County, Oreg., July 14: Proposed is the reconstruction of 5.0 miles of Oregon State Highway 42 between Slater Creek and Mystic Creek. Reconstruction will provide two 12' travel lanes and 8' shoulders There will be bridge construction for river crossings; existing river alignments will be partially modified. Some wildlife habitat and recreation land will be committed to right-of-way. Comments made by: DOI, USDA, COE, DOC, EPA, and State and local agencies. (ELR Order No. 51015.)

West Portland Park and Ride, Multnomah County, Oreg., July 18: The statement refers to the proposed West Portland Park and Ride project for the city of Portland. The purpose of the proposal is to select a terminal site and route for an express bus system operating between West Portland and the Portland central business district. Adverse impacts are the displacement of families and businesses, possible increased noise in building near the selected site, and construction disruptions. Comments made by: DOT, EPA, HUD, DOI, and USDA. (ELR Order No. 51039.)

U.S. COAST GUARD

Final

Gulf LORAN-C Project, July 15: The statement concerns the expansion of the LORAN-C (Long Range Aid to Navigation) coverage to include the harbors, estuaries, and the Coastal Confluence Zone of the Gulf of Mexico. This expansion of coverage will require the construction and operation of three transmitting stations at Malone, Florida, Grangeville, Louisiana, and Raymondville, Texas. Adverse impacts include the conversion of forest to pastureland at the Grangeville site and construction disruption. Comments made by: EPA, DOC, DOD, DOI, and State and local agencies. (ELR Order No. 51022.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.75-19318 Filed 7-24-75;8:45 am]

DEFENSE MANPOWER COMMISSION

CANCELLATION OF MEETINGS

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that the meetings of the Defense Manpower Com-

mission scheduled for July 30 and 31, 1975, in Room 2130, GSA Building, 18th & F Streets, N.W., Washington, D.C. are cancelled.

BRUCE PALMER, Jr.,
General, USA (Ret.),
Executive Director.

[FR Doc.75-19332 Filed 7-24-75;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-33000/288; FRL 403-7]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington, DC 20460.

On or before September 23, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordinatior. Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington, DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 23, 1975.

Dated: July 15, 1975.

DOUGLAS D. CAMPT,
Director, Registration Division.

APPLICATIONS RECEIVED (OPP-33000/288)

EPA File Symbol 475-ROO. Boyle-Midway Inc., South Ave. & Hale St., New York NY 10017. SANI-FLUSH LIQUID DISINFECTANT TOILET BOWL CLEANER WITH DUAL CLEANING ACTION. Active Ingredients: Hydrogen Chloride 7.00%; Oxalic Acid 2.00%; n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.10%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.10%. Method of Support: Application proceeds under 2(c) of interim policy. FM32.

EPA File Symbol 2914-UT. Calgon Commercial Div., 7501 Page Ave., St. Louis MO 63166. CL-427 DETERGENT SANITIZER. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 5.6%; Sodium dodecylbenzene sulfonate 4.25%; Sodium metasilicate 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM34.

EPA File Symbol 22559-G. Cleanway Products, 8804 Fenkell, Detroit MI 48238. MIRACLE HOUSEHOLD SURE-KILL ROACH & ANT KILLER. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500%; Pyrethrins 0.052%; Piperonyl butoxide, technical 0.261%; Petroleum distilate 68.608%. Method of Support: Application proceeds under 2(c) of interim policy. PM 15.

EPA File Symbol 7960-RA. Continental Chemical Corp., 1439 Ash St., Terre Haute IN 47808. O-D-1435A TYPE II. Active Ingredients: Sodium-ortho-phenylphenate 20.0%; Sodium 4-chloro-2-phenylphenate 37.0%; Sodium 6-chloro-2-phenylphenate 14.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM32.

EPA File Symbol 677-GEL. Diamond Shamrock Corp., Agricultural Chemicals Div., 1100 Superior Ave., Cleveland OH 44114. DIAMOND SHAMROCK BRUSH KILLER BP LO-VOL 4T. Active Ingredients: 2,4,5-Trichlorophenoxyacetic acid, butoxy propyl esters 68.7%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM 23.

EPA File Symbol 677-GGR. Diamond Shamrock Corp., 1100 Superior Ave., Cleveland OH 44114. CHLOROTHALONIL FLOWABLE 3. Active Ingredients: Chlorothalonil (tetrachloroisophthalonitrile) 30.8%. Method of Support: Application proceeds under 2(c) of interim policy. PM21.

EPA File Symbol 3770-GEA. Economy Products Co., Inc., Shenandoah IA 51601. RIDZ-WEED 2,4-D 6 LB. ACID AN AMINE SALT FORMULATION. Active Ingredients: Dimethyl amine salt of 2,4-dichlorophenoxyacetic acid 69.5%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 935-ET. Hooker Chemical & Plastics Corp., 345 3rd St., Niagara Falls NY 14302. MIREX TECHNICAL. Active Ingredients: Dodecachlorooctahydro-1,3,4-metheno - 2H - cyclobuta[cd]pentalene 98.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM15

EPA File Symbol 36186-G. Carl Kaster Co., Chemical Div., 516 W Main St., Louisville KT 40202. VENUS ACID SANITIZER. Active Ingredients: Ortho phosphoric acid 30.0%; Dodecylbenzene sulfonic acid 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 1839-AI. Onyx Chemical Co., Div. of Millmaster Onyx Corp., 190 Warren St., Jersey City NJ 07302. ONYX BTC-E-8358. Active Ingredients: n-Alkyl (C12 40%, C14 50%, C16 10%) dimethyl benzyl ammonium chlorides 80%; Ethyl alcohol 20%. Method of Support changed from 2(b) to 2(a) of interim policy. PM31

EPA File Symbol 1839-TE. Onyx Chemical Co., Div. of Millmaster Onyx Corp., 190 Warren St., Jersey City NJ 07302. ONYX BTC-40 CONCENTRATED GERMICIDE. Active Ingredients: n-Alkyl (C12 40%, C14 50%, C16 10%) dimethyl benzyl ammonium cholorides 40%. Method of Support changed from 2(b) to 2(a) of interim policy. PM31

EPA File Symbol 33576-GA. Olin Water Services, Olin Corp., 120 Long Ridge Rd., Stamford CT 06904. OLIN 3302. Active Ingredients: Sodium dimethyldithiocarbamate 15%; Nabam (disodium ethylene bisdithiocarbamate) 15%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 33576-GT. Olin Water Services, Olin Corp., 120 Long Ridge Rd., Stamford CT 06904. OLIN 3312. Active Ingredients: Sodium dimethyldithiocarbamate 3.75%; Nabam (disodium ethylene bisdithiocarbamate) 3.75%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA Reg. No. 602-219. Ralston Purina Co., General Offices: Checkerboard Square, St. Louis MO 63188. PURINA DISINFECTANT. Active Ingredients: n-Alkyl 60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.9%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 602-220. Ralston Purina Co. PURINA DISINFECTANT CONCENTRATE (4X). Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 11.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 11.8%; Ethyl alcohol 5.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA Reg. No. 602-223. Ralston Purina Co. PURINA QUATERNARY DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 11.8%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 11.8%; Ethyl alcohol 5.9%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 538-RGT. O. M. Scott & Sons Co., Marysville OH 43040. (SCOTTS) PROTURF 26-O-12 FERTILIZER WITH WEEDGRASS PREVENTER. Active Ingredients: S-(O,O-Diisopropyl phosphorodithioate) ester of N-(2-mercaptoethyl) benzenesulfonamide 7.80%. Method of Support: Application proceeds under 2(b) of interim policy. PM25

EPA File Symbol 10308-A. Sumitomo Chemical Co. Ltd., c/o Dr. Eugene J. Gerberg, Insect Control & Research, Inc., 1330 Dillon Heights Ave., Baltimore MD 21228. S-2539 FORTE AN INSECTICIDE

FOR FORMULATING USE ONLY. Active Ingredients: 3-Phenoxybenzyl d-cis, trans chrysanthemate 86%; Other isomers 4%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 148-RELT. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. SUPER PROPANIL. Active Ingredients: 3',4'-Dichloropropionanilide 45.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 10873-UU. Tifton Chemical Co., PO Box 5, Tifton GA 31794. TIFCHEM PARATHION 10 GRANULAR. Active Ingredients: Parathion (*O,O*-diethyl *O-p*-nitrophenyl phosphorothioate 10.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 400-82. Uniroyal Chem. Div. of Uniroyal, Inc., Amity Rd., Bethany CT 06526. OMITE 30W AGRICULTURAL MITICIDE. Active Ingredients: Propargite 2-(p-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite 30%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM13

EPA File Symbol 400-REU. Uniroyal Chem. Div. of Uniroyal, Inc., Amity Rd., Bethany CT 06526. VITAVAX-EVS CONCENTRATE. Active Ingredients: Carboxin (5,6-dihydro-2-methyl-1,4-oxathiin - 3 - carboxanilide) 29.52%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added use. PM21

EPA File Symbol 421-URO. James Varley & Sons, Inc., 1200 Switzer Ave., St. Louis MO 63147. NEW INSTITUTIONAL AND INDUSTRIAL DISINFECTANT CLEANER MODIFIED. Active Ingredients: Isopropyl alcohol 13.61%; Sodium 4- and 6-chloro-2-phenylphenate 4.17%; Sodium linear alkylate sulfonate 1.19%; Ortho-phenylphenol 1.03%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA Reg. No. 769-249. Woolfolk Chemical Works, Inc., PO Box 93, Fort Valley GA 31030. SECURITY 7½% CAPTAN DUST. Active Ingredients: Captan 7.5%. Method of Support: Application proceeds under 2 (c) of interim policy. PM21

EPA File Symbol 1270-ROA. Zep Manufacturing Co., PO Box 2015, Atlanta GA 30310. ZEP FORMULA 777-A WEED KILLER NON-SELECTIVE TYPE. Active Ingredients: Heavy aromatic solvent 86.34%; Bromocil (5-bromo-3-sec-butyl-6-methyluracil) 1.52%; Pentachlorophenol 1.50%; Other chlorophenols 0.16%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

[FR Doc.75-19147 Filed 7-24-75;8:45 am]

[FRL 405-6; PF13]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Notice of Filing

Petitions proposing the establishment of pesticide tolerances in or on certain raw agricultural commodities and the establishment of tolerances relating to food and/or feed additives have been filed with the Environmental Protection Agency. Notice is given pursuant to the provisions of Sections 408(d)(1) and 409 (b)(5) of the Federal Food, Drug, and Cosmetic Act. The petitions and proposals are:

PP6F1651. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. Proposes that 40 CFR 180.358 be amended to establish tolerances for negligible residues of the herbicide butralin [4-(1,1-dimethylethyl)-N - (1-methoxypropyl)-2,6-dinitrobenzenamine] in or on the raw agricultural commodities watermelons, southern peas, and lima beans at 0.1 part per million (ppm). Proposed analytical method for determining residues is a gas chromatographic procedure using electron capture detection. PM23

PP5F1640. American Cyanamid Co., Agricultural Div., PO Box 400, Princeton NJ 08540. Proposes that 40 CFR 180.330 be amended to establish a tolerance for combined negligible residues of the insecticide S-[[(1,1-Dimethylethyl)thio]methyl]O,O - diethyl Phosphorodithioate, and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities sugar beet tops and roots at 0.05 ppm. Proposed analytical method for determining residues is a gas chromatographic procedure using a phosphorus-sensitive alkali flame ionization detector. PM16

PP5F1642. American Cyanamid Co. Proposes that 40 CFR 180.204 be amended to establish tolerances for combined residues of the insecticide Dimethoate and its oxygen analog in or on the raw agricultural commodities soybean forage and soybean hay at 2.0 ppm and in or on soybean seed at 0.05 ppm (negligible residue). Proposed analytical method for determining residues is a gas chromatographic procedure using a phosphorus-sensitive flamephotometric detector. PM16

FAP5H5096. Chemagro Agricultural Div., Mobay Chemical Co., PO Box 4913, Kansas City MO 64120. Proposes establishment of a food additive tolerance (21 CFR 123) for combined residues of the insecticide S-[2-(ethylsulfinyl)ethyl] 0,0-dimethyl phosphorothioate and its cholinesterase-inhibiting metabolites in tomato pomace at 2.0 ppm resulting from application of the insecticide to growing tomatoes. PM16

PP5F1643. Chemagro Agricultural Div., Mobal Chemical Co. Proposes that 40 CFR 180.330 be amended to establish tolerances for combined residues of the insecticide S-[2-(ethylsulfinyl)ethyl] 0,0-dimethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities apples, blackberries, head lettuce, raspberries, strawberries, and turnip greens (tops) at 2.0 ppm; safflower at 1.0 ppm; and grapes at 0.1 ppm. Proposed analytical method for determining residues is a thermionic emission gas chromatographic procedure using a phosphorus-sensitive detector. PM16

PP5F1644. Chemagro Agricultural Div., Mobay Chemical Co. Proposes that 40 CFR 180.330 be amended to establish tolerances for combined residues of the insecticide S-[2-(ethylsulfinyl)ethyl] 0,0-dimethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities sorghum grain at 0.5 ppm, sorghum forage at 1.0 ppm, wheat grain at 0.4 ppm, and wheat straw at 11.0 ppm. Proposed analytical method is the same as above. PM16

PP5F1639. Chevron Chemical Co., Ortho Div. 940 Hensley St., Richmond CA 94804. Proposes establishment of tolerances (40 CFR 180) for residues of the desiccant paraquat (1,1'-dimethyl-4,4'-bipyridinium) derived from the application of either the bis(methyl sulfate) or dichloride salt (calculated as the cation) in or on the raw agricultural commodities pasture and range grasses; grasses grown for hay or silage; small grains grown for hay, grazing, or silage; alfalfa, clover, birdsfoot trefoil, and crown vetch at 60 ppm. Proposed analytical method for determining residues is one in which the sample is refluxed with sulfuric acid to free the paraquat cation, and after cleanup and reduction with sodium dithionite, the paraquat is determined spectrophotometrically. PM25

PP5F1647. CIBA-GEIGY Corp., Agricultural Div., PO Box 11422, Greensboro, NC 27409. Proposes establishment of a tolerance (40 CFR 180) for negligible residues of the plant growth regulator ethanedial dioxime in or on the raw agricultural commodity oranges at 0.1 ppm. Proposed analytical method for determining residues is one in which the pesticide is derivatized with N,O-*bis*-(trimethylsilyl)-trifluoroacetamide to form the *bis*-(trimethylsilyl)-derivative. The derivative is separated with gas chromatography and determined by quadrupole mass fragmentography. PM25

PP5F1646. Merck & Co., Inc., Rahway NJ 07065. Proposes that Section 180.242 be amended to establish a tolerance for residues of the fungicide Thiabendazole (2-(4-thiazolyl) benzimidazole) in or on the raw agricultural commodity soybeans at 0.1 ppm. Proposed analytical method for determining residues is a spectrophotofluorometric procedure in which the excitation wave length is 300 nanometers and the emission wave length 360 nanometers. PM21

PP5F1632. Rohm and Haas Co., Independence Mall West, Philadelphia PA 19105. Proposes establishment of a tolerance (40 CFR 180) for combined negligible residues of the fungicide (2-*N*-octyl-4-isothiazolin-3-one) and its metabolites in or on the raw agricultural commodity cottonseed (derived from cotton plants grown and harvested from treated seed) at 0.01 ppm. Proposed analytical method for determining residues is by a gas-liquid chromatographic method using a flame ionization detector. PM21

Interested persons are invited to submit written comments on this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 401, East Tower, 401 M St., SW, Washington D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Agency and others interested in inspecting them. The comments should be submitted as soon as possible and should bear a notation indicating the subject and petition number. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the FEDERAL REGISTER Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: July 21, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.75-19415 Filed 7-24-75;8:45 am]

[FRL 405-5, OPP-33000/289]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR

31862) its interim policy with respect to the administration of Section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW, Washington DC 20460.

On or before September 23, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW, Washington DC 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after September 23, 1975.

Dated: July 21, 1975.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/289)

EPA Reg. No. 264-280. Amchem Products, Inc., Brookside Ave., Ambler PA 19002. AMEX 820. Active Ingredients: Butralin [4-(1,1-dimethylethyl)-N-(1-methyl-propyl)-2,6-dinitrobenzenamine] 47.4%. Method of Support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM23

EPA File Symbol 9613-T. Bison Laboratories, Inc., 80 Leslie St., Buffalo NY 14211. CRYSTAL-AQUA SWIMMING POOL ALGAECIDE. Active Ingredients: Alkyl (C14 60%, C12 25%, C16 15%) Dimethyl Benzyl Ammonium Chloride 5.0%; Sodium Carbonate 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM24

EPA File Symbol 4-ELN. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. BONIDE ANILAZINE FUNGICIDE. Active Ingredients: 2,4-Dichloro-6-0-Chloroanilino-S-triazine 5.0%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 8220-EA. Lambert Kay, Div. of Carter-Wallace, Inc., PO Box 11523, Santa Ana CA 92711. LAMBERT KAY LAWN AND KENNEL DUST. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate 5.00%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA Reg. No. 239-2186. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94805. ORTHO PARAQUAT CL. Active Ingredients: Paraquat dichloride (1,1'-dimethyl-4,4'-bipyridinium dichloride) 29.1%. Method of Support: Application proceeds under 2(a) of interim policy. PM25

EPA Reg. No. 4643-2. Dearborn Chemical Div., Chemed Corp., 320 Genesee St., Lake Zurich IL 60047. MICROBIOTREAT 321. Active Ingredients: n-Alkyl (60% C14, 5% C12, 30% C16, 5% C18) Dimethyl Benzyl Ammonium Chloride 12.50%; Bis (Tri-)n-Butyltin) Oxide 2.25%. Method of Support: Application proceeds under 2(c) of interim policy. PM33

EPA File Symbol 1757-AG. Drew Chemical Corp., 701 Jefferson Rd., Parsippany NJ 07051. AMERSTAT WB. Active Ingredients: Methylene bis(thiocyanate) 10%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA File Symbol 270-REE. Farnam Companies, Inc., 2230 E. Magnolia St., Phoenix 85036. FARNAM 007 FLY REPELLENT. Active ingredients: Pyrethrins 1%; Piperonyl Butoxide Tech 2.5%; Di-n-propyl isocinchomeronate 5%; N-octyl bicycloheptene dicarboximide 1.25%; 2,3:4,5-Bis(2-butylene) tetrahydro-2-furaldehyde 2.50%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 1457-AR. Fine Organics Inc., a subsid. of Hexcel Corp., 205 Main St., Lodi NJ 07644. MYTAB. Active Ingredients: Tetradecyl trimethyl ammonium bromide 100%. Method of Support: Application proceeds under 2(c) of interim policy. PM31

EPA File Symbol 2596-AR. The Hartz Mountain Corp., 700 S. 4th St., Harrison NJ 07029. HARTZ FLEA & TICK SOAP FOR DOGS. Active Ingredients: Pyrethrins 0.025%; Technical Piperonyl Butoxide 0.050%; N-Oxtyl Bicycloheptene dicarboximide 0.084%; Petroleum Distillates 0.120%; Anhydrous Soap 89.000%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 2270-AOI. The Huge Co., Inc., 7625 Page Ave., St. Louis MO 63133. EXCELCIDE FILTER FLY TREATMENT. Active Ingredients: Malathion (O,O-dimethyl dithiaphosphate of diethyl mercaptosuccinate) 45.00%; Heavy Aromatic Naphtha 41.64%. Method of Support: Application proceeds under 2(c) of interim policy. PM16

EPA File Symbol 33370-U. Morton Herman Co., 207 W. University Dr., Arlington Heights IL 60004. SUPER HERMOX 9. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 7715-RN. National Scent Co., 10555 Stanford Ave., Garden Grove CA 92642. FLEA AND TICK INSECTICIDE POWDER FOR DOGS. Active Ingredients: Pyrethrins 0.10%; Piperonyl Butoxide, Technical 1.00%; Carbaryl (1-Naphthyl N-methylcarbamate) 5.00% Silica Gel 40.00%; Base Oil 4.90%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 7715-RR. National Scent Co., 10555 Stanford Ave., Garden Grove CA 92642. FLEA AND TICK INSECTICIDE POWDER FOR CATS. Active Ingredients: Pyrethrins 0.10%; Piperonyl Butoxide, Technical 1.00% Carbaryl (1-Naphthyl N-methylcarbamate) 5.00% Silica Gel 40.00%; Base Oil 4.90%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 538-RGL. O. M. Scott & Sons, Marysville OH 43040. STOP INSECTS BEFORE THEY START. Active Ingredients: Dimethoate [0,0-dimethyl S-(methylcarbamoyl) methyl phosphorodithioate] 5.00%. Method of Support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 2217-AGG. PBI/Gordon Corp., 300 S. 3rd St., Kansas City KS 66118. AMINE 2,4-D TURF HERBICIDE. Active Ingredients: Dimethylamine Salt of 2,4-Dichloro-phenoxyacetic acid 49.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM23

EPA File Symbol 5857-L. Phostoxin Sales, Inc., Box 469, Alhambra CA 91801. FUMICEL. Active Ingredients: Magnesium Phosphide 53%. Method of Support: Application proceeds under 2(c) of interim policy. PM11

EPA File Symbol 37064-G. Pioneer Chemical Laboratories, Inc., 5419 Logan Ave., N, Minneapolis MN 55430. SAN-A-QUAT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 37061-U. Pioneer Chemical Laboratories, Inc., 5419 Logan Ave., N, Minneapolis MN 55430. PIONEER DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(b) of interim policy. PM31

EPA File Symbol 892-EO. Pioneer Manufacturing Co., 3053 E. 87th St., Cleveland OH 44104. PIONEER INSTANT WIPE & CLEAN. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.09%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.09%; Tetrasodium ethylenediamine tetraacetate 1.44%; Sodium Metasilicate 0.23%. Method of Support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 37296-G. Products-Sol Inc. 2010 Cole, Birmingham MI 48009. BIODERM 200. Active Ingredients: Sodium 2,4,5-trichlorophenate 85%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 37296-G. Products-Sol Inc., BIODERM 500. Active Ingredients: o-Phenylphenol 98%. Method of Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 37296-U. Products-Sol Inc. BIODERM 100. Active Ingredients: Sodium o-Phenylphenate 4H20 97%. Method of

Support: Application proceeds under 2(c) of interim policy. PM32

EPA File Symbol 36341-E. Red Top Products, Inc., Sequin St., La Vernia TX 78121. 430 INSECTICIDE. Active Ingredients: Pyrethrins 0.075%; Piperonyl butoxide, technical 0.150%; N-octyl bicycloheptene dicarboximide 0.250%; Petroleum distillate 99.525%. Method of Support: Application proceeds under 2(c) of interim policy. PM17

EPA File Symbol 4961-LI. Redwood Chemicals Inc., 1215 Jackson, Houston TX 77003. REDWOOD'S VEGETATION KILLER. Active Ingredients: Prometon: 2,4-bis(isopropylamino) - 6 - methoxy-s-triazine 3.73%; Petroleum distillate 81.04%. Method of Support: Application proceeds under 2(c) of interim policy. PM25

EPA File Symbol 4185-LGT. Smith-Douglass, Div. of Borden Chemical, Borden Inc., 5100 Virginia Beach Blvd., Norfolk VA 23501. SMITH-DOUGLASS MANEB 1.4% TOBACCO PLANT BED DUST. Active Ingredients: Maneb (manganese ethylene bisdithiocarbamate) 1.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM21

EPA File Symbol 4887-RIN. Stephenson Chemical Co., Inc., PO Box 87188, College Park GA 30337. STEPHENSON CHEMICALS LIQUID SEVIN. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 23.4%. Method of Support: Application proceeds under 2(c) of interim policy. PM12

EPA File Symbol 675-GO. National Laboratories, Lehn & Fink Industrial Products Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. LF-100. Active Ingredients: Hydrogen Peroxide 6.00%; Phosphoric Acid 0.85%. Method of Support: Application proceeds under 2(a) of interim policy. PM33

EPA File Symbol 10873-UO. Tifton Chemical Co., PO Box 5, Tifton GA 31794. COPLATE S FLOWABLE. Active Ingredients: Sulphur 41.6%; Cupric hydroxide 8.3%. Method of Support: Application proceeds under 2(c) of interim policy. PM22

EPA Reg. No. 148-241. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. DED-WEED LV-69. Active Ingredients: 2,4-dichlorophenoxyacetic acid isooctyl ester 67.0%. Method of Support: Application proceeds under 2(c) of interim policy. Republished: Added uses. PM23

EPA File Symbol 10485-RI. United Chemical Corp., 601 N. Leech, PO Box 1499, Hobbs NM 88240. ALPHA 541. Active Ingredients: Sodium Pentachlorophenate 79%; Sodium Salts of Other Chlorophenols 11%. Method of Support: Application proceeds under 2 (b) of interim policy. PM24

EPA File Symbol 10485-RO. United Chemical Corp., 601 N. Leech, PO Box 1499, Hobbs NM 88240. ALPHA 540. Active Ingredients: Sodium Pentachlorophenate 79%; Sodium Salts of Other Chlorophenols 11%. Method of Support: Application proceeds under 2 (b) of interim policy. PM24

EPA File Symbol 1386-LOG. Universal Cooperatives, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO GOLDEN KILLA DILLA TOBACCO SPRAY. Active Ingredients: Endosulfan (hexachlorohexahydromethano-2,4,3-benzodioxathiepin oxide) 11.6%; Malathion 11.6%; Aromatic petroleum solvent 66.6%. Method of Support: Application proceeds under 2(c) of interim policy. PM15

EPA File Symbol 5427-TN. Wright Chemical Corp., 1319 Wabansia Ave., Chicago IL 60622. WRICO TQR. Active Ingredients: octyl dodecyl dimethyl ammonium chloride 10.0%; n-Alkyl (C14 60%, C16 30%, C12 5%, C18 5%) dimethyl benzyl ammonium chloride 10.0%; s-bis(tributyltin) oxide 4.0%; Isopropyl alcohol 5.0%. Method of Support: Application proceeds under 2 (c) of interim policy. PM31

[FR Doc.75-19416 Filed 7-24-75;8:45 am]

[FIFRA Docket No. 382; (FRL 404-8)]

SODIUM CYANIDE FOR USE IN THE M-44 DEVICE TO CONTROL PREDATORS

Place of Hearing and Call of Prehearing Conference

By Notice dated July 11, 1975 (40 F.R. 29755), the Administrator announced that pursuant to an application by the U.S. Department of the Interior, Fish and Wildlife Service, under Section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973; 7 U.S.C. 136a), a hearing would be held in the above-entitled matter August 12 through August 15, 1975. Interested persons are notified that those hearings will commence at 10:00 a.m. on August 12, 1975, in Room 3803, Waterside Mall, 4th and M Streets, S.W., Washington, D.C. On subsequent days, the hearings may convene at an earlier hour as announced at the hearing.

Notice should also be taken that a prehearing conference in this proceeding will be held beginning at 10:00 a.m. on August 7, 1975, in Room 3803, Waterside Mall, 4th and M Streets, S.W., Washington, D.C.

FREDERICK W. DENNISTON,
Administrative Law Judge.

JULY 21, 1975.

[FR Doc.75-19407 Filed 7-24-75;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List No. 342]

CANADIAN BROADCASTING SERVICES

List of New Stations and Assignments

JULY 8, 1975.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignment of Canadian broadcast stations contained in the Appendix to the recommendtions of the North American Regional Broadcasting Agreement Engineering meeting January 30, 1941

Call letters	Location	Power, kW	Antenna	Schedule	Class	Antenna height (feet)	Ground System		Proposed date of commencement of operation
							No. of radials	Length (feet)	
		630 kHz							
CHED (PO 630 kHz, 10 kW, DA-2, N. 53°24'00", W. 113°23'55").	Edmonton, Alberta, N. 53°33'58", W. 113°23'40".	40	DA-2	U	III				E.I.O. 7.8.76.
		850 kHz							
CHRD (correction to coordinates shown in list of assignments).	Red Deer, Alberta, N. 52°08'34", W. 113°47'40".	10D/1N	DA-N, ND-D-187	U	II				
		1110 kHz							
(New)	Hawkesbury, Ontario, N. 45°34'30", W. 74°38'00".	1	DA-D	D	II				E.I.O. 7.8.76.
		1290 kHz							
CHRM (revision to coordinates, PN N. 46°48'01", W. 67°3'03").	Matane, Quebec, N. 48°49'27.8", W. 67°34'27.8".	10	DA-2	U	III				E.I.O. 7.8.76.
		1350 kHz							
CHAL (now in operation)	St. Pamphile, Quebec, N. 46°58'58", W. 69°48'38".	1	DA-1	U	III				
		1410 kHz							
CIGO (assignment of call letters).	Port Hawkesbury, Nova Scotia, N. 45°41'02", W. 61°26'00".	10	DA-2	U	III				
		1420 kHz							
CKPT (PO 1420 kHz, 5 kW, DA-2).	Peterborough, Ontario, N. 44°16'13", W. 78°17'23".	10D/5N	DA-2	U	III				E.I.O. 7.8.76.

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.75-19240 Filed 7-24-75;8:45 am]

[Report No. 763]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

JULY 21, 1975.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application, in order to be considered with must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to Section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

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[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20074–CD–P–(2)–76, Metro Fone Communications, Inc. (KRS655), C.P. for additional facilities to operate on 43.22 MHz at Loc. #4: 1821 University Avenue, St. Paul, Minnesota; and same facilities at Loc. #5: 600 So. Co. Rd. 18, Minneapolis, Minnesota.

20075–CD–P–76, Radio Relay Corp., California. (KME438), C.P. to relocate facilities and change antenna system operating on 35.22 MHz. at Loc. #4: 707 Wilshire Blvd., Los Angeles, California.

20076–CD–P–76, Radio Relay Corp., Missouri. (KAA893), C.P. to relocate facilities operating on 35.22 MHz. at Loc. #3: 9434 Watson Rd., Crestwood, Missouri.

20077–CD–P–76, Pacific Northwest Bell Telephone Company. (KOF917), C.P. to change antenna system operating on 152.57 MHz. located 2.5 Miles ENE of Newport, Oregon.

20078–CD–P–76, Tel-Page Corporation. (KEC 513), C.P. for additional facilities to operate on 152.21 MHz. at Loc. #2: 220 First Street, Niagara Falls, New York.

20079–CD–P–76, Tel-Page Corporation. (KRH-676), C.P. for additional facilities to operate on 454.050 MHz. at Loc. #2: 220 First Street, Niagara Falls, New York.

20080–CD–P–76, Tel-Page Corporation. (KEC 521), C.P. for additional facilities to operate on 43.22 MHz. at Loc. #3: 220 First Street, Niagara Falls, New York.

20081–CD–P–(8)–76, Imperial Communications Corporation. (KMA262), C.P. to change antenna system operating on 152.18 MHz at Loc. #2: 4285 Eastridge Drive, La Mesa, California; change antenna system operating on 2165, Control and relocate facilities operating on 454.05 MHz. at Loc. #3: 110 West C Street, San Diego, California; and for additional facilities to operate on 152.09, 152.15, 152.03 and 152.12 MHz., Base and 2175 MHz., Repeater at Loc. #5: Mount Woodson, 20 miles NNE of San Diego, California.

20082–CD–P–(3)–76, E. B. Brownell, d/b/a Worland Services. (KOP254), C.P. for additional repeater facilities to operate on 459.100 MHz. at Loc. #1: Copper Mountain, 18 mi. SE of Thermopolis, Wyoming; change antenna system, and replace frequency 158.55 with 454.100 MHz. at Loc. #2: 1212 Robertson Avenue, Worland, Wyoming; change antenna system, and replace transmitter and change frequency 158.55 MHz. to 454.100 MHz. at Loc. #3: 112 N. Eighth Street, Thermopolis, Wyoming.

20083–CD–AL–76, Smith Communications Service. Consent to Assignment of License from Smith Communications Service, Assignor to Hawkins Communications, Inc., Assignee. Station: KGA250, Baltimore, Maryland.

20084–CD–P–(2)–76, Pass Word, Inc. (KMM 697), C.P. for additional facilities to operate on 454.250 and 454.300 MHz. located 9.3 miles E of Spokane, Mica Peak, Idaho.

20085–CD–P–76, Stockton Mobilphone, Inc. (KMD347), C.P. to relocate facilities, change antenna system and replace transmitter operating on 35.58 MHz. located at 5235 East Carpenter Road, (approximately 600 feet north of road) Stockton, California.

20086–CD–P–76, Airsignal of Nevada, Inc. (KOK334), C.P. for additional facilities to operate on 454.100 MHz. located at MGM Grand Hotel, 3645 Las Vegas Blvd., South Las Vegas, Nevada.

Corrections

Correct to read: 21821–CD–P–(5)–75, South Central Bell Telephone Company. (KKI 455), C.P. for additional facilities to operate on 454.425, 454.475 and 454.525 MHz; change antenna system and replace transmitter operating on 152.57 and 152.78 MHz. All other particulars remain as reported on PN #761 dated July 7, 1975.

Correct to read: 21826–CD–P–(2)–75, Industrial Communications. (KWH302), C.P. for additional facilities operating on 43.22 MHz. at Loc. #3: 325 Eighth Avenue, Salt Lake City, Utah; and for additional standby facilities operating on 43.58 MHz. at Loc. #1: Kessler Peak, 6 miles SW of Magna, Utah.

21266–CP–D–75, Henry M. Zachs, d/b/a Massachusetts-Connecticut Mobile Telephone Company. (KLF531), With reference to PN #745 dated March 17, 1975, correct applicant to replace Ram Broadcasting of Connecticut, Inc., and change narrative to read: C.P. to add facilities operating on 152.21 MHz. at Loc. #2: End of Cook Drive, Montville, Connecticut.

RURAL RADIO

60026–CR–P–76, The Mountain States Telephone and Telegraph Company. (New), C.P. for a new rural subscriber station to operate on 157.77 MHz. to be located 5.8 miles west-northwest of Granger, Wyoming.

60027–CR–P/L–76, Communications Engineering, Inc. (WAF796), C.P. to reinstate expired facilities operating on 158.49, 158.52, 158.55, 158.61 and 158.67 MHz. in any temporary fixed location.

60028–CR–P–76, RCA Alaska Communications, Inc. (New), C.P. for a new interoffice station to operate on 454.400 MHz. located 15 miles West of Teller, Port Clarence, Alaska.

POINT-TO-POINT MICROWAVE RADIO SERVICE

3965–CF–ML–75, New England Telephone and Telegraph Company. (KCK81), On Pico Peka, 3.5 Miles SW of Sherburne, Vermont, Lat. 43°38'23'' N., Long. 72°50'08'' W. Mod. of License to change polarization from Horizontal to Vertical on frequency 6234.3 MHz toward Dorset, Vermont on azimuth 199°10'.

16–CF–P–76, RCA Alaska Communications, Inc. (New), Eagle River, on Eagle River Road, 2 Blocks NE of Glenn Hwy., Alaska, Lat. 61°19'09'' N., Long. 149°33'50'' W. C.P. for a new station on frequency 2128.0H MHz toward Elmendorf AFB, Alaska on azimuth 245°37'.

17–CF–P–76, Same. (WJM42), Elmendorf AFB (R1–North), White Alice Communication Site, Alaska. Lat. 61°15'40'' N., Long. 149°49'45'' W. C.P. to add antenna system and frequency 2178.0H MHz toward a new point of communication at Eagle River, Alaska on azimuth 65°23'.

20–CF–MP–76, Michigan Bell Telephone Company. (KQM36), 221 North Washington Street, Lansing, Michigan. Lat. 42°44'08'' N., Long. 84°33'09'' W. Mod. of C.P. to add frequencies 3950V and 3970H MHz toward Potterville, Michigan on azimuth 231°54'; change polarization from Vertical to Horizontal on frequencies 3730, 3810, 3890 MHz and from Horizontal to Vertical on 3710, 3790, 3870, and 4110 MHz toward Potterville.

21–CF–MP–76, Same. (KQA43), 1.3 Miles East and 1.3 Miles North of Potterfield, Michigan. Lat. 42°38'44'' N., Long. 84°42'28'' W. Mod. of C.P. to add frequencies 3990V and 4010H MHz toward Lansing, Michigan on azimuth 51°47'; add 3990V MHz toward Saranac, Michigan on azimuth 306°19' and 4010V MHz toward Parma, Michigan on azimuth 174°11'; change polarization from Vertical to Horiontal on 3770, 3850, and 3930 MHz and from Horizontal to Vertical on 3750, 3830, and 3910 MHz toward Lansing.

22–CF–MP–76, Same. (KQK33), 4.2 Miles SE of Saranac, Michigan. Lat. 42°53'08'' N., Long. 85°09'12'' W. Mod. of C.P. to add frequency 3950V MHz toward Potterville, Michigan on azimuth 126°01'.

23–CF–P–76, Same. (KQA37), 3 Miles WNW of Parma at Callaha Road & Old US 12, Michigan Lat. 42°16'14'' N., Long. 84°39'23'' W. C.P. to add frequency 3970V MHz toward Potterville, Michigan on azimuth 354°13'.

24–CF–P–76, The Ohio Bell Telephone Company. (KVI38), 111 North 4th Street, Columbus, Ohio. Lat. 39°57'54'' N., Long. 82°59'51'' W. C.P. to replace transmitters and change power on frequencies 6308.4H and 11685.0H MHz toward Carroll, Ohio on azimuth 134°20'.

25-CF-P-76, Same. (KQN77), Twp. Rd. 113, 2.8 Miles SW of Carroll, Ohio. Lat. 39°46' 15'' N., Long. 82°44'25'' W. C.P. to replace transmitters and change power on frequencies 6056.4H and 10755H MHz toward Columbus, Ohio on azimuth 314°30'.

27-CF-MP-76, RCA Alaska Communications, Inc. (WAS444), Kimball Pass, 44 Miles SSE of Glennallen, Alaska. Lat. 61°30'51'' N., Long. 145°01'38'' W. Mod. of C.P. to change antenna location, elevation, path lengths and azimuths to the following points of communication: Stuck, Alaska—338°51'; Tickel, Alaska—214°11'; and Pump Station #12 Passive Reflector, Alaska—228°03'.

28-CF-MP-76, Same. (WAS457), Pump Station #12, Richardson Hwy., 48 Miles South of Glennallen, Alaska. Lat. 61°28'33'' N., Long. 145°08'37'' W. Mod. of C.P. to change tower heights, path lengths and azimuth from Passive Reflector toward Kimball Pass, Alaska to 48°01'.

29-CF-P-76, Southwestern Bell Telephone Company. (WHA84), 8181 Southwest Freeway, Houston, Texas. Lat. 29°41'24'' N., Long. 95°31'39'' W. C.P. to modify transmitter and change power on frequency 11245V MHz toward KYJ66, Houston, Texas on azimuth 67°26'.

30-CF-P-76, Same. (KYJ66), 1407 Jefferson Street, Houston, Texas. Lat. 29°44'55'' N., Long. 95°21'56'' W. C.P. to modify transmitter and change power on frequencies 10715H and 10795V MHz toward WHA84, Houston, Texas on azimuth 247°31'.

31-CF-P-76, New England Telephone and Telegraph Company. (WBO63), Albany, Chase Hill, 1.5 Miles West of Conway, New Hampshire. Lat. 43°58'32'' N., Long. 71°09'05'' W. C.P. to change alarm center location and add frequency 6093.5H MHz toward Ossipee, New Hampshire on azimuth 180°20'.

32-CF-P-76, Same. (WBO64), Bennett Hill, 2.1 Miles NW of Ossipee, New Hampshire. Lat. 43°41'55'' N., Long. 71°09'17'' W. C.P. to change alarm center location and add frequencies 6345.5H MHz toward Albany, New Hampshire on azimuth 00°30', and 6345.5V MHz toward Moultonboro, New Hampshire on azimuth 267°06'.

33-CF-P-76, Same. (WBO62), Moultonboro, Hollingsworth Hill, 3.6 Miles West of Melvin Village, New Hampshire. Lat. 43°41'25'' N., Long. 71°22'34'' W. C.P. to change alarm center location and add frequencies 6093.5H MHz toward Gilford, New Hampshire on azimuth 188°46', and 6093.5V MHz toward Ossipee, New Hampshire on azimuth 86°57'.

34-CF-P-76, Same. (KZI60), Gifford, 3 Miles ESE of Laconia, New Hampshire. Lat. 43°30'48'' N., Long. 71°24'49'' W. C.P. to change alarm center location and add frequencies 6345.5H MHz toward Moultonboro, New Hampshire on azimuth 08°45', and 11035.0V MHz toward Laconia, New Hampshire on azimuth 292°37'.

35-CF-P-76, Same. (KZI61), 762 North Main Street, Laconia, New Hampshire. Lat. 43°41'54'' N., Long. 71°28'27'' W. C.P. to change alarm center location and add frequency 11565.0V MHz toward Gilford, New Hampshire on azimuth 112°34'.

36-CF-P-76, The Mountain States Telephone and Telegraph Company. (KPY70), Bill Williams Mountain, 3.5 Miles SW of Williams, Arizona. Lat. 35°12'01'' N., Long. 112°12'16'' W. C.P. to change frequencies 5937.8V and 6056.4V MHz to 5945.2H and 6063.8H MHz toward Prescott, Arizona via Passive Reflector on azimuth 340°16'; replace transmitters and change power.

37-CF-P-76, Same. (KPL23), 140 North Marina Street, Prescott, Arizona. Lat. 34°32'36'' N., Long 112°28'01'' W. C.P. to change antenna system and frequencies 6189.8V and 6308.4V MHz to 6197.2V and 6315.9V MHz toward Bill Williams Mountain, Arizona via Passive Reflector on azimuth 17°43'; replace transmitters and change power.

4618-CF-AL-(1)-75, North Florida Telephone Company. Consent to Assignment of License from North Florida Telephone Company, Assignor, to Gulf Telephone Company, Assignee, for station KIX67, Perry, Florida.

4872-CF-TC-(9)-75, Somerset Telephone Company. Consent to Transfer of Control from Kenton E. and Elinor H. Quint, Transferors, to Telephone and Data Systems, Inc., Transferees, for the following stations located in Maine: KCK91—Sugar Loaf Mountain; KCL37—Norridgewock; KCL38—nr. North Anson; KCL39—Strong; KCL40 — Kingfield; KCL41 — Bigelow; KCL42—Stratton; KTG53—North Anson; and WBO40—King and Bartlett Mountain.

71-CF-P-76, The Bell Telephone Company of Pennsylvania. (New), Route 949, 1 Mile North of Corsica, Pennsylvania. Lat. 41°11'46'' N., Long. 79°10'58'' W. C.P. for a new station on frequencies 11465V MHz toward Clarion, Pennsylvania on azimuth 277°24', and 11465V MHz toward Hazen, Pennsylvania on azimuth 87°11'.

72-CF-P-76, Same. (New), Fifth and Liberty Street, Clarion, Pennsylvania. Lat. 41° 12'57'' N., Long. 79°23'08'' W. C.P. for a new station on frequency 11055V MHz toward Corsica, Pennsylvania on azimuth 97°16'.

73-CF-P-76, Same. (New), 2 Miles North of DuBois, Pennsylvania. Lat 41°09'47'' N., Long. 78°45'22'' W. C.P. for a new station on frequency 11465V MHz toward Hazen, Pennsylvania on azimuth 285°42'.

74-CF-P-76, Same. (New), Route 830, 1 Mile East of Hazen, Pennsylvania. Lat. 41°12'16'' N., Long. 78°57'07'' W. C.P. for a new station on frequencies 11055V MHz toward Corsica, Pennsylvania on azimuth 267°20', and 11055V MHz toward DuBois, Pennsylvania on azimuth 105°34'.

87-CF-ML-76, Andrews Tower Rental Inc. (KLN78), Lingleville, Texas. Lat. 32°14'55'' N., Long. 98°22'41'' W. Mod. of License (79-C1-R-71/6328-C1-ML-71) to replace four (4) existing transmitters with four (4) new Collins transmitters (type-MW-618) on existing frequencies 6009.5H MHz, 6226.9H MHz, 6315.9H MHz and 6404.8H MHz toward Commanche (KLN79), Texas, on azimuth 219°41'.

The following renewal applications for the term ending August 1, 1980 have been received.

South Central Bell Telephone Co.

Call sign	*Location*
KGF92	Paradis, La.
KGG21	Thibodaux, La.
KIA53	Whiteoak Mountain, Tenn.
KIA55	Spring City, Tenn.
KIA56	Lafayette, Ala.
KIB84	Coldwater, Ala.
KIB85	Trickem, Ala.
KIB86	Omaha, Ala.
KIN44	Lanett, Ala.
KIN45	Phenix City, Ala.
KIO41	Fort Mitchell, Ala.
KIT23	Huntsville, Ala.
KIT24	Town Creek, Ala.
KIT25	Sheffield, Ala.
KIU46	Morristown, Tenn.
KIU47	Knoxville, Tenn.
KIU48	Greentop, Tenn.
KIU60	Nashville, Tenn.
KIU62	Springfield, Tenn.
KIV62	Winchester, Ky.
KIV63	Stanton, Ky.
KIV64	Wellington, Ky.
KIV65	White Oak, Ky.
KIV66	Hagerhill, Ky.
KIV67	Pikeville, Ky.
KIW75	Decatur, Ala.
KIW78	Chattanooga, Tenn.
KIX57	Birmingham, Ala.
KIX60	Gadsden, Ala.
KIX66	Selma, Ala.
KIY24	Fordsville, Ky.
KIY25	Owensboro, Ky.
KIY26	Beech Grove, Ky.
KIY27	Madisonville, Ky.
KIY28	Princeton, Ky.
KIY29	Grand Rivers, Ky.
KIY30	Paducah, Ky.
KJA21	Montgomery (Houston Hills), Ala.
KJA22	Ramer, Ala.
KJA25	Troy, Ala.
KJA77	Beattyville, Ky.
KJA78	Jackson, Ky.
KJA85	Mobile, Ala.
KJB44	Camp Creek Bald, Tenn.
KJC31	Mount Vernon, Ala.
KJC32	Stapleton, Ala.
KJD27	Richmond, Ky.
KJE53	Clarksville, Tenn.
KJF99	Hazard, Ky.
KJG46	Hellier, Ky.
KJG47	Whitesburg, Ky.
KJG48	Memphis, Tenn.
KJG49	Arlington, Tenn.
KJG50	Brownsville, Tenn.
KJG51	Jackson, Tenn.
KJG54	Humboldt, Tenn.
KJG55	Lexington, Tenn.
KJG56	Lobelville, Tenn.
KJG57	Dickson, Tenn.
KJG58	Brentwood, Tenn.
KJG71	Bay Minette, Ala.
KJG72	Atmore, Ala.
KJG73	Flomaton, Ala.
KJG77	Tallassee, Ala.
KJG78	Tuskegee, Ala.
KJG79	Opelika, Ala.
KJH23	Louisville, Ky.
KJH30	Silas, Ala.
KJH31	Fruitdale, Ala.
KJH58	Warrior, Ala.
KJH59	Falkville, Ala.
KJJ58	Brooks, Ky.
KJJ59	Elizabethtown, Ky.
KJJ60	Horse Cave, Ky.
KJJ61	Smiths Grove, Ky.
KJJ62	Bowling Green, Ky.
KJJ73	Signal Mountain, Tenn.
KJJ74	Monteagle, Tenn.
KJJ75	Huntland, Tenn.
KJK51	Danville, Ky.
KJK52	Mount Vernon, Ky.
KJK53	Corbin, Ky.
KJK54	Corbin, Ky.
KJK55	Middlesboro, Ky.
KJK56	Logmont, Ky.
KJK57	Harlan, Ky.
KJK58	Bledsoe, Ky.
KJL36	Flaherty, Ky.
KJL37	Rose Terrace, Ky.
KJL76	Meridian, Miss.
KJL97	Montgomery, Ala.
KJM48	Brindley Mountain, Ala.
KJM49	Huntsville, Ala.
KJM50	Huntsville, Ala.
KJM52	Mountain View, Ala.
KJM53	Ashville, Ala.
KJM54	Elbow Gap, Ala.
KJM55	Horn Mountain, Ala.
KJM56	Goldville, Ala.
KJM57	Roxana, Ala.
KJM58	Shopton, Ala.
KJN20	Rutledge, Ala.
KJN21	Boykin, Ala.
KJN22	Evergreen, Ala.
KJN23	Birmingham (Red Mountain), Ala.
KJN24	Brewton, Ala.
KJW75	Paintsville, Ky.
KJW83	Benton Springs, Tenn.
KJW84	Copperhill, Tenn.

Call sign	Location
KJW93	Melber, Ky.
KJW94	Mayfield, Ky.
KJW95	Lynnville, Ky.
KJW96	Fulton, Ky.
KJW97	Murray, Ky.
KKA29	Olive Branch, Miss.
KKA32	Holly Springs, Miss.
KKA34	Hickory Flats, Miss.
KKA39	Ecru, Miss.
KKA74	McLaurin, Miss.
KKA75	Wiggins, Miss.
KKA76	Neely, Miss.
KKA77	Saucier, Miss.
KKA78	Gulfport, Miss.
KKA99	Gainsville, Miss.
KKB93	Talisheek, La.
KKB94	Alton, La.
KKB95	Alexandria, La.
KKK50	Magee, Miss.
KKK51	Seminary, Miss.
KKT87	Biloxi, Miss.
KKX71	Poydras, La.
KKX72	Point-a-La-Hache, La.
KKX73	Buras, La.
KLF99	Laurel, Miss.
KLG21	Hattiesburg, Miss.
KLG22	Linville, La.
KLH28	Auburn, Miss.
KLH29	Cranfield, Miss.
KLH30	Natchez, Miss.
KLJ68	Star, Miss.
KLJ77	De Kalb, Miss.
KLK81	Prairie Point, Miss.
KLK82	Columbus, Miss.
KLK84	Lafayette, La.
KLK85	Opelousas, La.
KLK86	Lebeau, La.
KLM90	Cheneyville, La.
KLM91	Alexandria, La.
KLO98	Clarksdale, Miss.
KLO99	Glendora, Miss.
KLP20	Greenwood, Miss.
KLR46	Greenville, Miss.
KLR47	Tribbett, Miss.
KLR48	Mount Pleasant, Miss.
KLR69	Waverly, Miss.
KLR70	Aberdeen, Miss.
KLR71	Tupelo, Miss.
KLS61	Quitman, Miss.
KLT34	McComb, Miss.
KLT44	Cecelia, La.
KLT45	Livonia, La.
KLT46	Baton Rouge, La.
KLT63	West Point, Miss.
KLT64	Starkville, Miss.
KLU69	New Orleans, La.
KLU70	Michoud, La.
KLU71	Slidell, La.
KLU83	Pilottown, La.
KLV92	Monroe, La.
KLW23	Flatwoods, La.
KLW24	Natchitoches, La.
KLW25	Ringgold, La.
KLW26	Martin, La.
KLW27	Shreveport, La.
KQO87	Junction City, Ky.
KRT58	Starhill, La.
KRW69	Sorrento, La.
KRW70	LaPlace, La.
KRW71	Metairie, La.
KRW72	New Orleans, La.
KRW74	Lebanon, Tenn.
KRW75	Short Mountain, Tenn.
KRW76	DeRossett, Tenn.
KRW77	Millstone Gap, Tenn.
KRW78	Lenior City, Tenn.
KTF48	Port Gibson, Miss.
KTF49	Fayette, Miss.
KTF61	Lucedale, Miss.
KTF64	Woodstock, Ala.
KTF65	Covington, La.
KTF66	Maxie, La.
KTF67	Fenton, La.
KTF68	Slagle, La.
KTF69	Leesville, La.
KTF70	Haughton, La.
KTF71	Athens, La.
KTF72	West Monroe, La.
KTF73	Vienna, La.
KTF74	Monroe, La.
KTG21	Duplex, Tenn.
KTG22	West Point, Tenn.
KTG23	Columbia, Tenn.
KTG24	Farmington, Tenn.
KTG25	Shelbyville, Tenn.
KVD75	Jackson, Ky.
KVD76	Whitesburg, Ky.
KVD77	Pikeville, Ky.
KVH85	Jackson, Miss.
KVH96	Louisa, Ky.
KVH97	Catlettsburg, Ky.
KVI26	Hokes Bluff, Ala.
KVU60	Lake Charles, La.
KVU61	Edgerly, La.
KXR57	Beattyville, Ky.
KYC46	Centerville, Ky.
KYC47	Clay Village, Ky.
KYC48	East Frankfort, Ky.
KYC49	Fern Creek, Ky.
KYC50	Fruit Hill, Ky.
KYC51	Hadley, Ky.
KYC52	Owenton, Ky.
KYC53	Oxford, Ky.
KYC54	Rosewood, Ky.
KYC55	St. Charles, Ky.
KYC87	Hawthorne, Tenn.
KYJ42	Clarksdale, Miss.
KYO22	Dutch Bend, Ala.
KYS31	Hopkinsville, Ky.
KYS34	Roanoke, Ala.
KYS48	Winchester, Ky.
KZA97	Sadieville, Ky.
KZI24	Versailles, Ky.
KZI30	Baton Rouge, La.
KZI69	Murfreesboro, Tenn.
KZI70	Lebanon, Tenn.
KZS26	Bardstown, Ky.
KZS27	East Bardstown, Ky.
KZS28	Springfield, Ky.
KZS29	Mitchellsburg, Ky.
KZS88	At any temporary fixed location within the territory of the Grantee.
WAN56	Vicksburg, Miss.
WAN57	Do.
WAN71	Morgan City, La.
WAY76	Ruston, La.
WAY83	Claysville, Ky.
WBO41	Venice, La.
WBP27	Ivy Point, Tenn.
WBP28	Oak Plains, Tenn.
WBP37	Pontotoc, Miss.
WBP38	Toccopola, Miss.
WBP39	Oxford, Miss.
WBP40	Water Valley, Miss.
WBP41	Grenada, Miss.
WBP42	Hardy, Miss.
WBP43	Holcomb, Miss.
WGE97	Jackson, Miss.
WGI28	Meridian, Miss.
WGI29	Macon, Miss.
WGI30	Louisville, Miss.
WGI31	Fearns Springs, Miss.
WHB42	New Iberia, La.
WHB43	Cleveland, Tenn.
WJM46	Fisherville, Ky.
WJM47	Mt. Eden, Ky.
WJM48	Mackville, Ky.
WKR83	Nashville, Tenn.
WKR84	Pegram, Tenn.
WQQ35	Paulding, Miss.
WQQ36	Moselle, Miss.
WQR40	Franklin, La.
WQR51	Jackson, Miss.
WSM79	At any temporary fixed location within the territory of the Grantee.

Corrections

The following renewal applications for the term ending August 1, 1980 were inadvertently omitted from the Public Notice (#761) of July 7, 1975.

Southwestern Bell Telephone Co.

Call sign	Location
KTQ97	Lubbock, Tex.
KTQ48	Slaton, Tex.
KVD97	Temple, Tex.
KVD98	Bruceville, Tex.
KXR85	Guthrie, Okla.
KXR87	Glencoe, Okla.
KXR89	Ponca City R., Okla.
KYJ47	Little Rock, Ark.
KYJ50	Pine Bluff, Ark.
KYJ66	Houston, Tex.
KYO52	Kansas City, Mo.
KYO53	Elkhorn, Mo.
KYO54	Dover, Mo.
KYO86	Abilene-Orchard, Tex.
KZI35	St. Louis, Mo.
WAN87	Kingdom City, Mo.
WAN88	Mexico, Mo.
WAS480	Dow Chemical, Tex.
WAX75	Ponca City, Okla.
WAY31	Dumas, Tex.
WAY86	Mission, Kans.
WCZ51	Texas City, Tex.
WCZ52	Liverpool, Tex.
WDD59	San Diego, Tex.
WDD60	Monte Alto, Tex.
WDE53	Alpine, Tex.
WDE 54	Chancellor, Tex.
WDE59	Ft. Stockton, Tex.
WDE60	Imperial, Tex.
WDE61	Crane, Tex.
WDE62	Midland, Tex.
WGG32	Bixby, Okla.
WGG33	Stone Bluff, Okla.
WGG34	Muskogee, Okla.
WGI70	Old Austin, Ark.
WGI71	Searcy, Ark.
WGI79	McGehee, Ark.
WHA74	Monticello, Ark.
WHA75	Star City, Ark.
WHA84	Houston KPRG-TV, Tex.
WHB32	High Point, Ark.
WHB33	Cadron Ridge, Ark.
WHB47	Hartley, Tex.

[FR Doc.75-19361 Filed 7-24-75;8:45 am]

[FCC 75R-269; Docket Nos. 20305, 20308; File Nos. BRCT-53, BPCT-4580]

POST-NEWSWEEK STATIONS, FLORIDA, INC. AND ST. JOHNS TELEVISION CO.

Memorandum Opinion and Order Enlarging Issues

In re applications of Post-Newsweek Stations, Florida, Inc. (WJXT-TV), Jacksonville, Florida, for renewal of broadcast license; St. Johns Television Company Jacksonville, Florida, for construction permit for a new television broadcast station.

1. By Order 40 FR 1301, published January 7, 1975, the Commission designated the above-captioned applications for hearing under various issues, including, *inter alia*, one inquiring into the *bona fides* of the application of St. Johns Television Company (St. Johns). Now before the Review Board is a third petition to enlarge issues, filed May 2, 1975, by Post-Newsweek Stations, Florida, Inc. (WJXT-TV) (Post-Newsweek), seeking

addition of the following issues against St. Johns: [1]

a. to determine whether the application of St. Johns Television Company was properly certified and executed by a principal thereof as required by law;

b. to determine whether St. Johns attempted to or did mislead the Commission or was lacking in candor with respect to the preparation and execution of the St. Johns Television Company application and the certifications contained therein, (1) in the application itself and/or (2) in subsequent sworn testimony with respect thereto;

c. to determine in light of the evidence adduced pursuant to the foregoing and other relevant evidence whether St. Johns should be disqualified or a comparative demerit assessed.

2. In support of the requested issues, Post-Newsweek first points out that the original St. Johns application recites that it is "[s]igned and dated this 2nd day of January, 1973," by Edward L. Baker, a St. Johns principal, beneath a certification that "the statements in this application are true, complete, and correct to the best of my knowledge and belief, and are made in good faith." Petitioner alleges that, contrary to these statements and the express instructions of Section I of FCC Form 301,[2] certain exhibits were not prepared prior to Baker's certification; that Baker knowingly signed the allegedly incomplete application on January 1, 1973, but left it undated; that exhibits prepared on January 2 were backdated to January 1 to negate the inference that Baker's certification occurred prior to finalization of the application; and that only subsequently on January 2, 1973 was the application finalized, dated, and filed by St. Johns' Washington counsel. Petitioner further asserts that Baker's sworn deposition testimony is intentionally misleading and gives the erroneous impression that he was familiar with the entirety of the application at the time of his certification and signature on January 1. Specifically, in support of an issue inquiring into the candor of Baker's testimony, petitioner cites as misleading Baker's answer to the following question put to him by counsel for Post-Newsweek:

Q. When you told Mr. Sweeney that you were aware of the various exhibits that he pointed out to you, did you have in mind your awareness of them at the time that the application was put before you for review and signature?

A. Yes, sir.[3]

(Baker deposition, page 89.)
(Baker deposition, pages 35–36.)

In addition to attaching a transcript of Baker's testimony, Post-Newsweek also submits in support of its petition transcripts of deposition testimony of two former counsel for St. Johns who assisted in the preparation of the application and an affidavit from one of the two attorneys. The Broadcast Bureau supports addition of the requested issues.

3. St. Johns, in opposition, states that Baker "either supplied, helped obtain, or was aware of substantially all of the information" to be included in the application when he signed it on January 1. St. Johns acknowledges that the application was finalized and dated on January 2 by its Washington counsel but states that the completed application was reviewed by Baker on January 2, by telephone, at which time Baker authorized the dating and filing of the application. With regard to Baker's deposition testimony, St. Johns asserts that Baker's testimony was always truthful and that his assertion that he was familiar with the contents of the application when put before him for review and signature was predicated on his belief that the application was "put before him" for review over the telephone by his attorneys on January 2. Finally, St. Johns states that petitioner has not demonstrated that any exhibits were prepared on January 2 and that, moreover, the dating of the exhibits is irrelevant since Baker reviewed the application by phone prior to filing.

4. In reply, Post-Newsweek attaches a handwritten draft, dated January 2, 1973, of St. Johns' programming exhibit. Noting that the exhibit is dated January 1 in the application,[4] petitioner submits that the foregoing, in conjunction with the previously submitted affidavit and deposition testimony of the two attorneys who helped prepare the St. Johns application, demonstrates that the proposed programming exhibit was prepared subsequent to Baker's written certification on January 1.[5]

5. The Review Board will add the requested issues. Initially, we believe that Post-Newsweek has raised a serious question as to whether St. Johns has complied with the signature certification requirements of FCC Form 301. By placing his signature beneath the certification, Baker assumed the responsibility for, and acknowledged the completeness, accuracy, and correctness of, the representations and information contained in the application at time of signature. However, it appears, first, that Baker's signature was affixed on January 1, not January 2, as represented in the application,[6] and second, that his signature on January 1 was to an incomplete application which, at minimum, did not contain the programming exhibit, which appears to have been prepared some time thereafter.[7] As the Court stated in *Johnston Broadcasting Co.* v. *Federal Communications Commission*, 175 F. 2d 351, 354 (D.C. Cir. 1949), "[n]o one can swear to an event which has not yet transpired, or to material which is not yet in existence." Furthermore, the fact that the completed application may have been read to Baker subsequently over the telephone for oral authorization to date and file would not cure the defect. The Commission has long held that:

> * * * no material [may] be added to an application once it has been signed by the licensee * * * unless the application is thereafter redated, resigned, and reverified. *WMOZ, Inc.*, 36 FCC 201, 218 (1964).[8]

6. The circumstances presented to us also raise a substantial question as to whether St. Johns' application was postdated to make it appear that Baker's signature was to a completed application. That is, Baker's testimony, quoted in

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[1] Also before the Review Board are the following related pleadings: (a) request for permission to file corrections, filed May 22, 1975, by Post-Newsweek; (b) opposition, filed May 27, 1975, by St. Johns; (c) comments, filed May 27, 1975, by the Broadcast Bureau; and (d) reply, filed June 6, 1975, by Post-Newsweek. The unopposed request for permission to file corrections will be granted.

[2] The certification instructions of Section I, page 2 of FCC Form 301 state: "This section should not be signed and dated until all the following sections and exhibits have been prepared and attached.".

[3] Post-Newsweek also cites the following exchange as support for its position:

Q. At some point during the weekend did you have an occasion to review the original application as it was filed to the FCC, which is now before us, either all at once or piece-by-piece?

A. Do you mean this entire document?

Q. Yes, sir.

A. Yes, sir. We went through it.

Q. Now, did you go through it with the Washington lawyers?

A. I'm pretty sure that we did.

Q. And did they explain to you each section and each exhibit as you came to it, what was involved and what it contained?

A. Yes, sir.

[4] Also submitted is a handwritten draft, dated January 2, 1973, of a segment of St. Johns' financial exhibit, which in the application is dated January 1.

[5] According to one of St. Johns' former attorneys, the results of the general public and community leader surveys were telephoned, subsequent to Baker's signature, to a paralegal in their Washington law office, who then began drafting the programming exhibit.

[6] The certification on Section I, page 2 of FCC Form 301 states, *inter alia*, "[s]igned *and* dated this 2nd day of January, 1973." (Emphasis added.)

[7] See note 2 *supra*. We note that the handwritten draft of the programming exhibit dated January 2, which petitioner submits, is a verbatim copy of the exhibit in the application dated January 1.

[8] With respect to the programming exhibit, we note that Baker also apparently signed Section IV–B of the application on January 1. Signing of Section IV–B "* * * IS A REPRESENTATION THAT THE PERSON IS FAMILIAR WITH THE CONTENTS OF THIS SECTION AND ASSOCIATED EXHIBITS, AND SUPPORTS AND APPROVES THE REPRESENTATIONS THEREIN ON BEHALF OF THE APPLICANTS."

paragraph 2, *supra*, suggests his familiarity with the entirety of the application at the time of signature which, for the reasons stated earlier, does not appear to be the case. Furthermore, Baker made no effort to correct this impression in his testimony or to explain how the application was actually completed. Moreover, the following exchange, not cited by petitioner, appears to support its position with respect to Baker's candor:

Q. The application is signed by you on January 2, 1973. Is that correct?
A. Yes, sir.*

Finally, the verbatim copies of St. Johns' programming exhibit and a portion of its financial exhibit raise an additional question as to whether these or other exhibits were backdated to conceal the fact that they were not prepared prior to signature. For these reasons, an evidentiary inquiry is warranted.

7. Accordingly, *it is ordered*, That the request for permission to file corrections to third petition to enlarge issues, filed May 22, 1975, by Post-Newsweek Stations, Florida, Inc. (WJXT-TV) IS GRANTED; and

8. *It is further ordered*, That the third petition to enlarge issues, filed May 2, 1975, by Post-Newsweek Stations, Florida, Inc. (WJXT-TV) is granted; and

9. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

(a) to determine whether the application of St. Johns Television Company was properly certified and executed by a principal thereof in accordance with FCC requirements;

(b) to determine whether St. Johns Television Company attempted to or did mislead the Commission or was lacking in candor with respect to the preparation and execution of its application and the certification contained therein, (1) in the application itself and/or (2) in subsequent sworn testimony with respect thereto;

(c) to determine in light of the evidence adduced with respect to the foregoing issues whether St. Johns Television Company possesses the requisite and/or comparative qualifications to be a Commission licensee.

10. *It is further ordered*, That the burden of proceeding with the introduction of evidence under the issues added herein shall be on Post-Newsweek Stations, Florida, Inc., (WJXT-TV) and the burden of proof shall be on St. Johns Television Company.

Adopted: July 17, 1975.

Released: July 23, 1975.

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

[FR Doc.75-19359 Filed 7-24-75;8:45 am]

[Do. 18262; FCC 75-833]

RADIO SERVICES

Memorandum Opinion and Order (Proceeding Terminated)

In the matter of an inquiry relative to the future use of the frequency band 806-960 MHz; and amendment of Parts 2, 18, 21, 73, 74, 89, 91, and 93 of the rules relative to operations in the Land Mobile Services between 806 and 960 MHz re clarification of 39 F.R. 16831 and 40 F.R. 14451.

1. We have before us for consideration pleadings filed by a number of parties to this proceeding[1] seeking reconsideration of certain orders adopted by us in this rule making. *Land Mobile Radio Service, Second Report and Order*, Docket No. 18262, 46 FCC 2d 752 (1974), 39 FR 16831 (May 10, 1974), *on reconsideration, Land Mobile Radio Service, Memorandum Opinion and Order*, Docket No. 18262, 51 FCC 2d 938 (1975), 40 FR 14451 (March 31, 1975). The issues raised by these parties are all related; and we will review and dispose of them together in this opinion.

2. First, Airsignal, GTESC and NARS ask that we reconsider a number of findings and conclusions as to our regulatory plan for cellular, trunked and conventional systems of communication. They want these matters decided in a different way; and advance reasons and arguments in support of the positions they take. However, upon review, we find that the issues they raise and the arguments they advance in support of their positions are substantially the same, if not identical, to those previously raised and were disposed of in our previous opinions and orders in this proceedings. Nevertheless, since some changes were made in our original decision, we have considered these arguments, but we are not persuaded to modify our orders on the questioned points; and accordingly, we affirm the *Second Report and Order* as modified on prior reconsideration by the referenced *Memorandum Opinion and Order* of March, 1975.

3. In addition, General Electric and NARS ask that we clarify our orders with respect to possible licensing of "community repeaters" at 900 MHz.[2] Both General Electric and NARS feel that authorizating of such "mobile relay" systems under existing "multiple licensing" practices would be contrary to our announced regulatory scheme for "conventional" and "trunked" facilities in this band, with NARS also contending that "multiple licensing" would be in conflict with the Court's stay order in this case.[3]

4. As to these matters, we want no confusion as to the licensing policies to be followed at 900 MHz; and we would not, of course, take any action which we believed would be inconsistent with the referenced mandate of the Court of Appeals. Thus, we will grant the relief General Electric and NARS ask to the extent of clarifying our orders in the areas to which these parties direct our attention.

5. Parenthetically, as to "multiple licensing," we would point out that the term simply denotes the administrative practice followed by us for many years in authorizing certain types of sharing arrangements in the Public Safety, Industrial, and Land Transportation Radio Services. Under these arrangements, an "eligible user" is issued an individual license to "time share" a particular radio transmitter with other "eligible users" (who are also individually licensed) in situations in which it is feasible for him to do so.

6. In such cases, each "user" (eligible) is the "licensee." He, thus, is the person upon whom we confer the "right to operate" on the "assigned frequency or frequencies." He is the one who is held responsible to us for employing the system only for authorized purposes. He may use it only to transmit "permissible communications;" and he may operate the "RF" device licensed to him only in ways that are consistent with the "service" in which his station is licensed.

7. The equipment company involved in the arrangement[4] has no parallel rights or privileges. It cannot operate the system. It is not entitled (as the licensee" is) to "use" the "assigned" portion of the "radio spectrum" for any purpose, i.e., the rights of the "licensee" do not extend to the third-party equipment company. And, significantly we think, should the "licensee" abandon the "use" of the supplier's radio gear, the "assigned spectrum" follows the "licensee" and the equipment company has no residual

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* Baker deposition, page 39.

[1] Petition for Reconsideration and Suggestion for Suspension of Effective Date, filed April 30, 1975, by the National Association of Radiotelephone Systems (NARS); Petition for Partial Reconsideration, filed April 30, 1975, by GTE Service Corporation (GTESC), and Comments by Airsignal International, Inc. (Airsignal), filed April 30, 1975. Response to Petition for Reconsideration, filed May 23, 1975, by the General Electric Company (General Electric). And additionally, Petition for Clarification Or, Alternatively, for a Declaratory Ruling and Supplement to Petition for Clarification, filed by General Electric on May 23, 1975, and June 23, 1975, respectively. And, lastly, Petition to Refrain from Granting Licenses Pursuant to Applications filed for Authorization in the 900 MHz Band Involving Entrepreneurial Community Repeater Operations, submitted June 19, 1975, by NARS, and the responsive pleadings directed the NARS petition and to General Electric's Supplemental Request of June 23, 1975.

[2] "Community repeater" operation is described in some detail in our notice in Docket No. 18921. We rely on that description and will not redefine the arrangement here. See *Multiple Licensing—Safety and Special Radio Services*, Docket No. 18921, *infra*, at para. 8.

[3] See *Order*, June 10, 1975, United States Court of Appeals for the District of Columbia Circuit, *National Association of Regulatory Utility Commissioners, et al.* v. *Federal Communications Commission, et al.*, Case Nos. 74-1585, 74-1659, and 74-1696. In pertinent part, the *Order* recites: ". . . that the FCC order under review is stayed pending appeal to the extent that it authorizes the assignment of operation of radio spectrum space to *Specialized Mobile Radio Systems*." (Emphasis supplied.)

[4] In every case, whether it involves an arrangement in the "private" services or a common carrier operation, there must be some third party to manufacture and supply and, at times, to maintain the physical radio gear used in systems of radiotelecommunication, i.e., in systems in which messages are transmitted through space by means of radiated energy of electromagnetic waves. And this is so regardless of whether the generator (transmitter) of electromagnetic waves is shared or not.

rights insofar as its "use" is concerned. Thus, statutory rights pertaining to renewal of licenses do not apply to it. Those dealing with modification of licenses are not ones that it can resort to. Nor do the provisions of Section 312 of the Act (revocation) afford such a business entrepreneur procedural recource of any kind. In summary, then, in the "private" land mobile radio services, particularly in the environment in which those services have been constituted, the role of the equipment supplier is just that, i.e., a person who supplies equipment.

8. While we have recognized some problems with our "multiple licensing" practices, those are being reviewed in our rule-making proceeding in Docket No. 18921. *Multiple Licensing—Safety and Special Radio Services*, Docket No. 18921, 24 FCC 2d 510 (1970), 35 F.R. 12007 (July 25, 1970). There we are studying the matter in the full light of the comments filed by the parties to that proceeding with a view toward possible strengthening our regulatory procedures applicable to that practice. However, we made it clear in that Docket that we intended to continue the practice as one which is "not unlawful" and which is "often necessary and desirable" in the public interest. *Multiple Licensing—Safety and Special Radio Services, supra*, at p. 518. In these circumstances, we do not believe we should foreclose the benefits of "multiple licensing" at 900 MHz, particularly in light of our determinations in that proceeding.

9. In short, while there are some "similarities" between the sharing arrangements authorized under our licensing practices for "community repeaters" and those that are to apply to Specialized Mobile Radio Systems, to be "licensed" under § 89.604(c) of the new Subpart S,[8] we do not view them as substantive likenesses which require the conclusion NARS suggests. It should be emphasized that under Section 89.604(c) an entrepreneur, who need not be otherwise eligible for licensing as a user, would be assigned ("licensed to use") a portion of the radio spectrum to provide radio service to eligible users. This is not the case with the 'community repeater" arrangements we refer to.

10. Thus, we looked upon SMRS licensing as "an important additional option for eligibles in" the Public Safety, Industrial, and Land Transportation Radio Services (*Land Mobile Service, Memorandum Opinion and Order*, Docket No. 18262, *supra*, at p. 956), and "multiple licensing" was not specifically excluded. However, we acknowledge that the practice may have limited application at 900 MHz. There we plan to assign frequencies on a "first-in" "first-out" basis and there will also be "vertical" loading. These features will for practical reasons restrict "multiple licensing" of "community repeaters." But, to be clear, "multiple licensing" is not barred under our new Subpart S regulations; nor do we feel the Court intended its mandate to extend to this established administrative practice. We do not so construe the Court's order.

11. In view of the foregoing, *It is ordered*, That the referenced petitions for reconsideration filed by the National Association of Radiotelephone Systems, GTE Service Corporation, and Airsignal International, Inc., on April 30, 1975, ARE DENIED.

12. *It is further ordered*, That the "Suggestion for Suspension of Effective Date," filed April 30, 1975, by the National Association of Radiotelephone Systems, is denied.

13. *It is further ordered*, That the Petition for Clarification Or, Alternatively, for A Declaratory Ruling, filed May 23, 1975, by the General Electric Company, and the Petition to Refrain from Granting Licenses Pursuant to Applications filed for Authorization in the 900 MHz Band Involving Entrepreneurial Community Repeater Operations, filed June 19, 1975, by the National Association of Radiotelephone Systems, to the extent indicated in the opinion above, ARE GRANTED.

14. *It is further ordered*, That the Supplement to Petition for Clarification, filed June 23, 1975, by the General Electric Company, is dismissed as moot.

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

Adopted: July 16, 1975.

Released: July 18, 1975.

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

[FR Doc.75-19355 Filed 7-24-75;8:45 am]

[8] Section 89.604(c) pertains to "eligibility" for "licensing" and reads: "Any person or entity * * * proposing to provide, on a commercial basis, base station and ancillary facilities for the use of persons or entities eligible under Part 89, 91, or 93 of this capter." It creates a "new" eligibility classification; permits "operation" of a "new" class of radio station; and extends our "licensing" processes to a "new" type of arrangement created under and structured through our "new" 900-MHz allocation and assignment and licensing processes and procedures and practices.

FEDERAL MARITIME COMMISSION

[No. 75-27]

ABBOTT LABORATORIES V. VENEZUELAN LINE

Filing of Complaint

JULY 21, 1975.

Notice is hereby given that a complaint filed by Abbott Laboratories against Venezuelan Line was served July 21, 1975. The complaint alleges that complainant has been subjected to ocean freight charges in excess of those lawfully applicable, in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter shall commence on or before January 21, 1976.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-19383 Filed 7-24-75;8:45 am]

[Docket No. 72-43]

CRITERIA FOR ESTABLISHING LEVEL OF MILITARY RATES NOT DETRIMENTAL TO COMMERCE

Order of Investigation and Hearing on Remand

The Commission reopened this docket on January 31, 1975, and invited interested parties to request further proceedings on issues relevant to the validity of the Commission's General Order 29—its rules establishing a minimum rate floor for military cargo (46 CFR Part 549).[1] "Requests for Supplementary Proceedings" were received from only four parties: United States Lines, Inc. (USL); American President Lines, Ltd. (APL); Sea-Land Service, Inc. (Sea-Land); and the Military Sealift Command of the Department of Defense (MSC). The following issues were proposed in these four Requests:

(1) Whether the Commission possesses jurisdiction to establish a military cargo rate floor under Section 18(b)(5) of the Shipping Act, 1916;

(2) Whether there is a continuing need for General Order 29 in light of constantly changing ocean shipping rates;

(3) Whether fully distributed costs is an appropriate rate floor standard for military cargo (§ 549.3);

(4) Whether interest should be treated as an expense item in determining fully distributed costs (§ 549.8(a));

(5) Whether the use of an Uniform Capacity Utilization Factor in determining fully distributed costs unfairly discriminates against efficient, high utilization carriers and unreasonably denies them low bid opportunities (§ 549.5(b));

(6) Whether operating differential subsidy should be excluded from carrier costs in determining fully distributed costs (§ 549.6(b));

(7) Whether the cost experience period employed in determining fully distributed costs should be altered (§ 549.5(a));

[1] This action was taken pursuant to an order of the United States Court of Appeals for the District of Columbia Circuit which left standing the Commission's November 28, 1972 and July 26, 1973 Orders in Docket No. 72-43, but stated:

"* * * the case is remanded to the Federal Maritime Commission with directions to reopen the record and to take such further relevant evidence in support of and opposed to the Regulation (General Order 29) as the parties may offer and thereafter to make such further findings and conclusions as the Commission may find to be appropriate * * *." *Sea-Land Service, Inc. v. Federal Maritime Commission*, Case No. 73-1204, December 19, 1974.

(8) Whether "Container Pay Load Day" figures should be eliminated from General Order 29 determinations and replaced with a "Per Diem Container Use Cost" entry (§ 549.7);

(9) Whether the accounting guidelines of the Maritime Administration's General Order 12 should replace those of the Commission's General Order 11 in making military rate costs calculations (§ 549.8);

(10) Whether there should be a further escape or "exceptional circumstances" clause in General Order 29 in addition to those adjustments already permitted by § 549.5.

(11) Whether breakbulk cargoes should be exempted from General Order 29's minimum rate floor requirements;

(12) Whether General Order 29 should be expanded to include a minimum rate floor for civilian as well as military cargo.

Most of these proposals simply request amendment or reconsideration of various aspects of the military rate rules based upon broad policy grounds. The parties' conclusory remarks contain little or no specific relevant evidence or argument concerning unreasonable deficiencies in the practical application of the Commission's present regulations, despite our express directive that offers of proof be submitted with all "Supplementary Proceeding" submissions. APL and USL were opposed to holding evidentiary hearings on any of their briefly stated proposals to amend General Order 29 (Items 7–11 above), but merely want an opportunity to submit further written comments on these topics.

The Court of Appeals' Order in Sea-Land Service, Inc., supra, remanded Docket No. 72–43 for the purpose of correcting possible deficiencies in the Commission's previous rule making proceedings. If the entire basis of General Order 29 were faulty, the Order would surely have contained a specific statement to that effect. It is clear, however, that the court did not intend for the Commission to entertain repetitious arguments on legal or policy questions it had heard before or to conduct further rule making on proposals for modifying General Order 29 which do not directly concern the validity of its current provisions. Under the Commission's established procedures, such matters could have been raised by interested parties at any time, without regard to the court's Order of Remand.

With only three exceptions, the above-listed issues are either policy matters which have been fully argued and resolved in previous Docket No. 72–43 proceedings, are presently before the Commission in other proceedings (e.g. Docket No. 72–65), or would be best considered after the Commission institutes its forthcoming standardized cost information reporting system. Accordingly, for the reasons stated below, further investigation in the instant docket will be ordered only on Item 5—the reasonableness of General Order 29's optional Uniform Capacity Utilization Factor (USUF) in determining an ocean carrier's fully distributed per unit costs for military rate bidding purposes.

AUTHORITY TO ADOPT GENERAL ORDER 29 (ITEM 1)

Only MSC questions the Commission's jurisdiction to establish a minimum rate floor for military cargo. MSC has raised this argument in other pending Commission dockets, but neglected to mention any jurisdictional limitations in Docket No. 72–43 until that proceeding was before the Court of Appeals. MSC now requests a hearing to examine, *inter alia*, our Section 18(b)(5) authority and states "it is pointless to continue this proceeding if the Commission lacks the authority to promulgate a rule like General Order 29." We agree that this issue should be addressed by the Commission, but believe it would be equally pointless to conduct an evidentiary hearing to entertain further argument on an obvious point of law fully briefed in Sea-Land Service, Inc. v. Federal Maritime Comission, supra. We now hold that the Commission possesses ample jurisdiction to regulate military rates by substantive rules of future application.

General Order 29 does not violate due process by eliminating the hearing requirement of Section 18(b)(5). The minimum rate floor merely provides substantive standards for resolving military rate disputes. In this regard, General Order 29 operates in the same manner as General Order 9 (46 CFR 523.2 et seq.) in regulating carrier conference agreements. General Order 9 was upheld in Pacific Coast European Conference v. Federal Maritime Commission, 376 F.2d 785 (D.C. Cir. 1967), even though Section 15 also requires a hearing before final disapproval of a conference agreement.

There can be no doubt that modern administrative agencies may promulgate rules of general application and apply them to bar those in noncompliance from certain actions without providing individual adjudicatory hearings on the same questions addressed by the rules. Federal Power Commission v. Texaco, 377 U.S. 33 (1964); National Petroleum Refiners Assn. v. Federal Trade Commission, 482 F.2d 672 (D.C. Cir. 1973), cert. den., 415 U.S. 951 (1974); California Citizens Band Assn. v. United States, 375 F.2d 43 (9th Cir. 1967); American Airlines, Inc. v. Civil Aeronautics Board, 359 F.2d 624 (D.C. Cir. 1966). The Commission's authority to enact substantive rules under Section 43 of the Shipping Act is essentially equal to the rule making powers of other regulatory agencies. FMC regulations aimed at preventing potential rather than existing Shipping Act violations have been upheld on numerous occasions. E.g., Pacific Coast European Conference v. Federal Maritime Commission, 350 F.2d 197 (9th Cir. 1965), cert. den., 382 U.S. 958; Alabama Great Southern R. Co. v. Federal Maritime Commission, 379 F.2d 100 (D.C. Cir. 1967); Outward Continental North Pacific Conference v. Federal Maritime Commission, 385 F.2d 281 (D.C. Cir. 1967); New York Freight Forwarders and Brokers Assn. v. Federal Maritime Commission, 337 F.2d 289 (2d Cir. 1964), cert. den., 380 U.S. 910 (1965).

Section 18(b)(5) authorizes the Commission to disapprove rates which are so low as to be "detrimental to the commerce of the United States." The plain language of the statute provides no basis for exempting noncommercial military cargo from its coverage and the legislative history does not even mention such a possibility. The term "commerce" is a broad one which includes shipping lines and other instrumentalities which facilitate trade as well as export goods themselves, and low rates injurious to the American shipping industry are a fortiori injurious to the nation's commerce. See Seas Shipping Co. v. American South African Line, Inc., 1 U.S.S.B. 568, 583 (1936). Both the commerce of the United States and the mission of the Military Sealift Command benefit greatly from a healthy United States merchant marine.

There is also no question but that Congress intended Section 18(b)(5) to permit the Commission to regulate the rates of individual ocean carriers as well as rates set by carrier conferences. Again, the language of the statute contains no express limitations of any kind, while the legislative history reveals a deliberate intention not to limit the FMC's authority over foreign commerce rates to conference rates. The proscription against unreasonably low foreign commerce rates now found in Section 18(b)(5) was originally introduced as an amendment to Section 15 of the Shipping Act which applied only to conference rates (H.R. 4299). This amendment was then revised to include individual carrier rates as well and was moved to Section 18(b) on September 20, 1961 by a joint conference committee. Senate Committee on Commerce, Index to Legislative History of the Steamship Conference/Dual Rate Law, S. Doc. No. 100, 87th Cong., 2d Sess. (1962), at 51 and 443.

The fact that a minimum rate floor may occasionally result in higher rates for MSC cargo than would otherwise be the case presents no legal barrier to the adoption of General Order 29. The government enjoys no special status as a shipper under most federal common carriage statutes, including the Shipping Act, 1916. E.g., United States v. Associated Air Transport, Inc., 275 F.2d 827, 838 (5th Cir. 1960); cf. American Export Isbrandtsen Lines v. Federal Maritime Commission, 380 U.S. 609, 620 (D.C. Cir. 1967). Whatever authority Section 6 of the Intercoastal Shipping Act of 1933 (46 U.S.C. 846) might previously have provided to support a claim to reduced government shipping rates vanished with the recent repeal of that section (P.L. 93–487, 88 Stat. 1463, effective October 26, 1974). Neither does the Armed Services Procurement Act (10 U.S.C. 2341 et seq.) entitle the Defense Department to especially low rates, for that Act is concerned only with the use of competitive methods of procurement which will result in "responsible sources" of bidding

at "reasonable and fair" prices so as to minimize the military's long-run costs. It does not guarantee MSC short-run windfalls. One of the purposes of the bill (H.R. 1366) finally adopted as the Armed Services Procurement Act was to eliminate the prior practice of blindly awarding contracts to the lowest price bidder. Sen. Report No. 571, 80th Cong., 2d Sess. (1947), 1948 U.S.C.C.A., Vol. 2, at 1049–1050. General Order 29 does not affect MSC's bidding methods; it only affects the prices MSC pays in certain circumstances.

Moreover, 10 U.S.C. 2304(g) exempts all procurements in which rates are "fixed by law or regulation" from mandatory Procurement Act procedures and the Comptroller General has ruled that rates affected by Section 18(b)(5) are "fixed by law" within the meaning of this section. Op. Comp. Gen. B–163964 (October 11, 1968).

Whatever uncertainty existed concerning the Commission's jurisdiction to set standards governing the level of military cargo rates under Section 18(b)(5) prior to Docket No. 72–43, it has been resolved by the Court of Appeals' action in remanding the General Order for further administrative consideration after hearing MSC's arguments opposing FMC jurisdiction. If there were any substantial likelihood that jurisdiction was lacking, the Court's remand would be pointless in the extreme. Moreover, in a Petition for Rehearing or Clarification, dated December 31, 1974, the Commission advised the Court that it interpreted the remand order as affirming the Commission's authority to adopt a minimum military rate floor and requested guidance if this conclusion were deemed erroneous. This petition was denied without comment, a factor which indicates judicial affirmance of the Commission's interpretation.[5]

THE CONTINUING NEED FOR GENERAL ORDER 29 (ITEMS 2 AND 11)

MSC also requests a hearing on whether improved economic conditions in the shipping industry have lessened the need for a military rate floor and APL would have the Commission consider exempting breakbulk cargo from General Order 29. Both proposals do not depend upon questions of fact, they are actually requests for policy changes and are beyond the scope of the Court's remand. MSC in particular has failed to recognize that General Order 29's rate floor is not and need not be based upon a finding that American flag carriers are actually losing money in a particular military trade or on a particular type of military cargo. The rule rests upon a far broader factual premise.

The Sealift Procurement and National Security Study (SPANS) and the basic principles of economics fully document the one necessary condition for a military rate floor—MSC's competitive procedures can force carriers into noncompensatory rates during periods of overtonnage. Rates below fully distributed costs may not occur at all times or in all trades, but they have consistently appeared whenever carriers with excess capacity and high fixed costs bid competitively for MSC's large cargoes. The harmful effect of such cut-throat competition among American flag carriers is the evil against which General Order 29 is intended to guard. The cyclical nature of the ocean shipping industry is the primary cause of this evil and a factual inquiry into the present profitability of various MSC trade routes would serve no purpose. When space is limited, carriers are apt to bid above fully distributed costs and a temporary elimination of the rate floor would not benefit MSC. Similarly, a tendency for rates to be higher in military breakbulk trades would not justify amending the rules to exempt breakbulk cargo. Regardless of temporary profit and loss figures, the fact remains that losses sustained in carrying military cargo produce pressures likely to reduce the capacity of the American flag fleet or raise commercial shipping rates or both. An evidentiary hearing to determine the exact economic interplay of various rates floors in a variety of business climates is not a prerequisite to the adoption of prophylactic rules intended only to prevent undue income reductions during "bad times."

THE EFFECT OF CIRS ON GENERAL ORDER 29 (ITEMS 7, 8, 9, AND 10)

One of the SPANS study's recommendations was for the Commission and the Maritime Administration to develop a standardized cost information reporting system (CIRS) which would use automated equipment to process the complex cost accounting information and other statistical data submitted by reporting carriers. Among other advantages, a CIRS would facilitate FMC review of information involved in determining whether military cargo bids meet fully distributed costs. A consulting firm has already designed a basic accounting system and data processing plan for use by Marad and the Commission. The next step calls for the preparation and publication of suitable notices of proposed rule making, a task which should be completed by the end of the year. The adoption of CIRS will require significant modifications in both the Maritime Administration's General Order 12 and the Commission's General Order 29, particularly in regard to cost allocations. Accordingly, our further inquiry in Docket No. 72–43 will not include an examination of detailed accounting matters likely to be affected by the soon to be proposed standardized cost reporting system—especially since the parties have presented nothing to indicate how the proposed accounting issues are related to the lawfulness of General Order 29 as it now exists.

REMAINING MATTERS (ITEMS 3, 4, 6, 7, 8, 9, 10 AND 12)

MSC has seized upon the Commission's January 31st Order on Remand to raise several questions that were argued and then reargued on reconsideration in earlier Docket No. 72–43 proceedings (Items 2, 4, 6, and 12). APL has deemed it appropriate to present us with some of the specific issues that are pending decision in FMC Docket No. 72–65 following an evidentiary hearing into certain APL military rates (Items 7, 8, 9, and 10). None of these issues are within the scope of the present proceeding. As noted above, we do not interpret the Court of Appeals' Order as mandating a wholesale reopening of General Order 29, but as only requiring further examination of those matters which may not have received legally adequate consideration in 1972 and 1973. Based upon the comments received in response to our January 31st order, the only issue within this category is the issue concerning UCUF (Item 5).

UCUF (ITEM 5)

Sea-Land asserts the use of even an "optional" UCUF in calculating fully distributed costs unreasonably distorts cost figures to the point that inefficient, low utilization carriers are transformed into low cost carriers for military bid purposes. In order to prove this claim Sea-Land will require access to certain types of actual experience cost data from the various American flag carriers bidding on military cargo for the two MSC RFP 900 bidding cycles, as well as testimony from the Commission's staff concerning the procedures followed in calculating UCUF figures for MSC trade routes. The information sought by Sea-Land against parties and nonparties alike is apt to be both detailed and controversial. It is evidence which can best be developed in a full hearing before a qualified administrative officer who will initially determine the exact nature and extent of discovery necessary and appropriate under the circumstances.

Therefore, *it is ordered*, That reopened Docket No. 72–43 be assigned for public hearing before an appointee of the Commission's Chief Administrative Law Judge and that the hearing be held at a date and place to be determined by the presiding officer, but shall, in any event, commence not later than January 21, 1976;

It is further ordered, That the issue to be resolved be limited to whether the Uniform Capacity Utilization Factor specified in Section 549.5(b) of the Commission's Rules should be amended or revoked as an arbitrary, unreasonable and discriminatory device for allocating per unit cost for military cargo bidding purposes;

[5] In similar circumstances, the District of Columbia Circuit has stated:

"* * * where an administrative agency expresses in a petition for clarification a good faith interpretation of an opinion remanding a proceeding to it for further consideration, a court's decision not to clarify the opinion should be relevant to a later court's review of the agency's compliance with the remanding opinion." Air Line Pilot's Assn. Int'l. v. Civil Aeronautics Board, 494 F.2d 1118, 1128, n. 42 (1974).

It is further ordered, That the burden of proceeding with the evidence shall be upon Sea-Land Service, Inc.;

It is further ordered, That Sea-Land Service, Inc., the Military Sealift Command of the Department of Defense, American President Lines, Ltd., United States Lines, Inc., and the Commission's Bureau of Hearing Counsel shall be parties to this further proceeding, and that other American flag carriers participating in either of MSC's RFP 900 bidding cycles be permitted to intervene upon filing written notice with the presiding officer not later than sixty (60) days from the date of this Order;

It is further ordered, That the Secretary forthwith cause this Order to be published in the FEDERAL REGISTER and also serve copies on all of the parties and potential parties indicated above.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary*.

[FR Doc.75-19384 Filed 7-24-75;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to 46 CFR Part 542.

Certificate No.	*Owner/operator and vessels*
01113	A/S J. Ludwig Mowinckels Rederi: *Vinga.*
01252	Aktieselskapet Havtor: *Havfru.*
01533	Henry Nielsen OY/AB: *Nan Fung.*
01558	Nolarma-Noleggi & Armamento S.N.C.: *Gioia Patrizia.*
01805	Suisse-Atlantique Societe D'Armement Maritime S.A.: *Diavolezza, Romandie.*
01821	Scottish Tanker Co. Ltd.: *King Richard.*
01832	Aruba Tankers Corporation: *World Dignity.*
01854	Southern Towing Co.: *STC-2521B, Memphis, STC-2002, STC-2506, STC-2507, STC-2001, STC-3022, STC-3023, STC-1524B, STC-1525B, STC-1526B.*
01861	BP Tanker Company Limited: *British Resource.*
01910	Deutsche Dampschiffahrtsgesellschaft "Hansa": *Goldenfels.*
01935	Partnership Between Steamship Company Svendborg Ltd. and Steamship Company of 1912 Ltd.: *Albert Maersk, Adrian Maersk, Arnold Maersk.*
02038	Polskie Linie Oceaniczne: *Ludwik Solski.*
02186	Ore Shipping Corporation: *Burnside, Conalco.*
02246	Blue Star Line Ltd.: *Andalucia Star.*
02198	Peninsular & Oriental Steam Navigation Company: *Ardmay, Ardmore.*
02363	Rederiet Otto Danielsen: *Ketty Danielsen.*
02415	Doro-Schiffahrtsgesellschaft MBH & Co. KG: *Rando.*
02442	Angfartygs Aktiebolaget Alfa: *Hugo.*
02450	Rederiaktiebolaget Hildegaard: *Primero.*
02458	The China Navigation Co., Ltd.: *Poyang.*
02583	Pacific Inland Navigation Co., Inc.: *Pac 270.*
02586	Marlin Drilling Co., Inc.: *Marlin No. 6.*
02610	Peter Dohle Schiffahrts-KG: *Cap Serrat, Cape Freels.*
02660	Partenreederei Ms Inge Kruger Korrespondentreeder Hans Kruger GmbH: *Cap Doukato.*
02734	Italia Societa per Azioni di Navigazione: *Italica.*
02949	Valley Towing Service Inc.: *F. P. Thomas, V-886, V-889, V-888, V-887.*
02975	Venture Shipping (Managers) Limited: *Taiko Venture.*
02977	J. Ray McDermott & Co., Inc.: *McDermott Derrick Barge No. 26.*
02982	The Shipping Corporation of India Ltd.: *Satyamurti, Samrat Ashok.*
03432	Hinode Kisen K. K.: *Katori Maru.*
03438	Inui Kisen Kabushiki Kaisha: *Rosario Maru.*
03441	Japan Line K. K.: *Taisho Maru.*
03445	Kawasaki Kinkai Kisen K. K.: *Ashiya Maru, Sansei Maru.*
03482	Ryutsu Kaiun K. K.: *Ryuho Maru.*
03483	Sankyo Kaiun Kabushiki Kaisha: *Kyokai Maru.*
03484	Sanko Kisen K. K.: *Barbara T. Shaheen.*
03503	Shofuku Kisen W. K.: *Sumida Maru.*
03600	Bahamas Line S.A.: *Regina Express.*
03632	A/S Turid: *Cupid.*
03690	The Harbor Tug & Barge Co.: *Fortaleza, Jacksonville.*
03837	N.M. Paterson & Sons Limited: *Ontadoc.*
03879	Zapata Haynie Corp.: *Gussie J. Flynn, Mississippi Sound.*
04002	Compagnie des Messageries Maritimes: *Licorne Pacifique.*
04004	Koninklijke Java - China - Paketvaart Lijnen N.V.: *Jupiter Moon, Jupiter Sun.*
04041	Compania Peruana de Vapores: *Amazonas.*
04087	Merichem Co.: *Ett 121.*
04178	Canada Steamship Lines Limited: *French River.*
04228	Compagnie Maritime Belge (Lloyd Royal) S.A.: *Mineral Gent, Mineral Seraing.*
04276	Rivtow Straits Limited: *Rivtow No. 107, Alberni Carrier.*
04308	Toxon Navigation Co., S.A.: *Toxon.*
04356	Pacific Far East line, Inc.: *New Zealand Bear.*
04433	Allied Chemical Corp.: *AC-4, AC-12.*
04553	Hokoku Suisan Kabushiki Kaisha: *Takachiho Maru.*
04556	Nihon Hogei K. K.: *Ryusho Maru No. 18.*
04601	American Tuna Boat Association: *Maria C. J.*
04625	American Commercial Lines, Inc.: *Harry M. Mack.*
04770	Texaco Panama Inc.: *Texaco Japan.*
04809	Williamson Towing Company Inc.: *Bobby J.*
04878	Leland Bowman: *Ever-Ready 100.*
05040	General Construction Co.: *MacLeod.*
05365	Hokko Kaiun Kabushiki Kaisha: *Seiyo Maru No. 7, Wakashio Maru No. 27, Wakashio Maru No. 32.*
05459	Neptunia Inc.: *Neptunia.*
05470	Charter Transport Line, Inc.: *West Indies Oil No. 1, Winoc.*
05537	Empresa Navegacion Mambisa: *Presidente Allende.*
05577	Far Eastern Shipping Co.: *30-Letie Pobedy.*
05578	Baltic Shipping Co.: *Primorsk.*
05579	Black Sea Shipping Co.: *Port Said.*
05581	Latvian Shipping Co.: *Fedor Bredikhin, Vasiliy Struve.*
05706	Chowgule Steamships Ltd.: *Martha Elegance.*
05762	Consolidated Edison Co. of New York, Inc.: *F. J. Hafner, Sr.*
05792	Korea Wonyang Fisheries Co. Ltd.: *Kwang Myong 153, Kwang Myong 155.*
06068	Ikon Corp.: *Ikon.*
06168	Harvey Industries, Inc.: *Harvey III, Kathy L. Spud Barge Ayers 208.*
06296	Oulu Osakeyhtio: *Koiteli, Tuira.*
06632	Elix Navigation Corp. S.A.: *Antigone E.*
06856	Taboga Enterprises Inc.: *Providencia.*
06876	Cia Agropecuaria y Maritima Santa Rosa Ltda: *Darien.*
06995	Novorossiisk Shipping Co.: *Groznyi, Marshal Budyonnyy, Maykop, Lyubertsy, Moris Torez, Moris Torez.*
07126	Ramses Shipping A/S: *Storna.*
07607	Takebayashi Kisen Co., Ltd.: *Keiyoh Maru, White Peony.*
07822	Stellar Marine Ltd.: *Selinis.*
07843	Northland Marine Lines, Inc.: *AB 204, O & H 195, ZB 300.*
07955	Sadao Miyamoto: *Seisho Maru No. 28.*
08174	Sanyo Senpaku Shoji Kabushiki Kaisha: *Daisen Maru No. 18.*
08377	Tri-Ocean Shipping Corp. Ltd.: *Honshu Gloria.*
08388	Hephestos Technical Maritime Enterprises Co. Ltd. S.A.: *Giovanna.*
08414	I.F.R. Services Limited: *Iris Queen.*
08554	Almirante Navigation Corp. Inc.: *Pygmalion Jupiter.*
08559	Pescapuerta, S.A.: *Pescapuerta Tercero.*
08680	Krethan Shipping Co. S.A. Panama: *Sagittarius.*
08825	Diamara Shipping Corp.: *Dimitris Transoceanic.*
08826	Herald Navigation Corp.: *Lena Transoceanic.*
08961	Ican Ships Ltd.: *Incan St. Laurent.*
09074	Zuito Shipping Co. Ltd.: *Elbe Maru.*
09147	Angelina Towing Corp.: *LSC 40.*
09244	System Fuels, Inc.: *Melissa L, SFI 33, SFI 34.*
09266	Atlantic Consolidated Foods Limited: *Claire, Elizabeth, Lindsey, Olga, Dorothy.*
09295	Bentsen Line A/S: *Anett Bentsen.*
09436	Daerim Fishery Co. Ltd.: *Daejin No. 8.*
09510	Paducah Diesel Service Inc.: *B5.*
09541	Eastern Carriers Inc.: *564.*
09559	Auxiliar de Transportes Maritimos, S.A.: *Milanos.*
09724	Kagaya Matsuei: *Wakashio Maru No. 26.*
09763	Atlas Maritime Co. S.A.: *Al Haramain.*
09772	Tae Chang Fisheries Co. Ltd.: *Partera No. 26.*

Certificate No.	Owner/operation and vessels
09785	San Diego Transportation Co.: *408, 409, 410, 411, 414, 416.*
09792	United Fair Agencies Ltd.: *Grand Zodiac, Emerald City.*
09797	Bohol Shipping, S.A.: *Cagayan.*
09843	Valsea Maritime Ltd.: *Valmas.*
09884	Saint Shipping Lines, Inc.: *Saint Eniwa.*
09903	Dae Wang Fisheries Co. Ltd.: *Dae Wang No. 21.*
09908	Freight Chartering Co. Ltd.: *ISA, Thelma.*
09912	Navieros del Golfo, S.A.: *Tuhum.*
09946	Pan Oriental Lines Corp., Panama: *Spruce.*
09948	Laurel Shipping and Trading Corp.: *Sun Clipper.*
09972	Panhandle Towing Co., Inc.: *GT 116, GT 118, Mary 120.*
09982	Manson-Edwards: *Viking.*
09990	Alaska Aggregate Corp. d/b/a Pacific Western Lines: *Kevalaska, Tyonek.*
09997	Robinia Shipping Co., S.A.: *Sunny Pioneer.*
10052	Eastern Marine Equipment Inc.: *563.*
10101	Rederiet for T/T "Sea Stratus": *Sea Stratus.*
10102	Good Carrier Shipping Co. S.A.: *Good Carrier.*
10107	Scheepvaart en Handel Maatschappij Oceaanhandel B.V.: *Arnhem.*
10114	John S. Latsis (London) Ltd.: *Petroship B.*
10121	Amoco Production Co.: *MS-18.*
10132	Sermide S.P.A.: *Giovanni Queirolo.*
10135	Great Ocean Shipping Corp.: *Lone Star.*
10141	A. F. Harmstorf & Co. Gmbh: *Reefer Carrier, Reefer Trader, Reefer Merchant.*
10144	Shipping Company Scherpendrecht NV: *Scherpendrecht.*
10152	Pancosta Shipping Co. (Costa Rica) S.A.: *Petra.*
10157	Pitria Rainbow Navigation Co., Inc.: *Pitria Rainbow.*
10158	Pitria Galaxy Navigation Co. Inc.: *Pitria Galaxy.*
10165	Georgia Pacific Corp.: *GP 801, GP 802.*
10176	Navipac S.A.: *Don Ernesto.*
10180	Petron Fisheries, Inc.: *Captain Gibby, Jonathan Quinn, Mary Judith, Mary Virginia, Sigmund Schoenberger, Wally C. Quinn.*
10181	Index Maritime Corp.: *Carlova.*
10184	Hero Marine Lines S.A.: *Agapi.*
10185	Demline Navigation Limited: *Josephine.*
10191	Ocean Glory Shipping Co., S.A.: *Atlantic Rainbow.*
10196	Knappen Molasses Co., Division of Pacific Molasses Co.: *Riverside 2, Riverside 3, Riverside 4.*
10197	Lychee Shipping Pte. Ltd.: *Turicum.*
10200	Universal Steamship Co. Ltd.: *Euroasia Monarch.*
10201	Star Line Steamship Co. Ltd.: *Caribbean Tamanaco.*
10202	Microwave Equipment Co., Inc.: *Orange County Express.*
10203	Morski Instytut Rybacki: *Wieczno.*
10205	Taiyuan Shipping Inc.: *Taiyuan.*
10206	Roman Shipping Ltd.: *Roman Edythe.*
10208	Miaoulis Shipping Enterprises S.A.: *Aegis Dynamic.*
10210	Neptunea Astro Oceanico S.A.: *Michael C.*
10212	Platanus Shipping Lines S.A.: Panama: *Platanus.*
10213	Vai Maritime Limited: *Cretan Palm.*
10214	Arco Iris Naviera S.A.: *Hirao.*
10215	Fountain Shipping Co. Ltd. S.A.: *Fountain Azalea, Glory Venture.*
10217	Partenreederei M.V. Ilse Russ: *Ilse Russ.*
10218	Cattleya Fleet Holdings Corp.: *Natbay.*
10221	K/S Benargus A/S & Co.: *Nopal Argus, Nopal Verde.*
10222	Garbis Maritime Corp.: *Garbis.*
10223	Baldbutte Shipping Co.: *Baldbutte.*
10227	Professional Navigation Corp.: *Silvana.*
10228	Eastern Oceans Transport Inc.: *Winona.*
10230	Island Tankers Corp.: *Shirley.*
10231	Persa Maritime Co. S.A.: *Persa.*
10232	Antilles Navigation S.A.: *Sea Chemist.*
10233	Nordan Chemical Tankers I/S: *Stainless Supplier.*
10234	Aspa Maritime Co. S.A.: *Aspa.*
10236	Sameiet B.V. 984: *Amica.*
10238	Arrow Shipping Corp.: *Golar Bow.*
10241	Petrola Engineering International S.A.: *Petrola XXIX.*
10242	Industrial Tanker Corp.: *Industrial Prosperity.*
10243	Jeanne Lou, Inc.: *Jeanne Lou.*
10245	Ogden Shannon Transport, Inc.: *Ogden Shannon.*
10249	Lindinger Agro Co. A/S: *Ano Lindinger.*
10250	Discovery Cruises K/S by Discovery Cruises A/S: *World Discoverer.*
10255	Golden Sun Shipping Co. S.A.: *Kow On.*
10256	Rococo Maritime Co. S.A.: *Bertha Star.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.75-19385 Filed 7-24-75;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E-7775, E-9101, and E-9518]

APPALACHIAN POWER CO.

Order Accepting for Filing and Suspending Proposed Changes in Terms and Conditions, Denying Request for Elimination of Refund Condition, Denying Waiver, Consolidating Dockets, Granting Petition To Intervene, and Denying Motion To Reject

JULY 18, 1975.

On June 23, 1975, Appalachian Power Company (APCO) filed in the above captioned dockets a cost of service study, an unsigned service agreement, prepared testimony, and a request that certain rates currently in effect subject to refund be permitted to become effective without any refund obligation. The proceedings in these dockets are related in a complex manner, as described below. For the reasons hereinafter stated, we shall accept the revised service agreement for filing and suspend the use thereof for one day, when it will be permitted to become effective subject to refund, pending hearing and decision as to the lawfulness of the proposed terms and conditions in the service agreement. We shall also deny APCO's request that the rates be permitted to become effective without refund obligation.

Notice of the instant filing was issued July 9, 1975, with comments, protests, and petitions to intervene due on or before July 16, 1975. The Virginia Polytechnic Institute and State University (VPI) filed a timely protest, motion to reject, and petition to intervene.

Because of the complex relationship of these proceedings, a brief procedural history is necessary. On September 21, 1972, APCO filed a general wholesale rate increase in Docket No. E-7775. As to certain customers, including VPI, we found that the increase was barred by the doctrine of the *Mobile* and *Sierra* cases.[1] We instituted an investigation under Section 206 of the Federal Power Act into the rates being charged those customers with a contractual bar to a rate increase to determine if the standards of the *Sierra* case could be met. By order issued June 9, 1975, we adopted the Presiding Administrative Law Judge's Initial Decision dismissing the Section 206 investigation.

APCO's fixed rate contract for service to VPI expired by its own terms on October 28, 1974. On November 8, 1974, APCO filed a proposed Service Agreement for service to VPI which provided, *inter alia*, that VPI would be served under Rate Schedule WS. We accepted that filing and suspended its use for one day and permitted the rates, charges, terms and conditions to become effective, subject to refund.[2] We instituted an investigation into the lawfulness of the terms and conditions of the service agreement. The hearing in that proceeding is currently scheduled for September 4, 1975. APCO states that the Revised Service Agreement filed June 23, 1975 is intended to replace the service agreement filed on November 8, 1974. Since we herein accept the revised Service Agreement for filing and suspend its use for one day we believe that the parties should address the merits of the revised Service Agreement rather than the Agreement filed on November 8, 1974, in that hearing.

APCO requests that the refund obligation imposed on the rates for service to VPI be eliminated. By our order of December 6, 1974 in Docket No. E-9101, we consolidated the rate issues for service to VPI with the proceeding in Docket No. E-7775. Since that proceeding is currently pending, with the hearing scheduled to commence October 20, 1975, and the rates are in effect subject to refund, summary judgment as to the justness and reasonableness of the rates for service to VPI is not appropriate. Instead, the consolidated proceedings in Docket Nos. E-7775 and E-9101 provide the appropriate forum for testing the justness and reasonableness of the rates to VPI in the context of an evidentiary hearing rather than on the untested data and request by APCO. Accordingly, we shall deny APCO's request that the refund obliga-

[1] *F.P.C.* v. *Sierra Pacific Power Company*, 350 U.S. 348 (1956); *United Gas Pipe Line Company* v. *Mobile Gas Corporation*, 350 U.S. 332 (1956).

[2] *Appalachian Power Company*, Docket No. E-9101, issued December 6, 1974.

tion be terminated on a prospective basis.

APCO requests waiver of the notice requirements of the Act and the Commission's Regulations to permit the rates in Rate Schedule WS to become effective without refund on July 1, 1975. Since we herein deny the request to eliminate the refund obligation, we shall also deny waiver. By implication, APCO also requests that the Service Agreement be permitted to become effective on July 1, 1975. However, APCO does not demonstrate good cause to grant such waiver. Accordingly, we shall treat the filing as if it conformed with the thirty day notice requirement of the Act and APCO had requested an effective date of July 23, 1975. We shall suspend the effectiveness of the Service Agreement until July 24, 1975, when it will be permitted to become effective subject to refund. We shall consolidate that part of the filing in Docket No. E-9518, the June 23 filing, with the proceedings in Docket No. E-9101 relating to the contract terms and conditions for service to APCO.

We believe we have satisfied all matters in VPI's protest and motion to reject with one exception. VPI requests that we require APCO to file a fuel clause conforming to the requirements of Order No. 517.[2] VPI's arguments in support of this request are in error. APCO's fuel clause for service to VPI is that contained in Rate Schedule WS filed on November 8, 1974. The June 23, 1975 filing in this docket was not a change in Rate Schedule WS or the fuel clause in that Rate Schedule. Rather, it was, among other things, a request for elimination of the refund obligation as to those rates based on the cost of service support filed on June 23, 1975. We deny such summary treatment herein. However, APCO is not, under the terms of Order No. 517, required to conform its fuel clause to our current regulations, until January 1, 1976. VPI is of course free to argue for any modification it believes appropriate in the consolidated proceedings in Docket Nos. E-7775 and E-9101.

We believe that good cause exists to permit VPI's intervention in these proceedings.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the Federal Power Act that the Commission accept for filing and suspend for one day the effectiveness of Appalachian Power Company's June 23, 1975 filing of a Revised Service Agreement in Docket No. E-9518 and further to consolidate the requested change in terms and conditions by APCO in Docket No. E-9518 with the pending proceedings in Docket No. E-9101.

(2) It is desirable and in the public interest to allow Virginia Polytechnic Institute and State University to intervene in the instant proceeding.

(3) Good cause does not exist to grant APCO's request for waiver of the 30-day notice period of Section 205 of the Federal Power Act.

[2] *Fuel Adjustment Clauses in Wholesale Rate Schedules*, issued November 13, 1974.

The Commission orders: (A) Appalachian Power Company's June 23, 1975 filing in Docket No. E-9518 is accepted for filing and suspended for one day, subject to refund, and permitted to become effective July 24, 1975.

(B) The request for elimination of the refund condition for rates and charges for service by APCO to VPI is denied.

(C) The terms and conditions contained in the unsigned service agreement in Appalchian Power Company's June 23, 1975 filing in Docket No. E-9101 shall be consolidated for hearing and decision as to their justness and reasonableness with the proceedings in E-9101.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in Section 2.59 of the Commission's Rules of Practice and Procedure.

(E) VPI's motion to reject APCO's June 23, 1975 filing is denied.

(F) VPI's petition to intervene is granted subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interest as specifically set forth in the petition to intervene; and *Provided, further*, that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(G) APCO's request for waiver of the 30-day notice requirement of the Federal Power Act and § 35.3 of the Commission's Regulations is denied.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.75-19335 Filed 7-24-75;8:45 am]

[Docket No. CI76-2]

ATLANTIC RICHFIELD CO.

Application

JULY 17, 1975.

Take notice that on July 3, 1975, Atlantic Richfield Company (Applicant), P.O. Box 2819, Dallas, Texas 75221, filed in Docket No. CI76-2 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas to Trunkline Gas Company (Trunkline) attributable to Applicant's interest in gas production from South Marsh Island Block 261, offshore Louisiana, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant proposes the sale of gas well gas attributable to its 25 percent working interest in gas production from South Marsh Island Block 261. The working interest in Block 261 is said to be owned jointly and in equal shares by Continental Oil Company, Getty Oil Company, Cities Service Oil Company and Applicant. Applicant states that its co-owners commenced the sale of gas on May 3, 1975, under a 60-day contract and that the gas under production attributable to Applicant's interest would be made up by Applicant when deliveries of gas for the instant sale commence.

Applicant proposes to sell such annual quantity of gas equal to 90 percent of delivery capacity during the first five years, 85 percent of delivery capacity during the next five years, and 80 percent thereafter at an initial rate of 53.55 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 1976, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-19336 Filed 7-24-75;8:45 am]

[Docket No. E-7671]

BLANDIN PAPER CO., ET AL.

Order Setting Hearing in the Matter of Payments for Headwater Benefits in the Upper Mississippi River Basin

JULY 2, 1975.

In the matter of Blandin Paper Co., Northwest Paper Co., Minnesota Power & Light Co., St. Regis Paper Co., Northern

States Power Co., General Mills, Inc., Ford Motor Co.

Section 10(f) of the Federal Power Act (16 U.S.C. 803(f)) provides for payments to be made for certain benefits received by a power project as a result of a headwater improvement. Pursuant to the Act and the appropriate sections of Part 11 of the Commission's Regulations (18 C.F.R. 11 (1974)), Commission staff has undertaken studies of the Upper Mississippi River Basin[1] to determine if and to what extent headwater benefits charges should be assessed the owners of power projects in that area.

As a result of staff's investigations, a document entitled "Investigation of Headwater Benefits in the Upper Mississippi River Basin, 1925 through 1965," was published in May 1971. Comments were solicited and received from representatives of each of the affected parties. In response to these comments and to other additional data, staff published, in March 1973, a supplement to the earlier report. Following another round of comments, an annex to the supplemental report was published in April 1974. The latest comments to this annex report were received March 17, 1975.

The staff's research indicates that payments should be made to the United States for benefits received from six upstream water storage facilities operated by the Corps of Engineers.[2] The staff study indicates that seven parties, each the owner of one or more power projects downstream from some or all of these Federally-owned headwater facilities, were liable for such payments for the period under study.[3] In addition, each of the parties was determined to owe a specified share of the costs incurred by staff in making the studies.

[1] The Basin is defined for the purposes of these studies as the drainage region encompassing that portion of the Mississippi River, including its tributaries, above the Minnesota River. The area is located entirely in central Minnesota.

[2] The six Federally owned headwater improvements are: Winnibigoshish Lake, Leech Lake, Pokegama Lake, Sandy Lake, Pine River Reservoir, and Gull Lake.

[3] The parties and the plants they own are as follows:

Company	Name of Powerplant
Blandin Paper Co.	Paper Mill (Project No. 2362).
Ford Motor Co.	Twin City (Project No. 362).
General Mills, Inc.	Minneapolis (Removed from service in 1960).
Minnesota Power & Light Co.	Sylvan (Project No. 2454); Little Falls (Project No. 2532); Blanchard (Project No. 346).
Northern States Power	St. Cloud; Coon Rapids; Main Street (Project No. 2056); Consolidated (Project No. 2056; removed from service in 1959).
Northwest Paper Co.	Brainerd (Project No. 2533).
St. Regis Paper Co.	Sartell.

A number of the parties involved have objected to staff's conclusions regarding the parties' liability for payments in the amounts indicated by the reports. Their comments in response to the reports allege various legal, technical, factual, or procedural grounds for eliminating all or part of the payments due according to staff's calculations.

In view of the circumstances, we think it appropriate that Blandin Paper Co., Ford Motor Co., General Mills, Inc., Minnesota Power & Light Co., Northern States Power Co., Northwest Power Co., and St. Regis Paper Co. be afforded an opportunity to show in a hearing why they believe that headwater benefits payments for the period 1925 through 1965 for benefits received by power projects owned by them from Federally-owned headwater facilities in the Upper Mississippi River Basin, as calculated by staff in its May 1971 report and the March 1973 supplement and April 1974 annex thereto, are inappropriate or excessive.

In addition, the question of the assessment of interest on unpaid headwater benefit charges will be an issue in this proceeding, as well as the question of the date with respect to which such interest can first be assessed. These questions should be discussed by the parties.

The Commission finds: It is appropriate and in the public interest to hold a prehearing conference, and such hearings as may be required, in order to afford Blandin Paper Co., Ford Motor Co., General Mills, Inc., Minnesota Power & Light Co., Northern States Power Co., Northwest Power Co., and St. Regis Paper Co. the opportunity to show why they should not be liable for headwater benefits payments, as determined by staff, for benefits received from Federally-owned headwater facilities in the Upper Mississippi River Basin during the period 1925 through 1965.

The Commission orders: (A) a prehearing conference before an Administrative Law Judge shall be held at 10:00 a.m. on July 29, 1975, in a hearing room at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, respecting the matters set forth above concerning payment for headwater benefits under Section 10(f) of the Federal Power Act and the Commission's Regulations with respect thereto.

(B) If the Administrative Law Judge finds that there is disagreement on the facts bearing on liability for the payment of headwater benefit charges, he shall schedule a hearing on the remaining factual issues to be followed by briefing and an initial decision in accordance with Sections 1.29 and 1.30 of the Rules of Practice and Procedure.

(C) If the Administrative Law Judge finds no disagreement on material facts bearing on liability for payment of headwater benefit charges, he shall provide a briefing schedule to be followed by an initial decision in accordance with Sections 1.29 and 1.30 of the Rules of Practice and Procedure.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.75-19334 Filed 7-24-75;8:45 am]

CONNECTICUT RIVER BASIN

Intent To Issue an Environmental Impact Statement on the Hydroelectric Power-Related Water Use

Pursuant to the provisions of the Federal Power Act, the National Environmental Policy Act of 1969, Section 102 (C), and Commission Order No. 415(C), the staff of the Federal Power Commission will issue an environmental impact statement on the relationships among hydroelectric power facilities, the electric power generation and transmission system, and water use in the Connecticut River Basin on or about December 31, 1975.

The thrust of the statement relates to the responsibility of the Federal Power Commission to license non-Federal hydroelectric power developments and to assure an abundant supply of electric energy with the greatest possible economy and with regard to the proper utilization and conservation of natural resources. The statement will provide a systematic environmental evaluation of the cumulative, synergistic impacts of hydroelectric power in the basin and its relationship to the total electric power requirement and supply in the region. Extensive use will be made of mathematical models; component parts of the basin model will include: the electric energy system, a physical (chiefly hydroelectric) model and man's influence on hydrologic patterns, an ecological model, a human activities model, and a model of economic impact.

Commission staff will hold a public meeting in New England within the next few weeks with licensees of hydroelectric projects in the Connecticut River Basin to present staff plans for the environmental impact statement. The date and place will be announced shortly. After the draft EIS has been released, a public meeting will be scheduled in the basin area to allow all members of the public an opportunity to comment on the draft EIS.

For further information contact Richard F. Hill, Office of Energy Systems, Federal Power Commission, 825 North

Capitol Street, N.E., Washington, D.C. 20426 (Telephone: (202) 386-6525).

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19333 Filed 7-24-75;8:45 am]

[Docket No. CP76-5]

CONSOLIDATED GAS SUPPLY CORP.

Application

JULY 17, 1975.

Take notice that on July 3, 1975, Consolidated Gas Supply Corporation (Applicant), 445 West Main Street, Clarksburg, West Virginia 26301, filed in Docket No. CP76-5 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the storage of natural gas for a two-year period beginning in 1975 and ending in 1977 for Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to render storage services for Tennessee for each of the next two summer injection and winter withdrawal periods. The proposed service would begin in the summer injection period in 1975 under Applicant's supplemental storage service program. The services proposed would include a storage capacity of 3,940,000 Mcf in the first year and a daily demand volume of 26,100 Mcf of gas, and a storage capacity volume of 3,440,000 Mcf in the second year of the proposed service with a daily demand volume of 22,800 Mcf of gas. The proposed service would be rendered under Applicant's Rate Schedule GSS, pursuant to a letter agreement between Applicant and Tennessee dated June 2, 1975.

Applicant states that the natural gas would be delivered to Applicant by Tennessee and the gas would be returned to Tennessee by Applicant at Tennessee's existing Ellisburg Sales Meter Station in Potter County, Pennsylvania. Applicant states further that there would be no new facilities constructed to institute the proposed service and that the service proposed herein is to permit Tennessee to render services proposed in Docket Nos. CP75-376 and CP76-2 wherein it is proposed to provide wholesale customers of Tennessee with storage to allow them to husband gas to provide for additional deliverability during the winter for high priority consumer requirements.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 5, 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.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-19337 Filed 7-24-75;8:45 am]

[Docket No. RI74-33]

CONTINENTAL OIL CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

JULY 18, 1975.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly Sections 4 and 15, the Regulations pertaining thereto (18 CFR, Chapter I), and the Commission's Rules of Practice and Procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and Section 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74-33	Continental Oil Co.	180	24	Transwestern Pipeline Co. (New Mexico) (Permian).	(1)	6-20-75		7-2-75	24.2814	[2] 24.2896	RI74-33.

* Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Not stated.
[2] Reflects partial reimbursement for the 0.04 percent increase in the New Mexico Conservation tax which became effective July 1, 1975.

The proposed tax increase filed by Continental exceeds the applicable area ceiling rate in Opinion No. 662, and is suspended for one day in the same rate proceeding involving Continental's underlying rate.

[FR Doc.75-19348 Filed 7-24-75;8:45 am]

[Docket Nos. CP66-110, et al. and RP72-140 (PGA75-5), and RP75-94]

GREAT LAKES TRANSMISSION CO.

Order Accepting for Filing and Making Effective Without Suspension Proposed Rate Increase, Amending Import Authorizations, Granting Interventions, Granting Waiver, Establishing Hearing and Consolidating Proceeding

JULY 18, 1975

On May 21, 1975 Great Lakes Transmission Company (Great Lakes), filed a petition to amend its import authorizations to permit it to continue the importation of natural gas from Canada at increased prices. Great Lakes' petition is predicated on the fact that on May 5, 1975, the Canadian government announced that export licenses would be amended to provide that the export price for natural gas would be increased to $1.40 per MMBtu (Canadian) effective August 1, 1975, and to $1.60 per MMBtu (Canadian) effective November 1, 1975. Great Lakes purchases all of its gas from TransCanada Pipelines Limited under three contracts covered by Licenses GL-20, GL-37, and GL-43.

Notice of Great Lakes' petition to amend its import authorization was issued on June 2, 1975, with protests and petitions to intervene due on or before June 16, 1975. Petitions to intervene were filed by Michigan Consolidated Gas Company and Natural Gas Pipeline Company of America. Neither petitioner has expressed opposition to Great Lakes' petition.

Examination of Great Lakes' filing indicates that the company has no available alternative supply of natural gas to replace the volumes imported from Canada. Upon review, we find that continuation of importation under the increased prices would be consistent with the public interest, subject, however, to the condition that any further increase in the price Great Lakes is required to pay will require further amendment to its import authorizations.

In addition to its petition to amend its import authorizations, Great Lakes, on June 13, 1975, tendered for filing, at Docket No. RP72-140 (PGA75-5), a proposed adjustment in its rates[1] to flow through the increase in its cost of purchased gas attributable to the $1.40 per MMBtu (Canadian) price to become effective August 1, 1975. The estimated annual effect of this increase will approximate $39.7 million. Great Lakes proposes to adjust the commodity portion of its rates to recover the increased costs, and requests waiver of Section 154.66 of the Regulations since it presently has rates under suspension in Docket No. RP75-94.

Great Lakes, on June 13, 1975, also tendered revised tariff sheets[2] to provide a change in its presently effective PGA clause to allocate purchased gas costs between its sales and transportation services based upon actual experience during the determination period, rather than the allocation factors established in 1972 which are currently being used. However, on July 3, 1975, the company filed a request to withdraw such revised sheets due to customer opposition, requested that we accept that sheet using the historical allocation method, and suggested that the matter of the method of allocation of purchased gas costs should be considered in the company's pending rate proceeding at Docket No. RP75-94.

Notice of Great Lakes' proposed PGA changes was issued on June 17, 1975, with protests and petitions to intervene due on or before July 7, 1975. On July 1, 1975, a petition to intervene and request for suspension and consolidation was filed on behalf of Northern and Central Gas Corporation Limited (N&C) and Union Gas Limited (Union). In their petition, Union and N&C protest the proposed change in transportation rates reflected in Great Lakes' filing of June 13, 1975, and request that a hearing be held and consolidation of such proceedings with those at Docket No. RP75-94.

On July 7, 1975, Consumers' Gas Company, a Canadian distributor, petitioned to intervene. Consumers', in its petition, supports Great Lakes' original proposal to allocate purchased gas costs between sales and transportation services based upon actual experience. On July 9, 1975, in response to Great Lakes' July 3, 1975 request to withdraw such proposal, a letter was filed on behalf of Consumers' which requested 1.) that we not permit withdrawal of those sheets which would modify Great Lakes' allocation methods; and 2.) that we accept such sheets for filing and permit them to be placed into effect subject to refund after suspension for one day. Consumers' argues that acceptance of the historical method of allocation would not permit the computation and utilization of factors which reflect the actual operating conditions experienced during the determination period.

Our review of Great Lakes', proposed increase indicates that it should be permitted to reflect the increase in its cost to $1.40 per MMBtu (Canadian), as of August 1, 1975, and that a hearing should be held to adjudicate the propriety of altering the terms of Great Lakes' PGA clause to allocate purchased gas costs between its sales and transportation services based upon actual experience during the determination period. Pending the outcome of such litigation, we are of the opinion that the public interest would be best served by acceptance of that tariff sheet which reflects Great Lakes' historical method of cost allocation. We shall, therefore, grant Great Lakes request to withdraw those sheets which would modify that allocation method and accept Great Lakes' rate increase filing as of August 1, 1975, the requested effective date. We shall also order that a hearing be instituted pursuant to Section 5 of the Natural Gas Act to investigate into the proper method of allocating purchased gas costs between its sales and transportation services.

The Commission finds: (1) Great Lakes' authorizations for the importation of natural gas from TransCanada should be amended to permit Great Lakes to continue such importation at a price of $1.40 per MMBtu (Canadian), effective August 1, 1975, and $1.60 per MMBtu (Canadian), effective November 1, 1975, as hereinafter ordered, as such importation has been shown to be consistent with the public interest.

(2) Good cause exists to grant Great Lakes' request to withdraw those tariff sheets which would modify the method in which its PGA costs are allocated and to institute proceedings to investigate into what allocation method is appropriate and to consolidate these proceedings with those at Docket No. RP75-94.

(3) It is necessary and proper in the public interest that Great Lakes' proposed rate increase should be accepted for filing, to be placed into effect as of August 1, 1975.

(4) Good cause exists to grant waiver of Section 154.66 of the Regulations to allow Great Lakes' rate increase application to be placed into effect.

(5) Good cause exsits to permit the intervention of the above-mentioned petitioners at those dockets in which their petitions were filed.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Section 3 thereof, Great Lakes' import authorizations for importation of natural gas from TransCanada is hereby amended to permit Great Lakes to import natural gas at the price of $1.40 per MMBtu, (Canadian) effective August 1, 1975, and $1.60 per MMBtu, (Canadian) effective November 1, 1975, as hereinafter ordered and conditioned.

(B) Great Lakes' request to withdraw those tariff sheets which would modify the method in which its PGA costs are allocated is hereby granted.

(C) Great Lakes' proposed PGA increase filing of June 14, 1975 set forth as Alternate First Substitute Fifteenth Revised Sheet No. 57 to FPC Gas Tariff First Revised Volume No. 1, is hereby accepted for filing as of August 1, 1975, to be placed into effect on August 1, 1975, and Section 154.66 of the Regulations is hereby waived.

(D) The issue as to the appropriate method of allocating purchased gas costs between sales and transportation services is hereby set for hearing pursuant to Section 5 of the Natural Gas Act and consolidated with those proceedings at RP75-94, as requested, and Great Lakes' shall file its direct testimony and exhibits within fifteen days of the issuance of this order.

(E) Any further change in Great Lakes' wholesale rates attributable to increased purchased gas costs will require a further filing pursuant to Section 4 of the Natural Gas Act.

(F) The above-mentioned petitioners to intervene are hereby permitted to in-

[1] Alternate First Substitute Fifteenth Revised Sheet No. 57 to FPC Gas Tariff First Revised Volume No. 1.

[2] Second Revised Sheet No. 54 and First Substitute Fifteenth Revised Sheet No. 57 to FPC Gas Tariff First Revised Volume No. 1 and Third Revised Sheet Nos. 53-B and 53-C to FPC Gas Tariff Original Volume No. 2.

tervene at those dockets in which their respective petitions were filed subject to the Rules and Regulations of the Commission; *provided, however*, that the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *provided, further*, that the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.75-19338 Filed 7-24-75;8:45 am]

[Docket Nos. AR64-1, et al.]

CITIES SERVICE GAS CO.

Order Granting Motion for Clarification

JULY 18, 1975.

On June 24, 1975, Cities Service Gas Company (Cities) filed a motion for clarification of the Commission's order on rehearing issued in this proceeding on May 30, 1975. Said order on rehearing stated (mimeo, p. 5), that " * * * Cities will be required to flow-through all of the refunds disbursed to it by producers under the order of March 17." Cities seeks clarification of this portion of the order, contending that under prior Commission-approved settlement agreements, it may be entitled to retain portions of the refunds in question.

The issue here involved is the disposition of the refunds which Cities receives from producers resulting from the Commission's Opinion and Order No. 586 establishing just and reasonable area rates in the Hugoton-Anadarko area. (44 FPC 761). By order issued March 17, 1975, all affected producers were required to disburse their refunds to their respective pipeline purchasers, and the pipelines were required to flow the refunds through to their jurisdictional customers. We also stated in the March 17 order, however, that prior Commission-approved settlement agreements under which individual pipelines could claim entitlement to portions of producer refunds would be honored. (mimeo, p. 4). In its present motion, Cities refers to two such settlement agreements which were approved by the Commission in Docket Nos. RP64-9 and RP68-16 respectively, and under which Cities may be entitled to retain a portion of the Hugoton-Anadarko refunds.

As we stated in the order of March 17, these settlements will be honored. It follows that the previously-quoted language from the May 30 order on rehearing should be clarified as requested by Cities. Cities will not be required to flow through those portions of the refunds which it may be entitled to retain under the terms of the above-referenced settlement agreements.

The Commission orders: (A) The Commission's order issued in this docket on May 30, 1975, is clarified as above set forth.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.75-19350 Filed 7-24-75;8:45 am]

[Docket No. RI75-55]

HURLEY PETROLEUM CORP.

Order Granting Intervention and Approving Petition for Special Relief

JULY 18, 1975.

On November 6, 1974 Hurley Petroleum Corporation (Hurley) filed a petition for special relief pursuant to Section 2.76[1] of the Commission's General Policy and Interpretations for sales of natural gas to Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) from eight wells located in the Bethany Field, Panola and Harrison Counties, Texas (Other Southwest Area, Opinion No. 607). Hurley is a small producer and was granted a Small Producer Certificate in Docket No. CS71-878, order issued October 21, 1971.

Hurley is currently selling natural gas to Tennessee pursuant to a basic contract dated October 5, 1954, providing for a rate of 16.4248 cents per Mcf at 14.65 psia. It avers that this rate is inadequate inasmuch as the installation of two additional compressors is required if it is to continue deliveries in commercial quantities.[2] By letter dated October 31, 1974, Tennessee advised Hurley that it would purchase the subject gas at the price level found by the Commission to be just and reasonable under the provisions of Order No. 481. Hurley seeks a rate of 72.88 cents per Mcf, inclusive of production tax.[3]

Notice of the petition was issued on November 15, 1974, and appeared in the FEDERAL REGISTER on November 22, 1974 at 39 FR 40986. Timely petitions to intervene were filed by Tennessee and Associated Gas Distributors (AGD) on December 6, 1974.

Staff has reviewed the cost data submitted by Hurley and has made an extensive field audit of Hurley's books and records. Based thereon Staff has determined that the gross remaining recoverable reserves of the subject wells are 814,283 Mcf and that the average productive life of the wells in 11.6 years, and that the proposed rate is justified. After a careful review of the costs to be incurred and the reserves to be recovered, we conclude that it is in the public interest to grant Hurley's petition.

The Commission finds: The petition for special relief filed by Hurley meets the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders: (A) For the above-stated reasons, the petition for special relief of Hurley is hereby granted. Hurley is authorized to collect 72.88 cents per Mcf at 14.65 psia, inclusive of production tax, for all gas produced from the subject wells effective on the date the new additional compressors are installed and made operative, subject to the following conditions: 1) Hurley must file, in Docket No. CS71-878, a statement signed by Tennessee, setting forth the date or dates that the compressors are installed and made operative and 2) said statement is to be filed within 30 days of the date or dates the compressors have been installed and made operative.

(B) Tennessee and AGD are permitted to intervene in this proceeding for relief subject to the Rules and Regulations of the Commission: *Provided, however*, that the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their petitions for leave to intervene; and *Provided, further* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings, and that the intervenors agree to accept the record as it now stands.

By the Commission.

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

[FR Doc.75-19339 Filed 7-24-75;8:45 am]

[Docket No. E-9239]

INDIANA & MICHIGAN ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Rate Change, Denying Motion To Reject in Part, Granting Waiver of Notice Requirement, Permitting Intervention, Providing for Hearing and Establishing Procedures

JULY 18, 1975.

On January 29, 1975, Indiana & Michigan Electric Company (I&M) tendered for filing proposed changes in its wholesale for resale rate to Richmond Power & Light of the City of Richmond, Indiana (Richmond). The rate increase proposed in such filing reflected a 15.22% surcharge upon all charges, exclusive of fuel cost adjustment, then being collected

[1] 18 C.F.R. 2.76.

[2] On September 20, 1974, and October 29, 1974, Hurley filed abandonment applications in Docket No. CI75-187 covering seven of the eight subject wells. In its Order No. 481 petition Hurley states that it will withdraw its abandonment applications if the applied-for rate in this proceeding is granted.

[3] Hurley's application for special relief was filed prior to the enactment of the Tax Reduction Act of 1975. Hence, the rate sought by Hurley does not reflect the effect of this Act.

from Richmond.[1] The proposed increase to Richmond was intended to track the 15.22% increase in I&M's retail Tariff IP which was granted as interim emergency rate relief by a January 23, 1975, order of the Public Service Commission of Indiana (PSCI).

Upon review of I&M's January 29, 1975, filing, we found it deficient with respect to certain requirements of Section 35.13 of the Commission's Regulation. Accordingly, I&M was informed of such deficiency by letter from the Commission Secretary dated February 19, 1975.

On March 3, 1975, I&M filed an application for rehearing of the aforementioned letter order. By order issued April 2, 1975, said application was, in all aspects here pertinent, denied.[2]

On May 14, 1975, I&M tendered for filing cost of service data for calendar year 1974 in an apparent attempt to cure the deficiencies in its January 29, 1975, filing. In our order of June 13, 1975, we found that the filing remained deficient with respect to certain other requirements of our Regulations.[3] Accordingly, we once again rejected the filing with respect to Richmond, without prejudice to I&M's right to cure the deficiencies therein.

On June 20, 1975, I&M submitted for filing proposed revisions to the rate schedule currently on file for service to Richmond.[4] The June 20 filing would (1) place a surcharge of 27.52% on all charges, exclusive of fuel adjustment, now being collected from Richmond; (2) replace the currently-effective 100% minimum billing demand provision (100% ratchet) with a proposed 60% minimum billing demand provision (60% ratchet); and (3) revise the currently-effective fuel clause for service to Richmond.[5] These proposed revisions, I&M states, are intended to track revisions in I&M's retail Tariff IP which are now effective pursuant to May 28, 1975, and June 4, 1975, orders of PSCI.

I&M contends that the net effect of the instant filing is to decrease charges to Richmond by $208,392 annually, based on comparisons of rate levels for 12 months ended December 31, 1974. I&M requests that the cost-of-service study previously filed in this docket on May 14, 1975, be incorporated by reference with the instant filing. Finally, I&M requests that the tendered filing be made effective for all service rendered on and after May 28, 1975, the date on which the subject revisions became effective to I&M's retail Tariff IP customers.

Public notice of I&M's filing was issued on June 25, 1975, with comments, protests and petitions to intervene due on or before July 8, 1975. Richmond timely filed a pleading styled "Motion to Reject in Part, For Suspension, in Part, for Conditional Acceptance in Part, and for Hearings; and Protest and Petition to Intervene." In said pleading, Richmond asserts that that portion of the filing relating to the surcharge should be rejected because "I&M's cost-of-service study defies comprehensive analysis because of the absence of explanatory testimony and I&M's reliance on unrealistic demands for purposes of allocation * * *."[6] As further grounds for rejection, Richmond contends that I&M's filing fails to comply with certain portions of Section 35.13 of our Regulations. Richmond further argues that $50 million of construction work in progress (CWIP) has been included in I&M's rate base, and contends that this is yet another reason for rejection.[7]

In addition to its arguments for rejection of that portion of the filing relating to the surcharge, Richmond contends that the aforementioned 60% ratchet is unjust and unreasonable and should be suspended for one day. With respect to I&M's proposed fuel clause, Richmond argues that such clause does not conform to the Regulations governing fuel clauses proposed after January 1, 1975. Accordingly, Richmond asserts, I&M should be required to conform such fuel clause to said Regulations or, alternatively, the fuel clause should be suspended and made subject to refund. Finally, Richmond requests that it be permitted to intervene in this proceeding.

As noted above, Richmond contends that the instant filing should be rejected because of I&M's failure to submit testimony and exhibits in support of the proposed rate change. However, the filing requirements of our Regulations require the submission of "* * * testimony and exhibits of such composition, scope and format that they would serve as the company's case-in-chief in the event the matter is set for hearing * * *" *only* in the case in which "* * * the rate schedule provides for an *increase* in rate which exceeds $50,000 in revenues for the test period * * *" (emphasis added).[8] The instant filing proposes a rate *decrease* for the test period in question. Thus, in this instance, I&M is not required to submit testimony and exhibits to substantially comply with our filing requirements. Accordingly, the subject filing should not be rejected on these grounds.

Richmond also argues for a partial rejection of the filing because, in Richmond's words, "I&M's cost-of-service study defies comprehensive analysis", and because I&M has failed to provide certain information required by our filing regulations.[9] Contrary to Richmond's assertion, however, I&M's May 14, 1975, cost-of-service study has enabled us to make the analysis required in this instance, and has provided us with sufficient information to determine the justness and reasonableness of the proposed rate change. Moreover, the filing requirements of our Regulations "* * * are 'mere aids to the exercise of [this Commission's] independent discretion,' and in both language and purpose leave room for a doctrine of 'substantial' or 'reasonable' compliance. *American Farm Lines* v. *Black Ball Freight Service*, 397 U.S. 532, 539 (1970)."[10] In the instant case, we find that I&M has rendered substantial compliance with such requirements. Accordingly, Richmond's contentions in this regard must be rejected.

Another reason put forth by Richmond as grounds for rejection is the allegation that I&M has included CWIP in its rate base. However, our review of the filing indicates that, while CWIP is reflected on Statement D-1 of the cost-of-service study, none of said CWIP has actually been included in I&M's rate base. Thus, CWIP has not been allocated to Richmond, and rejection does not lie.

As noted above, I&M has requested that the proposed rate change be made effective retroactively to May 28, 1975, the date on which the changes proposed in this filing were made effective to I&M's retail Tariff IP customers by order of PSCI. We shall construe such request as an application for waiver of our 30-day notice requirement[11] and shall grant such application to permit I&M's proposed rate to become effective, subject to those conditions hereinafter ordered, as of June 20, 1975, the filing date hereof. We believe that good cause exists to grant waiver of such requirement, since the effect of the proposed rate change is to decrease the rates and charges now being collected from Richmond.

Our review of I&M's June 20, 1975, filing, together with the May 14, 1975, cost-of-service study which is incorporated by reference herein, indicates that the proposed rates, charges, terms and conditions have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential

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[1] The rate level then, as now, being collected from Richmond reflected the application, among other things, of a proposed fuel adjustment clause as well as a proposed 100% ratchet provision. Revenues derived from the application of that fuel clause and ratchet are now being collected, subject to refund, pending final disposition of proceedings in Docket No. E-7740.

[2] The Commission's April 2 order granted I&M's application for rehearing to the extent it relieved I&M from filing Period II data.

[3] See *Indiana & Michigan Electric Company*, Docket Nos. E-9233, E-9239, and E-9258, order issued June 13, 1975, mimeo at pp. 4-5.

[4] The proposed revised rate schedule is designated Supplement No. 8 to FPC Rate Schedule No. 58.

[5] With respect to the currently-effective fuel clause, see footnote 1, *supra*.

[6] See Richmond's pleading filed July 7, 1975, in this docket, at page 4.

[7] Richmond also argues that the proposed rates are excessive in that they reflect the inclusion in rate base of amounts related to nuclear fuel costs plus nuclear production plant when, in fact, I&M owns no nuclear generating facilities.

[8] See Section 35.13(b)(5)(i) of our Regulations.

[9] Specifically, Richmond contends that I&M has failed to provide a "comparison of the proposed rate with other rates of the filing public utility for similar wholesale for resale . . . services." See Section 35.13(b)(2) of our Regulations.

[10] *Municipal Light Boards of Reading and Wakefield, Massachusetts* v. *F.P.C.*, 450 F. 2d 1341, 1348, 146 U.S. App. D.C. 294, 301, *cert. den.* 405 U.S. 989 (1971).

[11] See Sections 35.3 and 35.11 of our Regulations.

or otherwise unlawful. Therefore, we shall accept I&M's proposed rate change, for filing and suspend it for one day until June 21, 1975, when it shall become effective subject to refund and establish hearing procedures.

For the reasons set forth hereinabove, I&M was not required to submit supporting testimony and exhibits to satisfy the filing requirements of our Regulations. However, in light of the Section 205 proceeding established herein, we shall require I&M to file, within 45 days of issuance of this order, prepared testimony and exhibits in support of the proposed rates, charges and terms and conditions.

The Commission finds: (1) Good cause exists to accept for filing I&M's June 20, 1975, proposed rate change and suspend it for one day until June 21, 1975, when it shall become effective, subject to refund, and to establish hearing procedures pursuant to Section 205 of the Federal Power Act.

(2) Richmond's "Motion to Reject in Part" should be denied.

(3) Good cause exists to construe I&M's request for a retroactive effective date as an application for waiver of our 30-day notice requirement.

(4) Good cause exists to grant waiver of our 30-day notice requirement.

(5) Good cause exists to permit Richmond to intervene in these proceedings, as hereinafter ordered and conditioned.

(6) Good cause exists to require I&M to file, within 45 days of issuance of this order, prepared testimony and exhibits in support of the proposed rates, charges, terms and conditions.

The Commission orders: (A) I&M's June 20, 1975, proposed rate change is accepted for filing, and suspended for one day until June 21, 1975, at which time said filing shall become effective subject to refund.

(B) Richmond's "Motion to Reject in Part" is hereby denied.

(C) The notice requirement of Section 35.3 of our Regulations is hereby waived.

(D) Pursuant to the authority of the Federal Power Act, particularly Section 205 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on December 9, 1975, at 10 a.m., prevailing local time, in a hearing room at the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning the justness and reasonableness of the proposed rates, charges, terms, and conditions included in I&M's June 20, 1975, filing in this docket.

(E) Within 45 days of issuance of this order, I&M shall submit testimony and exhibits in support of its proposed rates, charges, terms, and conditions. The Commission Staff shall serve its prepared testimony and exhibits on or before October 28, 1975. Intervenors' prepared testimony and exhibits shall be served on or before November 11, 1975. I&M's rebuttal, if any, shall be served on or before November 25, 1975.

(F) Richmond is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *Provided, further,* that the admission of Richmond shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(G) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(H) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(I) 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.75-19340 Filed 7-24-75;8:45 am]

[Docket No. RP75-96]

MICHIGAN WISCONSIN PIPE LINE CO.

Order Granting Untimely Petitions To Intervene

JULY 18, 1975.

On April 30, 1975, Michigan-Wisconsin Pipe Line Company (MichWis) tendered for filing proposed changes in its FPC Gas Tariff which would increase its rates to jurisdictional customers by $65,992,505 per year, based on the test period ended January 31, 1975. Notice of MichWis' filing was issued May 8, 1975 with all comments, protests, or petitions to intervene due on or before May 21, 1975.

Untimely petitions to intervene in these proceedings were received from the following petitioners:

Illinois Commerce Commission.
Iowa State Commerce Commission.
Michigan Public Service Commission.
Public Service Commission of Wisconsin.
Central Indiana Gas Company, Inc.
Columbia Gas Transmission Corporation.
Iowa Electric Light and Power Company.
Wisconsin Power and Light Company.
Iowa Southern Utilities Company.
Wisconsin Gas Company.
Michigan Power Company.

Having reviewed such petitions, we conclude that each petitioner has a sufficient interest in these proceedings to warrant his intervention herein.

The Commission finds: It is desirable and in the public interest to permit the above-named petitioners to intervene in these proceedings, as hereinafter ordered and conditioned.

The Commission orders: (A) The above-named petitioners are hereby permitted to intervene in these proceedings, subject to the Rules and Regulations of the Commission; *Provided, however,* that participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in their respective petitions to intervene; and *Provided, further,* that the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(B) The interventions granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of these proceedings.

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

By the Commission.

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

[FR Doc.75-19341 Filed 7-24-75;8:45 am]

[Docket Nos. E-9499 and E-9502]

MINNESOTA POWER AND LIGHT CO.

Order on Rate Filing

JULY 18, 1975.

On June 16, 1975, Minnesota Power & Light Company (MP&L) tendered for filing in Docket No. E-9499 a revised executed electric service agreement for transmission service to the City of Wadena, Minnesota (Wadena)[1] to replace Rate Schedule FPC No. 28, which has expired. The filing reflected no change in rates but did reflect changes in terms and conditions including, *inter alia,* a *Memphis*[2] clause which would permit MP&L to change its rates unilaterally pursuant to the provisions of Section 205 of the Federal Power Act. The prior contract (FPC No. 28) was a fixed-rate, fixed-term contract. The new contract is proposed to become effective when executed and approved by the appropriate regulatory authorities.

On June 18, 1975, the Minnesota Power and Light Company (MP&L), tendered for filing proposed increases in its rates and charges to seventeen municipal customers, one privately-owned electric system customer, and two rural electric cooperative customers. In addition, MP&L filed for an increase in the transmission service rates applicable to its three transmission service customers, and filed notice of cancellation pursuant to its contract with two of its wheeling customers.[3] MP&L stated that the proposed changes would increase revenues by approximately $2,450,783 based on esti-

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[1] Minnesota Power & Light Company, Rate Schedule FPC No. 120.

[2] *United Gas Pipeline Co.* v. *Memphis Light, Gas and Water Division,* 358 U.S. 103 (1958).

[3] See Attachment A for designations and Attachment B for a list of customers.

mated sales for the twelve-month period ending July 18, 1975, and requested the new rates become effective July 18, 1975.

Notice of MP&L's filings in Docket No. E-9502 and in Docket No. E-9499 was issued on June 24, 1975, with comments, protests, or petitions to intervene due on or before July 8, 1975.

On July 8, 1975, Wadena filed a consolidated petition to intervene in Docket Nos. E-9499 and E-9502 which included, *inter alia*., a request for consolidation of the aforementioned dockets for ease of consideration, a request for leave to intervene in those dockets, a motion to reject the rate change filing as to Wadena in Docket No. E-9520, and other relief. Wadena states that it agreed to the revised service agreement filed in Docket No. E-9499 but did not anticipate that MP&L, once having filed this agreement, would file for a change in rates in Docket No. E-9502 pursuant to the new agreement's *Memphis* clause. Wadena further argues that since the new agreement in Docket No. E-9499 has not yet been accepted for filing and made effective, MP&L is still bound by the fixed-rate, fixed-term provisions of its old service agreement with Wadena, Rate Schedule FPC No. 28. Therefore, Wadena reqeusts the Commission to accept for filing the revised service agreement filed in Docket No. E-9499 but reject the change in rate filing made in Docket No. E-9502 on the basis that at the time MP&L made the change in rate filing as to Wadena in Docket No. E-9502, it had no contractual authority to do so since the revised service agreement in E-9499, by its own terms, does not become effective until approved by the Commission. Wadena argues that the changed rate filing as to Wadena in E-9502 should also be rejected on grounds that the filing includes construction work in progress (CWIP) in rate base contrary to the Commission's policy set forth in *Green Mountain Power Company*, —— *FPC* ——, issued June 13, 1975, in Docket No. E-9446. Should the Commission decide not to reject the rate change filing as to Wadena in Docket No. E-9502, Wadena requests that the filing be suspended for five months and that, at the hearing, the issue of *inter alia*., rate discrimination under Section 205 of the Federal Power Act between Wadena and similarly situated customers of MP&L be raised and decided. Wadena also states that a 5 month suspension is necessary because Wadena needs 60 days to study the increase and obtain City Council (presumably its own) approval of any increase.

On July 8, 1975, a pleading in Docket No. E-9502 was filed by 17 wholesale customers[4] (Petitioners) requesting, *inter alia*., leave to intervene, rejection of the tendered rate schedules applicable to them or, in the alternative, requesting a full 5 month's suspension of the filings as to them. Petitioners state that a full copy of the filing was not served upon them and that they therefore have not had adequate time to review MP&L's filing. However, Petitioners argue that the filing for increased rates as to Standby Service to the Village of Hibbing (Hibbing), the City of Two Harbors (Two Harbors), and the City of Virginia (Virginia) should be rejected as violative of the fixed-rate, fixed-term contracts relating to this service, as determined by this Commission's orders issued April 29, 1974 and June 17, 1974, in *Minnesota Power & Light Company*, Docket No. E-8494. Petitioners argue that the remainder of the filing in Docket E-9502 as to them be rejected, or in the alternative, suspended for five months because, it is alleged, the fuel clause does not conform to Order No. 517, the filing includes CWIP in rate base, the revised contractual language contains restrictive, anti-competitive language, and the rates are generally excessive.

On July 7, 1975, United Power Association (United) filed a letter of protest indicating that it and Itasca-Mantrap are transmission service customers. United notes that MP&L filed notices of cancellation with respect to the two transmission agreements which would terminate both of the contracts as of June 18, 1979. Included with the notices are proposed revised service rates and conditions of service which the company proposes to effectuate as of June 18, 1979. United protests the proposed rates and conditions of service because terms different from those proposed by MP&L may be required at June 18, 1979.

On July 11, 1975, MP&L filed a response to Petitioners' pleading arguing that the proposed fuel clause did, in fact, conform with Order No. 517, and that MP&L had served the requisite materials upon Petitioners pursuant to the Regulations, and that the proposed rates were not excessive and did not require a suspension or hearing. MP&L also argues that the proposed revised riders for Standby Service to Hibbing, Virginia and Two Harbors is similar to that filed in Docket No. E-8494. However, MP&L states that it has not been collecting increased rates from Standby Service for these three customers.

With respect to the Wadena filing in Docket No. E-9499, we have reviewed the proposed revised service agreement entered into by Wadena and MP&L and have found that it is in the public interest. Accordingly, we shall accept it for filing to become effective as of July 17, 1975, thirty days after filing. In light of this action, we find that MP&L is not precluded under the *Mobile-Sierra* from unilaterally filing in Docket No. E-9502 for a change in rates under Section 205 of the Federal Power Act since the revised service agreement contains a *Memphis* provision permitting such a filing. Accordingly, we shall accept for filing MP&L's filing in Docket No. E-9502 with respect to Wadena and suspend it as hereinafter ordered and conditioned.

With respect to the filing in Docket No. E-9502 relating to Standby Service to Hibbing, Virginia and Two Harbors, we find that the rate schedules filed as to these customers are identical to those filed in Docket No. E-8494, and rejected therein pursuant to the *Mobile-Sierra* doctrine. Accordingly, we shall reject the proposed Standby Service riders filed in Docket No. E-9502 relating to Virginia, Two Harbors, and Hibbing.

Our determination with respect to these *Mobile-Sierra* issues is in accord with the statement of the U.S. Court of Appeals for the District of Columbia Circuit that "the rule of *Mobile-Sierra*[5] and *Memphis*[6] is refreshingly simple: The contract between the parties governs the legality of the filing. Rate filings consistent with contractual obligations are valid."[7] The Court further explained that this applied "whether the parties agree to a specific rate or whether to a rate changeable in a specific manner. In either case, the contract is binding and a unilateral filing is ineffective to change it."[8]

With respect to the proposed notices of cancellation filed by MP&L for transmission service to Itasca-Mantrap and United, we shall accept them for filing as of June 18, 1975. However, we shall reject the proposed rates and conditions of service as to these two services because MP&L has not shown good cause for waiver of our notice requirements which do not permit rate schedules to be filed more than ninety days prior to the proposed effective date thereof. This action is, of course, without prejudice to MP&L's right to file for a change in rates not less than 30 nor more than 90 days prior to the date the two service agreements expire.

MP&L's filing includes an increase in the wholesale service rates applicable to Itasca-Mantrap Cooperative Electric Association (Itasca-Mantrap) which is under contract with MP&L for the furnishing of wholesale service which limits MP&L, for a period of three years, to an increase of 15% over the level of the rates in effect for that service during September, 1972. Nowhere in the subject contract or accompanying Rate Schedule is there provision which would permit MP&L to change the specified rates prior to September 28, 1975, by making a unilateral filing pursuant to Section 205 of the Federal Power Act. Since MP&L has already applied, in Docket No. E-8494 through the application of Rate Schedule No. 91, for such an increase in the rate to Itasca-Mantrap, no further rate increase for service to that customer can

[4] Village of Aitkin, City of Biwabik, City of Brainerd, Village of Buhl, City of Ely, City of Gilbert, Village of Grand Rapids, Village of Hibbing, Village of Keewatin, Village of McKinley, Village of Mountain Iron, Village of Nashwauk, Village of Pierz, City of Staples, City of Two Harbors, City of Virginia and Stuntz Cooperative Light & Power Association.

[5] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[6] *United Gas Pipe Line Co.* v. *Memphis Light, Gas and Water Division*, 358 U.S. 103 (1958).

[7] *Richmond Power and Light Co., et al.* v. *F.P.C.*, 481 F.2d 490, (D.C. Cir. 1974).

[8] *Id.* at 497.

become effective prior to September 28, 1975.

Our review of that portion of MP&L's not rejected above, indicates the certain issues are raised which do not warrant rejection of the filing but which may require development in an evidentiary proceeding. The proposed rates, charges, and conditions of service to this portion of the filing have not been shown to be just and reasonable and may be unjust, unreasonably unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept for filing the remaining portion of the filing, suspend it for thirty days, with the exception of the wholesale service agreement relating to Itasca-Mantrap which we shall suspend until September 28, 1975. At the end of the respective suspension periods, the remaining portion of the filing shall become effective, subject to refund, and subject to the condition set forth below relating to CWIP. We shall also establish appropriate hearing procedures.

MP&L's proposed filing indicates that a measure of the rate increase being sought is the result of the Company's including the item construction work in progress (CWIP) in the rate base for the test period from which their increase is derived. By order dated June 13, 1975, in Docket No. E-9446, the Commission rejected that portion of Green Mountain Power Company's filing which was the result of CWIP being included in the rate base based upon a test period which ended December 31, 1974, which facilities were not placed in service during that period. There, we observed that while it has not been the policy of this Commission to permit utilities to earn a return on CWIP, that practice is being reviewed in Docket No. RM75-13 *; and thus, it would be inappropriate for MP&L to reflect the inclusion of CWIP in the rate base for facilities which will not be placed into service prior to January 1, 1976, the end of Period II. Therefore, the Company will be required to file substitute sheets reflecting the exclusion of such CWIP from rate base within 15 days of the date of this order.

The Commission finds: (1) Good cause exists to accept for filing MP&L's revised service agreement with Wadena filed in Docket No. E-9499 to become effective July 17, 1975, thirty days after filing.

(2) Good cause exists to deny Wadena's Motion to Reject MP&L's rate change filing as to Wadena in Docket No. E-9502.

(3) Good cause exists to grant Petitioners Motion to Reject MP&L's rate filing as it applies to Standby Service to Two Harbors, Virginia, and Hibbing but to deny the remainder of Petitioners' Motion to Reject.

(4) The Notices of Cancellation filed by MP&L with respect to United and to the transmission service portion of the rate to Itasca-Mantrap should be accepted for filing as of June 18, 1975, but the proposed rates and terms of service for these two services should be rejected as hereinafter provided.

(5) Pending a hearing and decision thereon, the remainder of MP&L's filing not rejected above, should be accepted for filing and suspended as hereinafter ordered and conditioned, and appropriate hearing procedures should be established pursuant to Sections 205 and 206 of the Federal Power Act.

(6) Participation of Petitioners and Wadena in this proceeding may be in the public interest.

The Commission orders: (A) MP&L's revised service agreement with Wadena filed in Docket No. E-9499 is accepted for filing to become effective July 17, 1975, thirty days after filing.

(B) Wadena's Motion to Reject MP&L's rate change filing as to Wadena in Docket No. E-9502 is denied.

(C) Petitioners' Motion to Reject MP&L's rate filing in Docket No. E-9502 as it applies to Standby Service to Hibbing, Two Harbors, and Virginia is granted but the remainder of Petitioners' Motion to Reject is denied.

(D) The Notices of Cancellation filed by MP&L with respect to transmission service to both United and Itasca-Mantrap are accepted for filing as of June 18, 1975, but the proposed rates and terms of service for these two services are rejected since good cause has not been shown for waiver of the notice requirements set forth in Section 35.3 of the Regulations.

(E) Pending a hearing and decision thereon, the remainder of MP&L's filing not rejected above, is accepted for filing and suspended for 30 days, with the exception of the wholesale service agreement with Itasca-Mantrap which shall be suspended until September 28, 1975. At the end of the respective suspension periods, the filing shall become effective subject to refund, and subject to the provisions of Ordering Paragraph (F) below relating the CWIP.

(F) MP&L shall be required to file, within 15 days of the date of issuance of this order, substitute tariff sheets which reflect the exclusion of CWIP from the rate base for facilities which will not be placed into service prior to January 1, 1976.

(G) Pursuant to authority of the Federal Power Act, particularly Section 205 thereof, and the Commission's Rules and Regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the terms, conditions and charges in MP&L's FPC Rate Schedule, as proposed to be amended herein shall be held commencing on December 16, 1975, at 10:00 A.M., in a hearing room of the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426.

(H) On or before November 4, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before November 18, 1975. Any rebuttal evidence by MP&L shall be served on or before December 2, 1975.

(I) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(J) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.18 of the Commission's Rules of Practice and Procedure.

(K) Petitioners and Wadena are hereby permitted to intervene in these proceedings, subject to the Rules and Regulations of the Commission; *Provided, however,* that the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene; and *Provided, further,* that the admission of such intervenors shall not be considered as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

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

By the Commission.

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

* Notice of which was issued November 14, 1974.

MINNESOTA POWER & LIGHT COMPANY

Filed: June 18, 1975; effective: September 28, 1975.[1]

Designations	*Descriptions*
1. Supplement No. 3 to Rate Schedule FPC No. 103 (supersedes supplement No. 2).	Schedule 92—City of Biwabik.
Supplement No. 4 to Rate Schedule FPC No. 103.	Rider for standby service.
2. Supplement No. 3 to Rate Schedule FPC No. 96 (supersedes supplement No. 2).	Schedule 92—City of Brainerd.
Supplement No. 4 to Rate Schedule FPC No. 96.	Rider for standby service.
3. Supplement No. 3 to Rate Schedule FPC No. 104 (supersedes supplement No. 2).	Schedule 92—City of Ely.
Supplement No. 4 to Rate Schedule FPC No. 104.	Rider for standby service.
4. Supplement No. 3 to Rate Schedule FPC No. 106 (supersedes supplement No. 2).	Schedule 92—City of Gilbert.
Supplement No. 4 to Rate Schedule FPC No. 106.	Rider for standby service.

Descriptions	Designations
5. Supplement No. 3 to Rate Schedule FPC No. 100 (supersedes supplement No. 2).	Schedule 92—Village of Grand Rapids.
Supplement No. 4 to Rate Schedule FPC No. 100.	Rider for standby service.
6. Supplement No. 3 to Rate Schedule FPC No. 107 (supersedes supplement No. 2).	Schedule 92—Village of Keewatin.
Supplement No. 4 to Rate Schedule FPC No. 107.	Rider for standby service.
7. Supplement No. 3 to Rate Schedule FPC No. 117 (supersedes supplement No. 2).	Schedule 92—Village of McKinley.
Supplement No. 4 to Rate Schedule FPC No. 117.	Rider for standby service.
8. Supplement No. 3 to Rate Schedule FPC No. 78 (supersedes supplement No. 2).	Schedule 92—Village of Mountain Iron.
Supplement No. 4 to Rate Schedule FPC No. 78.	Rider for standby service.
9. Supplement No. 3 to Rate Schedule FPC No. 116 (supersedes supplement No. 2).	Schedule 92—Village of Naskwauk.
Supplement No. 4 to Rate Schedule FPC No. 116.	Rider for standby service.
10. Supplement No. 3 to Rate Schedule FPC No. 98 (supersedes supplement No. 2).	Schedule 92—Village of Pierz.
Supplement No. 4 to Rate Schedule FPC No. 98.	Rider for standby service.
11. Supplement No. 3 to Rate Schedule FPC No. 115 (supersedes supplement No. 2).	Schedule 92—Village of Proctor.
Supplement No. 4 to Rate Schedule FPC No. 115.	Rider for standby service.
12. Supplement No. 3 to Rate Schedule FPC No. 99 (supersedes supplement No. 2).	Schedule 92—Village of Rondall.
Supplement No. 4 to Rate Schedule FPC No. 99.	Rider for standby service.
13. Supplement No. 3 to Rate Schedule FPC No. 111 (supersedes supplement No. 2).	Schedule 92—City of Staples.
Supplement No. 4 to Rate Schedule FPC No. 111.	Rider for standby service.
14. Supplement No. 4 to Rate Schedule FPC No. 118 (supersedes supplement No. 3).	Superior Water, Light, and Power Company—Schedule 92.
Supplement No. 6 to Rate Schedule FPC No. 118.	Rider for standby service.
15. Supplement No. 7 to Rate Schedule FPC No. 110 (supersedes supplement No. 4).	City of Two Harbors—Schedule 92.
16. Supplement No. 6 to Rate Schedule FPC No. 119 (supersedes supplement No. 4).	Village of Aitkin—Schedule 92.
Supplement No. 7 to Rate Schedule FPC No. 119 (supersedes supplement No. 5).	Rider for standby service.
17. Supplement No. 5 to Rate Schedule FPC No. 113 (supersedes supplement No. 3).	Village of Buhl—Schedule 92.
Supplement No. 6 to Rate Schedule FPC No. 113 (supersedes supplement No. 4).	Rider for standby service.
18. Supplement No. 4 to Rate Schedule FPC No. 102 (supersedes supplement No. 2).	City of Virginia—Schedule 92.
19. Supplement No. 4 to Rate Schedule FPC No. 105 (supersedes supplement No. 2).	Village of Hibbing—Schedule 92.
20. Supplement No. 4 to Rate Schedule FPC No. 112 (supersedes supplement No. 3).	Stunz Cooperative Light and Power Association—Schedule 93.
21. Supplement No. 1 to Rate Schedule FPC No. 120.	City of Wadena—Rate for transmission service.
22. Supplement No. 5 to Rate Schedule FPC No. 52 (supersedes supplement No. 4).	Itasca-Mantrap Cooperative Electrical Association—Schedule 93.
23. Supplement No. 6 to Rate Schedule FPC No. 53 (supersedes supplement No. 5).	Itasca-Mantrap Cooperative Electrical Association (Itasca)—Schedule 93.
24. Supplement No. 4 to Rate Schedule FPC No. 29.	Itasca—Notice of Cancellation of Transmission Agreement.
25. Supplement No. 1 to Rate Schedule FPC No. 95.	United Power Association—Notice of Cancellation of Transmission Agreement.

Notes.—*Municipals are:* Cities of Biwabik, Brainerd, Ely, Gilbert, Grand Rapids, Keewatin, McKinley, Mountain Iron, Nashwauk, Pierz, Proctor, Randall, Staples, Aitkin, Buhl, Hibbing, and Two Harbors, cities are all in Minnesota.

Rural Electric Cooperative Customers are: Itasca-Mantrap Cooperative Electrical Association and Stunz Cooperative Light and Power Association.

Privately-Owned Electric System Customer is: Superior Water, Light and Power Company.

The Transmission Service Customers are: City of Wadena, Itasca-Mantrap Cooperative Electrical Association, and United Power Association.

Wheeling Customers are: City of Virginia and Village of Hibbing.

[FR Doc.75-19349 Filed 7-24-75;8:45 am]

[1] Except Nos. (22) and (23) which become effective on September 28, 1975 and (24) and (25), effective June 18, 1975.

[Docket No. CP76-12]

NORTHERN NATURAL GAS CO.

Application

JULY 17, 1975.

Take notice that on July 10, 1975, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP76-12 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of up to 15,000 Mcf of natural gas per day with Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that Lone Star Producing Company (Lone Star) has drilled twenty wells in Sutton County, Texas, and that Applicant has contracted for and is purchasing 50 percent of the gas produced by eight of the wells. Gas purchased by Applicant is said to enter Applicant's system at the outlet of Lone Star's central separator in Sutton County. The application indicates that Natural has contracted to purchase part of the remaining gas that Lone Star has available in the area. Applicant states that Natural's gathering system is too distant to connect economically to this source of supply and Natural has therefore requested that Applicant accept gas deliveries from Natural's reserves in the Sutton County area at the outlet of the separator for transportation and redelivery to Natural through existing facilities at the outlet of the Exxon Company separator in Winkler County, Texas.

It is stated that under the terms of a gas transportation and exchange agreement dated March 11, 1975, Natural would deliver to Applicant up to 15,000 Mcf of gas per day at the Sutton County delivery point and that Applicant would redeliver to Natural an equivalent volume at the Winkler County exchange point. Natural would pay to Applicant 1.6 cents per Mcf of gas delivered to Applicant at the Sutton County exchange point in consideration of the difference in cost incurred by Natural in treating the volumes of gas delivered by Applicant and the cost to Applicant in transporting the volumes of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 8, 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-19342 Filed 7-24-75;8:45 am]

[Docket No. E-9507]

OTTER TAIL POWER CO.

Extension of Time

JULY 21, 1975.

On July 15, 1975, Otter Tail Power Company filed a request for an extension of the date on which petitions to intervene or protest may be filed in the above docket. The date was set by notice issued July 2, 1975. All parties have been notified of the request and have no objection.

Upon consideration, notice is hereby given that the date on which petitions to intervene or protests may be filed is extended to August 4, 1975.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19343 Filed 7-24-75;8:45 am]

[Docket No. RP73-57, PGA75-1]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Order Setting Date for Hearing

JULY 18, 1975.

On October 15, 1974, South Texas Natural Gas Gathering Company (South Texas) tendered for filing a purchased gas cost adjustment (PGA) rate increase[1] pursuant to its PGA clause. Commission review of the October 15 filing indicated that South Texas was making an emergency purchase from Miami Oil Corporation (Miami) at a rate above the nationwide rate established by Opinion No. 699,[2] as amended. By order of November 29, 1974, Docket No. RP73-57, the Commission found that the claimed increased costs pertaining to this emergency purchase made at a rate of 80 cents per Mcf should be suspended for one day until December 2, 1974.

South Texas' PGA rate increase filing in the instant docket raises a question as to whether the increased costs claimed therein relating to the 180 day emergency gas purchase at a rate in excess of Opinion No. 699-H levels are justified.[3]

We indicated in Order No. 491-B issued November 2, 1973, mimeo p. 13, that we would "scrutinize the rates of all 180 day emergency purchases in the review of purchased gas costs in pipeline rate proceedings, including purchased gas . . . adjustment clause increases." We made it clear that we would "permit the pipeline to pass on to the consumer the rates of emergency purchases *only* when such rates can be shown to have been required by the public interest." Accordingly, we are setting this matter for hearing to give South Texas an opportunity to show that the price paid by it pursuant to the emergency sale made by Miami under Order No. 491 as amended, which is reflected in its PGA increases, are in the public interest. In this connection we shall also make Miami a respondent herein so that it may present cost evidence to show that the rate charged by it is in the public interest.[4]

Cost evidence relating to the producer sales under Order No. 491 can clearly provide the basis for "just and reasonable" rate findings. F.P.C. v. Texaco Inc., 417 U.S. 380 (1974). It follows then, that the producer should introduce relevant evidence of the cost involved in its sale. Such evidence shall be considered together with all other material evidence which would support a finding of a just and reasonable rate in excess of the national rate.

The cost evidence submitted by the producer should include, inter alia, the direct and indirect costs, including the cost of all capital funds reasonably allocated to its sale. In addition, the producer should indicate the price for which the subject gas is now being sold, whether in intrastate or interstate commerce.

The pipeline should submit evidence as to (1) its need for the gas, (2) the availability of other gas supplies, (3) the amount of gas purchased from the producer involved under the emergency provisions of Order No. 491, as amended, (4) the rates of other producer sales under Order No. 491 approved for flow through, and (5) the prevailing prices in the area for both interstate and intrastate sales of gas.

Finally, the parties may submit any other evidence relevant to the Commission's determination of whether the rates paid by the pipeline with respect to sales under Order No. 491, as amended, are in the public interest.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 7, 14 and 16 thereof, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act (18 CFR, Chapter I), Docket No. RP73-57, PGA 75-1, is set for the purpose of hearing and disposition with respect to the emergency purchase of South Texas discussed in the body of this order.

(B) A public hearing on the issue presented herein shall be held commencing on September 24, 1975, at 10:00 A.M. (EDT) in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(C) Miami is hereby made a respondent in this proceeding.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 C.F.R. 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's Rules of Practice and Procedure.

(E) South Texas and Miami shall file their direct testimony and evidence on or before September 10, 1975. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19344 Filed 7-24-75;8:45 am]

[Docket No. CP76-2]

TENNESSEE GAS PIPELINE CO.

Application

JULY 18, 1975.

Take notice that on July 2, 1975, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP76-2 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing it to render to East Tennessee Natural Gas Company (East Tennessee) an off-peak natural gas storage service for one year of up to 500,000 Mcf of natural gas, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests that it be authorized to receive natural gas from East Tennessee during the summer of 1975 to permit East Tennessee to store up to 500,000 Mcf and to deliver to East Tennessee its stored volumes during the 1975-1976 winter at the rate of 6,250 Mcf per day. Applicant states that this service would utilize Applicant's available off-

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[1] Third Revised Exhibit A (Third Revised PGA-1) to FPC Rate Schedule No. 2.

[2] Opinion No. 699, Docket No. R-389-B, Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, issued June 21, 1974. That opinion was modified by Opinion No. 699-H issued December 4, 1974.

[3] There is no need for South Texas to present any evidence with respect to those emergency sales reflected in its filing in Docket No. RP73-57, which exceed the rate established in Opinion No. 699 but do not exceed the higher rate prescribed in Opinion No. 699-H to be effective as of June 21, 1974.

[4] Under Order No. 491-B producers are not required to make any refunds.

peak capacity of its existing pipeline, and would utilize the storage capacity made available to Applicant by Consolidated Gas Supply Corporation (Consolidated). Applicant states that by a letter agreement between itself and Consolidated, a total storage capacity of 3,940,000 Mcf was sold to it and further that 500,000 Mcf of the 3,940,000 Mcf of storage capacity is available for a one-year period.

Applicant alleges that East Tennessee has been unable to utilize fully its own storage facilities for liquefied natural gas (LNG) because of delays in construction. Applicant further alleges that East Tennessee anticipates a curtailment of 26 percent of its priority 2 requirements customers during the 1975–1976 winter with its own storage capacity completely utilized and that East Tennessee is unable to store more than 439,500 Mcf of gas in its LNG facilities. It is said that this would result in an additional curtailment of East Tennessee's supplemental winter service of 500,000 Mcf of gas. Applicant requests authorization to store 500,000 Mcf of gas, purchased under Rate Schedule G-1 by East Tennessee for one year under a special rate schedule to be filed for that purpose. Applicant states that ordinarily Rate Schedule G-1 is not available to a customer with access to underground storage, but considering the extraordinary circumstances of the situation and that the limited period of the proposed storage service Applicant requests that the restriction in Rate Schedule G-1 be waived.

Applicant states that the cost of the proposed service would be a purchased storage service charge, which would equal the monthly billing to Applicant by Consolidated for the purchased storage service applicable to the instant application, and an additional storage service charge of 84.84 cents per Mcf multiplied by the actual withdrawal volume during the month.

Applicant states that when the daily volume requested is more than the daily volume available, it would withdraw natural gas from its own storage facilities if possible to deliver to the storage customers and accept deliveries of gas to replace such volumes on days when storage customers' requests are below the daily volume available of 26,100 Mcf of gas to Applicant from Consolidated.

Applicant further requests that the instant application be consolidated with the application pending in Docket No. CP75-376, in which Applicant requests authorization to render a two-year storage service to ten New England Customers with the balance of the storage capacity available from Consolidated.

Any person desiring to be heard or to make any protest with reference to said application should on or before August 6, 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) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.75-19345 Filed 7-24-75;8:45 am]

[Docket No. RP75-73]

TEXAS EASTERN TRANSMISSION CORP.

Order Granting Untimely Petition To Intervene

JULY 18, 1975.

On March 14, 1975, Texas Eastern Transmission Corporation (Texas Eastern) tendered for filing proposed changes in its FPC Gas Tariff to provide for a rate increase in jurisdictional revenues of approximately $103,200,000 annually.

Public notice of Texas Eastern's filing was issued on March 19, 1975, with comments, protests and petitions to intervene due on or before April 2, 1975.

An untimely petition to intervene in these proceedings was filed by Long Island Lighting Company. Having reviewed such petition, we conclude that the Company has a sufficient interest in these proceedings to warrant its intervention herein.

The Commission finds:

It is desirable and in the public interest to permit the intervention in these proceedings of Long Island Lighting Company.

The Commission orders:

(A) Long Island Lighting Company is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission; *provided, however,* that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; and *provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of these proceedings.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19346 Filed 7-24-75;8:45 am]

[Docket No. RP72-133; PGA75-3]

UNITED GAS PIPE LINE CO.

Filing of Revised Tariff Sheet

JULY 21, 1975.

Take notice that on July 14, 1975, United Gas Pipe Line Company (United) tendered for filing Substitute Twenty-Fifth Revised Sheet No. 4 to its FPC Gas Tariff, First Revised Volume No. 1. This revised tariff sheet is being filed, pursuant to Commission order issued June 30, 1975, to eliminate from United's May 16, 1975 PGA filing producer rate charges which did not become effective by July 1, 1975.

Copies of the revised tariff sheet and supporting data are being mailed to United's jurisdictional customers and interested state commissions.

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, N.E., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before July 31, 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 proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19347 Filed 7-24-75;8:45 am]

[Docket No. CP74-35]

EXXON PIPELINE CO. OF CALIFORNIA, SANTA BARBARA CHANNEL PIPELINE PROJECT

Availability of Staff Final Environmental Impact Statement

JULY 25, 1975.

Notice is hereby given in the above docket, that on July 25, 1975, as required by Section 2.82(b) of Commission Order No. 415-C, a Final Environmental Im-

pact Statement prepared by the staff of the Federal Power Commission was made available. This final statement deals with an application by Exxon Pipeline Company of California, Docket No. CP74-35 for a certificate of public convenience and necessity under Section 7(c) of the Natural Gas Act authorizing construction and operation of 8 miles of 12-inch natural gas pipeline and gas treatment facilities. These facilities would be located in Santa Barbara County, California and offshore in the Santa Barbara Channel.

This final statement has been circulated to Federal, state, and local agencies, has been placed in the public files of the Commission, and is available for public inspection at its Office of Public Information, Room 1000, 825 North Capitol Street, N.E., Washington, D.C. and its regional office located at 555 Battery St., San Francisco, California 94111. Copies may be obtained from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.75-19516 Filed 7-24-75;8:45 am]

[Docket No. E-9039]

NORTHERN STATES POWER CO.

Compliance Filing

JULY 22, 1975.

Take notice that on July 3, 1975, Northern States Power Company (Northern States) tendered for filing certain information concerning its proposed fuel clause and comparative costs, in response to a deficiency letter dated December 13, 1974 from the Secretary of this Commission. Specifically, Northern States offered reasons for the differential in fuel costs at the site of its plant Alma No. 6 and the western coal costs as reported in its FPC Form No. 423.

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 Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure. All such petitions or protests should be filed on or before July 29, 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.75-19517 Filed 7-24-75;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN SECURITY CORPORATION

Acquisition of Bank

American Security Corporation, Washington, D.C., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of SBMT American Security and Trust Company, Washington, D.C. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 21, 1975.

Board of Governors of the Federal Reserve System, July 21, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-19391 Filed 7-24-75;8:45 am]

BANKS OF IOWA, INC.

Acquisition of Bank

Banks of Iowa, Inc., Cedar Rapids, Iowa, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Key City Bank and Trust Company, Dubuque, Iowa. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 8, 1975.

Board of Governors of the Federal Reserve System, July 17, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-19368 Filed 7-24-75;8:45 am]

CITIZENS BANCORP

Acquisition of Bank

Citizens Bancorp, Maud, Oklahoma, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Citizens State Bank, Maud, Oklahoma. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 19, 1975.

Board of Governors of the Federal Reserve System, July 17, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-19369 Filed 7-24-75;8:45 am]

COMMUNITY STATE AGENCY, INC.

Formation of Bank Holding Company

Community State Agency, Inc., Bloomington, Minnesota, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 per cent or more of the voting shares of Community State Bank, Bloomington, Minnesota. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than August 8, 1975.

Board of Governors of the Federal Reserve System, July 18, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-19370 Filed 7-24-75;8:45 am]

FIRST BANC GROUP, INC.

Proposed Retention of St. Louis Computer Center, Inc.

First Banc Group, Inc., Creve Coeur, Missouri, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain voting shares of St. Louis Computer Center, Inc., Creve Coeur, Missouri. Notice of the application was published on May 10, 1975 in The St. Louis Countian, a newspaper circulated in the County of St. Louis, Missouri.

Applicant states that the proposed subsidiary would engage in the following activities: Provide data processing services for the holding company and its banking subsidiaries and to store and process for customers financial data, such as performing payroll, accounts receivable, accounts payable, and general ledger services. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing

the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than August 19, 1975.

Board of Governors of the Federal Reserve System, July 17, 1975.

[SEAL] ROBERT SMITH III, *Assistant Secretary of the Board.*

[FR Doc.75-19371 Filed 7-24-75;8:45 am]

FIRST NATIONAL CHARTER CORPORATION

Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Excelsior Trust Company of Excelsior Springs, Missouri, Excelsior Springs, Missouri. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 11, 1975.

Board of Governors of the Federal Reserve System, July 21, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-19392 Filed 7-24-75;8:45 am]

FIRST NATIONAL CINCINNATI CORPORATION

Acquisition of Bank

First National Cincinnati Corporation, Cincinnati, Ohio, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of The Miami Deposit Bank, Yellow Springs, Ohio. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 8, 1975.

Board of Governors of the Federal Reserve System, July 18, 1975.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.75-19372 Filed 7-24-75;8:45 am]

FOB, CORP.

Order Approving Formation of Bank Holding Company

FOB, Corp., Belleville, Illinois, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank of Belleville, Belleville, Illinois. The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Applicant has also applied, pursuant to § 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire 100 per cent of the voting shares of Illinois State Trust Company, East St. Louis, Illinois ("Company"). Company engages in performing or carrying on any one or more of the functions or activities that may be performed or carried on by a trust company, including activities of a fiduciary, agency, or custodian nature. Such activities have been determined by the Board in § 225.4(a)(4) of Regulation Y to be permissible for bank holding companies, subject to Board approval of individual proposals in accordance with § 225.4(b) of Regulation Y.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with §§ 3 and 4 of the Act (40 FR 21540). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)), and the considerations specified in § 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant is a recently-formed corporation organized for the purposes of becoming a bank holding company through the acquisition of Bank and of engaging in trust company activities through the acquisition of Company. Bank holds deposits of approximately $110 million,[1] representing 1.6 per cent of the total deposits in commercial banks in the St. Louis banking market,[2] and thereby ranks as the tenth largest of 122 banks operating therein. Since the purpose of the proposed transaction is to effect a transfer of the ownership of Bank from individuals to a corporation owned by the same individuals, with no major changes in Bank's management or operations, and Applicant has no present banking subsidiaries, consummation of the proposal would not have any significant adverse effect on competition in any relevant area. Therefore, the Board concludes that the competitive considerations are consistent with approval of the application to acquire Bank.

The financial condition and managerial resources of Bank are considered satisfactory and its future prospects appear favorable. Applicant's financial condition and management are satisfactory and its future prospects, which are dependent upon the operations of Bank and Company, also appear favorable. Thus, the banking factors are consistent with approval of the application to acquire Bank. Although Applicant does not proposed any immediate changes in Bank's services as a result of this transaction, the considerations relating to the convenience and needs of the residents of the community to be served are regarded as being consistent with approval of the application to acquire Bank. Therefore, it is the Board's judgment that consummation of the proposal to form a bank holding company would be consistent with the public interest and that the application should be approved.

In conjunction with its application to become a bank holding company, Applicant also proposes to perform trust services through the acquisition of Company. Company operates three offices in Illinois—one in East St. Louis and two in Belleville. In 1973, Company derived approximately $350,000 in income from its operations, representing 1.5 per cent of the total income of trust organizations in the relevant market,[3] and on this basis ranked as the sixth largest trust organization operating therein. Bank also performs trust services within this market. In 1973, Bank's trust department derived income of approximately $181,000 from its operations, representing 0.8 per cent of the total trust income in the market and ranked as the market's eighth largest trust organization. There are 37 other organizations with trust powers operating within the market. Together, the largest three trust organizations in the market control 88.9 per cent of the market's total income derived from trust operations. In view of the relatively small size of Company and Bank in relation to others in the market and the number of

[1] All banking data are as of December 31, 1974, and reflect bank holding company formations and acquisitions approved by the Board through June 30, 1975.

[2] The St. Louis banking market is approximated by all of the City of St. Louis and St. Louis County, portions of St. Charles and Jefferson Counties in Missouri, and portions of Madison and St. Clair Counties in Illinois.

[3] The relevant geographic market for trust services is approximated by the St. Louis banking market and all of St. Clair County, Illinois.

other competitors, it appears that Applicant's acquisition of Company would not have a significant adverse effect on existing or future competition. Moreover, there is no evidence in the record to indicate that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest. On the other hand, upon consummation of the proposal, Applicant proposes to offer additional services to trust customers and employ professional investment services. This should result in increased competition within the market and benefit the public generally.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under § 3(c) of the Act and the balance of the public interest factors the Board must consider under § 4(c)(8) both favor approval of Applicant's proposals.

Accordingly, the applications are approved for the reasons summarized above. The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order, and neither the acquisition of Bank nor the acquisition of Company shall be made later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority. The determination as to Company's activities is subject to the conditions set forth in section 225.4 (c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies and their subsidiaries and to require such modification or termination of the activities of a bank holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[4] effective July 18, 1975.

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

[FR Doc.75-19393 Filed 7-24-75;8:45 am]

KANSAS STATE BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

Kansas State Bancshares, Inc., Manhattan, Kansas, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 per cent of the voting shares of Kansas State Bank of Manhattan, Manhattan, Kansas ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a non-operating company recently organized for the purpose of becoming a bank holding company through acquisition of Bank (deposits of $12.3 million)[1] is the smallest of four banks in Manhattan, Kansas, an agriculturally oriented area located in the north-central portion of the State approximately 100 miles west of Kansas City. Bank is the sixth largest of thirteen banks in the relevant banking market[2] and holds 6.4 per cent of the total commercial bank deposits therein. Upon acquisition of Bank, Applicant would control the 182nd largest bank in Kansas, with .15 per cent of total deposits in commercial banks in the State. Since the subject proposal represents a restructuring of existing ownership interests of Bank and since Applicant has no present subsidiaries, it is concluded that consummation of the proposal would not eliminate existing or potential competition, nor have an adverse effect on other area banks.

A principal of Applicant is also a principal in another registered one-bank holding company with a banking subsidiary in Sylvan Grove, Kansas, approximately 120 miles west of Manhattan. Since the latter bank is located in a distant, separate banking market from that of Bank, it appears that no existing competition would be eliminated, nor potential competition foreclosed, as a result of consummation of this proposal. Accordingly, it is concluded that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which will depend upon those of Bank, are considered to be generally satisfactory. In addition, it appears that Applicant would be in a position to provide Bank with additional capital should the need arise in the future. Therefore, considerations relating to banking factors are consistent with approval of the application. Although consummation of the transaction would have no immediate effect on area banking needs, considerations relating to the convenience and needs of the community to be served are also deemed to be consistent with approval of the application. It has been determined that consummation of the transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority from the Board of Governors, effective July 21, 1975.

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

[FR Doc.75-19394 Filed 7-24-75;8:45 am]

MANUFACTURERS NATIONAL CORPORATION

Order Approving Acquisition of Bank

Manufacturers National Corporation, Detroit, Michigan, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of the successor by consolidation to Bay City Bank & Trust Company, Bay City, Michigan ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and all comments received have been considered in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the third largest banking organization in Michigan, controls three banks with aggregate deposits of approximately $2.4 billion, representing 8.5 per cent of the total deposits in commercial banks in the State.[1] Acquisition of Bank would increase Applicant's share of State deposits by about 0.2 of a percentage point and would not significantly increase the concentration of banking resources in Michigan.

Bank holds deposits of approximately $54.4 million, representing 12.4 per cent of the total deposits in commercial banks in the relevant market, and thereby ranks as the third largest of six banks operating therein.[2] The office of Applicant's subsidiary bank closest to an office of Bank is located 86 miles away in Rochester, Michigan. It appears that no meaningful competition presently exists between any of Applicant's banking subsidiaries and Bank, nor does it appear likely that any significant competition

[4] Voting for this action: Chairman Burns and Governors Holland, Wallich, Coldwell and Jackson. Absent and not voting: Governors Mitchell and Bucher.

[1] All banking data are as of December 31, 1974.

[2] The relevant banking market is approximated by the northern portion of Geary County, Riley County, and the southwestern portion of Pottawatomie County.

[1] All banking data are as of June 30, 1974, and represent all holding company formations and acquisitions through June 30, 1975.

would develop between them in view of the distances involved and Michigan's restrictive branching laws. Although Applicant could enter the area *de novo*, such entry appears unlikely because the population per banking office ratio of the market is below that of the State. Moreover, in view of Bank's small size relative to the two larger banks in the market, such entry by Applicant should have a salutary effect on competition by introducing the resources of another large banking organization to compete in the market. It is concluded that consummation of the proposal would not have a significantly adverse effect on competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial condition and managerial resources of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and the future prospects for each appear favorable. Thus, the banking factors are consistent with approval of the application. Applicant proposes to improve Bank's trust department, provide for successor management, introduce a new leasing service, and improve customer services in the areas of personal loans and agricultural and international accounts. Thus, the considerations relating to the convenience and needs of the residents of the community to be served lend some weight toward approval of the application. Therefore, it is concluded that the proposed transaction would be in the public interest and that the application should be approved.

[FR Doc.75-19395 Filed 7-24-75;8:45 am]

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Secretary of the Board, acting pursuant to delegated authority for the Board of Governors, effective July 21, 1975.

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

[FR Doc.75-19395 Filed 7-24-75;8:45 am]

NATIONAL CITY CORPORATION

Acquisition of Bank

National City Corporation, Cleveland, Ohio, has applied for the Board's approval under § 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 89 percent or more of the voting shares of The First National Bank of Ashland, Ashland, Ohio. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application showed submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than August 19, 1975.

Board of Governors of the Federal Reserve System, July 17, 1975.

[SEAL] ROBERT SMITH III,
Assistant Secretary of the Board.

[FR Doc.75-19373 Filed 7-24-75;8:45 am]

NORTH FLORIDA BANCSHARES, INC.

Order Approving Formation of Bank Holding Company

North Florida Bancshares, Inc., Panama City, Florida, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of The Bay National Bank and Trust Co. ("Bay Bank") and The First National Bank ("Panama City Bank"), both of Panama City, Florida.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with § 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a non-operating corporation with no subsidiaries, was recently organized for the purpose of becoming a bank holding company through the acquisition of Bay Bank and Panama City Bank. The subject banks have aggregate deposits of $79.4 million, representing approximately .4 percent of the total deposits in commercial banks in Florida.[1] It appears that approval of the application would not increase significantly the concentration of banking resources in the State.

Bay Bank (deposits of $65.6 million) and Panama City Bank (deposits of $13.8 million) are located in the Bay County banking market (the relevant banking market). Of the seven banks in the market, Bay Bank ranks as the largest and Panama City Bank as the fourth largest, with approximately 37 per cent and 8 per cent of the total market deposits, respectively. Upon consummation of the proposed transaction, Applicant would become the largest banking organization in the market, controlling 45 per cent of total deposits therein. The second largest organization controls three banks with approximately 41 per cent of total market deposits; the remaining two banks in the market are subsidiaries of the State's largest bank holding company and hold in the aggregate almost 14 per cent of total market deposits. Although Bay Bank and Panama City Bank are located in the same banking market, they do not actively compete with each other due to the fact that they have been under common ownership and management for over 10 years. In the absence of consummation of this proposal, it is unlikely that this existing affiliation would terminate in the foreseeable future. Accoridngly, since this proposal represents a corporate reorganization of the ownership of subject banks, it appears that consummation of the transaction would not eliminate any existing or future competition between subject banks nor would there be any adverse effects on any bank in the relevant market. On the basis of the record, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant, which are dependent upon those of the two banks to be acquired, are considered to be generally satisfactory, especially in view of Applicant's commitment to inject additional equity capital into one of its proposed subsidiary banks. Accordingly, considerations relating to the banking factors are consistent with approval of the application. Although consummation of the transaction would have no immediate effect on the banking needs of the residents in the market, considerations relating to the convenience and needs of the community to be served are regarded as consistent with approval. It is the Board's judgment that the transaction would be consistent with the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[2] effective July 18, 1975.

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

[FR Doc.75-19374 Filed 7-24-75;8:45 am]

SOUTHEASTERN BANCSHARES, INC.

Formation of Bank Holding Company

Southeastern Bancshares, Inc., Broken Bow, Oklahoma, has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of First Bank & Trust, Broken Bow, Oklahoma. The factors that

[1] The relevant market is approximated by the Bay City-Midland RMA in Michigan.

[1] All banking data are as of December 31, 1974; all market data are as of June 30, 1974 and reflect bank holding company formations and acquisitions approved by the Board through April 30, 1975.

[2] Voting for this action: Governors Bucher, Holland, Coldwell and Jackson. Absent and not voting: Chairman Burns and Governors Mitchell and Wallich.

are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than August 21, 1975.

Board of Governors of the Federal Reserve System, July 21, 1975.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.75-19396 Filed 7-24-75;8:45 am]

WINTERS NATIONAL CORPORATION, DAYTON, OHIO

Order Approving Acquisition of Euclid National Bank, Euclid, Ohio

Winters National Corporation, Dayton, Ohio (Applicant), a bank holding company within the meaning of the Bank Holding Company Act, has applied for approval of the Board of Governors of the Federal Reserve System, under Section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire up to 100%, less directors' qualifying shares, of the successor by merger to Euclid National Bank, Euclid, Ohio (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application affording opportunity for interested persons to submit comments and views has been given in accordance with Section 3(b) of the Act (12 U.S.C. 1842(b)). The time for filing comments and views has expired and none have been timely received. The Reserve Bank has considered the application in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the thirteenth largest banking organization in Ohio, controls one bank with domestic deposits of $54.4 million, representing 1.93 percent of total deposits in commercial banks in the State.[1] Upon consummation of the proposal, Applicant's share of total state deposits would only increase to 2.33 percent, and it would become the eleventh largest banking organization in the State.

Bank, with deposits of $113.0 million, is the tenth largest of thirty-eight banking organizations in the Cleveland banking market[2] and controls approximately 1.30 percent of market deposits. The closest offices of Bank and Applicant's subsidiary bank are 179 miles apart. There is no significant existing competition between Applicant's subsidiary bank and Bank, and there is little likelihood for any competition to develop given the distance separating the institutions and the county-wide branching restrictions of Ohio law. Furthermore, *de novo* entry into the Cleveland banking market by Applicant seems unlikely because of the large number and size of the banking organizations which presently compete in this area. Accordingly, consummation of the proposed transaction would appear to have no adverse effects on existing or potential competition.

There is no evidence to indicate that the banking needs of the Cleveland banking market are not being adequately met. However, Applicant plans to make international services and FHA and VA mortgages available at Bank, and to broaden the scope of Bank's trust and leasing operations through its subsidiaries. Thus, factors relating to the convenience and needs of the communities to be served are consistent with approval of the application. The financial and managerial resources and prospects of Applicant, its subsidiary bank and nonbanking subsidiaries, and Bank are generally satisfactory and consistent with approval of the application. It has been determined that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Cleveland, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System effective July 17, 1975.

WALTER H. MACDONALD,
First Vice President.

[FR Doc.75-19397 Filed 7-24-75;8:45 am]

[1] Banking data are as of June 30, 1974.

[2] The Cleveland banking market is approximated by all of Cuyahoga, Lake, and Geauga Counties, and parts of Medina, Lorain, Summit, and Portgage Counties. Data for individual market shares are as of June 30, 1973.

GENERAL SERVICES ADMINISTRATION

[FDMR Temporary Reg. 348]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administration Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the North Carolina Utilities Commission involving the application of the Carolina Power and Light Company for changes in its fuel adjustment clause (Docket No. E-2 Sub No. 260).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JULY 7, 1975.

[FR Doc.75-19376 Filed 7-24-75;8:45 am]

[FPMR Temporary Reg. F-349]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective July 8, 1975.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Service Commission of Nevada involving the applications of the Nevada Power Company for increases in electric rates (Docket No. 317, Docket No. 325, and related dockets involving Nevada Power Company consolidated for hearing with Dockets 317 and 325).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Administrator of General Services.

JULY 17, 1975.

[FR Doc. 75-19377 Filed 7-24-75;8:45 am]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON WASHINGTON PUBLIC POWER SUPPLY SYSTEMS NUCLEAR PROJECTS 3 AND 5

Correction

Correct location of the local Public Document Room for the Washington Public Power Supply Systems Nuclear Projects 3 and 5 (WPPSS 3 and 5) cited in the notice of the ACRS WPPSS 3 and 5 Subcommittee August 4, 1975 meeting, published at 40 FR 30329, July 18, 1975 is the H. W. Abel Memorial Library, 125 Main Street, South, Montesano, Washington 98563, not the Richland Public Library, Swift and Northgate Streets, Richland, Washington 99352.

All other matters pertaining to the meeting remain unchanged.

Dated: July 22, 1975.

JOHN C. HOYLE,
Advisory Committee Management Officer.

[FR Doc.75-19365 Filed 7-24-75;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO. AND OGLETHORPE ELECTRIC MEMBERSHIP CORP.

Issuance of Amendment To Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 14 to Facility Operating License No. DPR-57 issued to Georgia Power Company and Oglethorpe Electric Membership Corporation which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment permits modification to the Technical Specifications to correct an existing error related to identification of instrumentation installed in the discharge piping of core and containment cooling systems.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated March 25, 1975, (2) Amendment No. 14 to License No. DPR-57, with Change No. 14, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 18th day of July, 1975.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3 Division of Reactor Licensing.

[FR Doc.75-19362 Filed 7-24-75;8:45 am]

INTERNATIONAL ATOMIC ENERGY AGENCY DRAFT CODES OF PRACTICE

Availability of Draft for Public Comment

The International Atomic Energy Agency (IAEA) is developing a limited number of internationally acceptable codes of practice and safety guides for nuclear power plants. These codes and guides will include five areas: Government Organization, Siting, Design, Operations, and Quality Assurance. The purpose of these codes and guides is to provide IAEA guidance to countries beginning nuclear power programs. The draft Code of Practice on Quality Assurance for Nuclear Power Plants has previously been made available for public comment. The draft Code of Practice on Siting is now available and the draft Codes of Practice on Operations and Governmental Organization probably will become available during the next few weeks. The NRC staff is soliciting U.S. public comment on these draft Codes of Practice when they become available. Single copies of these drafts may be obtained by a written request to the Director, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. Comments received by August 11, 1975, will be useful to the NRC staff in preparing for the next meeting of the Senior Advisory Group of IAEA standards program now planned for September 1-5, 1975.

The IAEA Codes of Practice are developed in the following way. The IAEA has received and collated relevant existing standards used by member countries. Using this collation as a starting point, an IAEA Working Group of a few experts then develops a preliminary draft. (Two Codes of Practice, Design and Quality Assurance, did not need a Working Group because previous IAEA groups, in which AEC Regulatory staff members participated, had already developed preliminary drafts on these matters.) Following this, an IAEA Technical Review Committee reviews the preliminary draft and modifies it to the extent necessary to develop a draft acceptable to the IAEA Technical Review Committee. The IAEA Technical Review Committee for Siting met in June 1975, and the Technical Review Committees for Operations and for Governmental Organization will meet in July 1975. These draft Codes of Practice will be sent to the IAEA Senior Advisory Group, which will review and modify the draft as necessary to reach agreement on the draft and then forward the draft to the IAEA Secretariat to obtain comments from the Member States. Thus a second opportunity for public comment on later drafts will be forthcoming.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland, this 18th day of July 1975.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director, Office of Standards Development.

[FR Doc.75-19364 Filed 7-24-75;8:45 am]

[Docket No. 50-29]

YANKEE ATOMIC ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-3 issued to Yankee Atomic Electric Company which revised Technical Specifications for operation of the Yankee Nuclear Power Station, located in Rowe, Massachusetts. The amendment is effective as of its date of issuance.

This amendment adds the provisions in the Technical Specifications relating to the trip setpoints of the existing loss-of-flow instrumentation. The licensee has agreed to reconnect the original ΔP low flow protection instrumentation during the next refueling outage. Accordingly, this amendment also adds notations for meeting the presently specified requirements for this protection instrumentation as of the date of startup with Core XII.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment is not required since the amendment does not involve a significant hazards consideration.

For further details with respect to this action, see (1) the application for amendment dated January 13, 1975, and supplemental letters dated February 19 and April 17, 1975, (2) Amendment No. 13 to License No. DPR-3, with Change No. 118 and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Greenfield Public Library, 402 Main Street, Greenfield, Massachusetts 01581.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Maryland, this 16th day of July 1975.

For the Nuclear Regulatory Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Division of Reactor Licensing.

[FR Doc.75-19363 Filed 7-24-75;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 July 21, 1975 (44 USC 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.

Requests for extension which appear to raise no significant issues 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

ENVIRONMENTAL PROTECTION AGENCY

Application for Federal Assistance, EPA Research, Demonstration, and Training Program, EPA 5700-12, on occasion, individuals, agencies, and institutions, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary, Service Consumption Patterns and Service Priorities of the Elderly—Service Consumer Questionnaire, single-time, persons 60 years old and over, Reese, B. F., 395-3211.

REVISIONS

ENVIRONMENTAL PROTECTION AGENCY

Application for Federal Assistance, State and Local Nonconstruction Programs, EPA 5700-33, on occasion, State and local government agencies, Lowry, R. L., 395-3772.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration, Disability Determination—State Agency, SSA-831, on occasion, State disability determination services, Caywood, D. P., 395-3443.

DEPARTMENT OF LABOR

Manpower Administration, Trade Readjustment Allowance Activities and Employability Services, MA 5-63, monthly, State employment security agencies petitioning under Trade Act, Marsha Traynham, 395-4529.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education, Follow Through Teacher (FT), Teacher (Comparison), and Aide Questionnaires, OE-4532, annually, classroom teachers, Marsha Traynham, 395-4529.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.75-19450 Filed 7-24-75;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOMPENT ACT

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 USC 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 within two weeks of publication of this notice to: Deputy Assistant Secretary for Manpower, 601 D Street, NW., Washington, D.C. 20213.

Signed at Washington, D.C. this 21st day of July 1975.

BEN BURDETSKY,
Deputy Assistant Secretary for Manpower.

Applications received during the week ending July 18, 1975

Name of applicant	Location of enterprise	Principal product or activity
Robert Lucky Bell	Junction, Vt	Delicatessen, restaurant and ice cream parlor.
New England Feed Co	Portland, Maine	Mills poultry feed.
Cape Ann Cold Storage, Inc	Gloucester, Mass	Frozen food storage.
Transfertex International Puerto Rico, Inc	Manati, P.R	Thermo printing transfer paper for textile industry.
Carpet Center Leasing Co., Inc	Rocky Face, Ga	Trucks and trailers for lease.
Tracy A. Barnes, DMD	Bennettsville, S.C	Dentist.
Unifour Concrete Products, Inc	Hudson, N.C	Manufacturing stalite masonry concrete blocks.
Tiger Line Manufacturing Co., Inc	Gaylord, Mich	Manufacturing of rough terrain fork lift trucks.
Robert S. Herbst, Jr	Washington, Wis	Convention/tradeshow hotel.
Hubert E. and Jane V. Metzger	Crestline, Ohio	Retail food service.
Leer Manufacturing Co., Inc	New Lisbon, Wis	Manufacturing and sales of ice merchandisers and walk-in coolers and freezers.
West Branch Geriatric Village	West Branch, Mich	Nursing home.
Jennie-O-Foods, Inc	Willmar, Minn	Turkey feed mill.
Anderson Grain Corp	Levelland, Tex	Grain elevators.
Bolin's Tru Value Hardware	Clarksville, Tex	Hardware store.
International Petroleum Services, Inc	El Dorado, Kans	Manufacture, sale and service of drilling rigs and related oil-producing equipment.
J. E. Crofts & Sons	Vernal, Utah	Logging, sawing, and sale of lumber.
Clarks Meat House, Inc	Riverton, Wyo	Wholesale and retail meat sales.
David Spencer Huis-Ravalli County Creamery	Hamilton, Mont	Manufacturing of cheese, ice cream, and butter.
Grigg's Self-Service Department Store	Hermiston, Oreg	Retail department store.
Alyucan Interstate Corp	Pocatello, Idaho	Lease office space.

[FR Doc.75-19304 Filed 7-24-75;8:45 am]

MIGRANT AND OTHER SEASONAL FARMWORKERS PROGRAM

Fiscal Year 1976 State Planning Estimates and Announcement of Areas Open for Competition

Pursuant to 29 CFR 97.211, the Manpower Administration announces (1) the State planning estimates for use by organizations applying for Fiscal Year 1976 funds for Migrant and Other Seasonal Farmworker Programs authorized by section 303 of the Comprehensive Employment and Training Act of 1973 (CETA), and (2) that all of the jurisdictions listed below, except Alaska, are open for competition among organizations eligible for section 303 grants. The planning estimates, which are announced for planning purposes only, are subject to Congressional action on the Fiscal Year 1976 appropriation for the Department of Labor, Manpower Administration, CETA.

The Quarterly Agricultural Labor Survey of the Statistical Reporting Service of the United States Department of Agriculture was determined to be the best available data source for the Fiscal Year 1976 allocation of section 303 funds, due to its superior statistical precision. The survey methodology involves multiple frame sampling on a probability basis. Probability samples are selected from lists of employers as well as from land areas to increase efficiency and precision. The employers sampled included both agricultural employers and agricultural service firms.

The definition of farmworker used by the Statistical Reporting Service corresponds very closely with the section 303 definition. The specific data item used for determining the planning estimates is the number of hired farmworkers per State in each calendar quarter, modified by monthly adjustment factors to produce monthly data.

Eighty-five percent (85%) of the planned total section 303 allocation has been apportioned for the planning estimates for programs in 49 States and Puerto Rico, based on each State's percentage of the nation's farmworkers and on each State's hold harmless level of ninety percent (90%) of the Fiscal Year 1975 allocation.

Organizations interested in applying for these funds should consult the July 9, 1975, FEDERAL REGISTER for the procedures to be used. A notice of intent to apply, Preapplication for Federal Assistance form, Part I, OMB No. 80-R0187, must be submitted by eligible organizations to the Department of Labor, Manpower Administration, by August 1, 1975.

The following list presents the State planning estimates for the Fiscal Year 1976 grant application process for the jurisdictions which will be allocated funds according to the procedures described above.

State:	*State planning estimate*
Alabama	$729,000
Arizona	1,150,000
Arkansas	982,000
California	8,480,000
Colorado	853,000
Connecticut	280,000
Delaware	100,000
Florida	3,844,000
Georgia	1,003,000
Hawaii	316,000
Idaho	509,000
Illinois	858,000
Indiana	676,000
Iowa	858,000
Kansas	531,000
Kentucky	880,000
Louisiana	735,000
Maine	247,000
Maryland	313,000
Massachusetts	274,000
Michigan	926,000
Minnesota	1,076,000
Mississippi	982,000
Missouri	771,000
Montana	387,000
Nebraska	552,000
Nevada	73,000
New Hampshire	56,000
New Jersey	522,000
New Mexico	810,000
New York	938,000
North Carolina	4,791,000
North Dakota	284,000
Ohio	691,000
Oklahoma	584,000
Oregon	923,000
Pennsylvania	887,000
Puerto Rico	2,173,000
Rhode Island	50,000
South Carolina	909,000
South Dakota	386,000
Tennessee	826,000
Texas	6,127,000
Utah	414,000
Vermont	110,000
Virginia	822,000
Washington	1,682,000
West Virginia	160,000
Wisconsin	1,192,000
Wyoming	182,000
U.S. total	53,903,000

Signed in Washington, D.C., this 18th day of July, 1975.

ROBERT J. MCCONNON,
Director,
Office of National Programs.

[FR Doc.75-19474 Filed 7-24-75;8:45 am]

Occupational Safety and Health Administration

FEDERAL ADVISORY COUNCIL ON OCCUPATIONAL SAFETY AND HEALTH

Cancellation of Meeting

The meeting of the Federal Advisory Council on Occupational Safety and Health scheduled for July 30, 1975, in Washington, D.C., published July 8, 1975, (FEDERAL REGISTER, Vol. 40 No. 131), is hereby cancelled due to further development of agenda items.

Signed at Washington, D.C., this 24th day of July 1975.

JOHN T. DUNLOP,
Secretary of Labor.

[FR Doc.75-19566 Filed 7-24-75;9:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 815]

ASSIGNMENT OF HEARINGS

JULY 22, 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 140747, Rancocas Valley Bus Service, Inc., now being assigned November 11, 1975, (2 days), at Philadelphia, PA, in a hearing room to be later designated.

MC 113528 (Sub-No. 24), Mercury Freight Lines, Inc., now being assigned November 3, 1975, (2 weeks), at Baton Rouge, LA, in a hearing room to be later designated.

MC 130262 Crimson Travel Service, Inc., DBA Crimson Travel Service, now assigned August 4, 1975, at Boston, Mass., is postponed to August 5, 1975, (1 week), at Boston, Mass., Fifth Floor, 150 Causeway.

MC-F-12333 Ehrlich-Newmark Trucking Co., Inc.—Purchase (Portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee) MC 76065 (Sub-No. 24), Ehrlich-Newmark Trucking Co., Inc., MC-F-12334, Tredways Express, Inc.,—Purchase (Portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC-F-12345, Hempstead Delivery Co., Inc.—Purchase (Portion)—Empire Carriers Corporation (Alfred A. Rosenberg, Trustee), MC 121393 (Sub-No. 5), Hempstead Delivery Co., Inc. and MC 34975 (Sub-No. 9) Tredways Express, Inc., now assigned September 8, 1975, at New York, N.Y., is postponed to October 6, 1975, (1 week), at New York, N.Y.; in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.75-19403 Filed 7-24-75;8:45 am]

[Notice No. 39]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

JULY 25, 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 August 14, 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-75976. By order entered July 21, 1075, the Motor Carrier Board approved the transfer to D & D TRANSPORTATION CO., INC., Camden, N.J., of the operating rights set forth in Permit No. MC 134153 (Sub-No. 1), issued October 7, 1971, to Joseph O. Dickerson, Jr., and Joseph O. Dickerson, Sr., doing business as D & D TRANSPORTATION COMPANY, Camden, N.J., authorizing the transportation of steel articles, from Philadelphia, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, limited to a transportation service to be performed under a continuing contract, or contracts, with Bayou Limited, of Pennsauken, N.J. Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103, attorney for applicants.

No. MC-FC-75977. By order entered July 21, 1975, the Motor Carrier Board approved the transfer to Glen Gawan, Bronx, N.Y., of the operating rights set forth in Certificate No. MC 125015, issued February 12, 1964, to Peter Gasparini, Mamaroneck, N.Y., authorizing the transportation of homing pigeons, in crates, and in connection with such shipments, supplies and equipment used in the care of such pigeons, from points in Westchester County, N.Y., and Fairfield County, Conn., to points in New Jersey on and north of U.S. Highway 30 extending from the Atlantic Coast at Atlantic City, N.J., to the Delaware River at Camden, N.J. Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10058, practitioner for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-19404 Filed 7-24-75;8:45 am]

[Notice No. 40]

MOTOR CARRIER TRANSFER PROCEEDINGS

JULY 25, 1975.

Application filed for temporary authority under section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

MC-FC-75951. By application filed June 18, 1975, BILL MURRAY GRAIN SERVICE, INC., Box 27, Hopkington, IA, 52237, seeks temporary authority to lease the operating rights of HAYDEN PRODUCE, INC., 101 S. Scott Street, Anamosa, IA, 52205, under section 210a(b). The transfer to BILL MURRAY GRAIN SERVICE, INC., of the operating rights of HAYDEN PRODUCE, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.75-19405 Filed 7-24-75;8:45 am]

[Notice No. 81]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JULY 21, 1975.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

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.

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 the I.C.C. Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 382TA), filed July 9, 1975. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay St., Oakland, Calif. 94612. Applicant's representative: Thomas J. Andrich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations, for 180 days. Supporting shipper: Farmland Foods, Inc., 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: A. J. Rodriquez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Ave., Box 36004, San Francisco, Calif. 94102.

No. MC 11727 (Sub-No. 7TA), filed July 9, 1975. Applicant: JAMES H. RUSSELL, INC., 3 Rocky Hill Road, Smithfield, R.I. 02917. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottles and accessories therefor*, from Cliffwood, N.J., to Merrimack, N.H., for 180 days. Supporting shipper: Midland Glass Company, Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: Gerald H. Curry, District Supervisor, 187 Westminster St., Providence, R.I. 02903.

No. MC-13900 (Sub-No. 27TA), filed July 7, 1975. Applicant: MIDWEST HAULERS, INC., 228 Superior St., Toledo, Ohio 43604. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph St., Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, which are at the time moving on bills of lading of freight forwarders, as defined in Section 402(a) of the Act, from Memphis, Tenn., to Syracuse, Rochester, Buffalo, and Albany, N.Y.; West Haven, Conn.; Allentown, Pa.; Worcester, Mass.; Whippany, N.J.; and Wilmington, Del., for 180 days. Supporting shipper: Springmeier Shipping Company, Inc., 123 Hadley St., St. Louis, Mo. 63101. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Bldg., 234 Summit St., Toledo, Ohio 43604.

No. MC 51146, (Sub-No. 438TA), filed July 11, 1975. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cans, aluminum, and return of empty pallets and other dunnage materials*, and *refused or rejected shipments*, from the plantsites and warehouses of Reynolds Metals Company, at Woodbridge, N.J., and Middletown and Warwock, N.Y., to Louisville, Ky.; Pabst, Ga.; Cheraw, S.C.; and Belleville, Ill., for 180 days. Supporting shipper: Reynolds Metals Company, P.O. Box 27003, Richmond, Va. 23261. Send protests to: John E. Ryden, Inter-

state Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 82492 (Sub-No. 124TA), filed July 9, 1975. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New York, North Dakota, Ohio, Pennsylvania, South Dakota, and Wisconsin, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations, for 180 days. Supporting shipper: Farmland Foods, Inc., 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Bldg., Lansing, Mich. 48933.

No. MC 99427 (Sub-No. 22TA), filed July 1, 1975. Applicant: ARIZONA TANK LINES, INC., 4150 East Magnolia St., Phoenix, Ariz. 85005. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Forest fire retardant, liquid*, in bulk, from Phoenix, Ariz., to points in New Mexico, for 180 days. Supporting shipper: Chemonics Industries, P.O. Box 21568, Phoenix, Ariz. 85036. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, 3427 Federal Bldg., 230 N. First Ave., Phoenix, Ariz. 85025.

No. MC 113678 (Sub-No. 595TA), filed July 7, 1975. Applicant: CURTIS, INC., 4810 Pontiac St., Commerce City (Denver), Colo. 80022. Applicant's representative: David L. Metzler, P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations, for 180 days. Supporting shipper: Farmland Foods, Inc., 3315 N. Oak Trafficway Kansas City, Mo. 64116. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 113843 (Sub-No. 22TA), filed July 7, 1975. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: William J. Boyd, Suite 222, 600 Enterprise Drive, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Connecticut, Delaware, the District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Restriction: Restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations, for 180 days. Supporting shipper: Farmland Foods, Inc., 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., Room 501, Boston, Mass. 02114.

No. MC 114284 (Sub-No. 70TA), filed July 9, 1975. Applicant: FOX-SMYTHE TRANSPORTATION CO., P.O. Box 82397, Stockyards Station, Oklahoma City, Okla. 73108. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, restricted to the transportation of traffic originating at the above origin and destined to the above-named destinations, for 180 days. Supporting shipper: Wayne E. Lemke, Mgr., Packinghouse Product Traffic, 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 117686 (Sub-No. 156TA), filed July 8, 1975. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Blvd., P.O. Box 417, Sioux City, Iowa 51102. Applicant's representative: George L. Hirschbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas, for 180 days. Supporting shipper: Wayne E. Lemke, Manager-Packinghouse Product Traffic, Farmland Foods, Inc., 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Carroll Russell, District Supervisor, Suite 620, Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

No. MC 118159 (Sub-No. 159TA), filed July 9, 1975. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, in mixed shipments with cleaning, bleaching, washing, and scouring compounds* (except in bulk), from Atlanta, Ga., to points in Kentucky and Tennessee west of U.S. Highway 431; points in Louisiana east of the Mississippi River; points in Arkansas on and east of a line beginning at the Arkansas-Missouri State line near Corning, Ark., and extending southwesterly along U.S. Highway 67 to junction U.S. Highway 65 at or near North Little Rock, Ark., thence along U.S. Highway 65 southeasterly to the Arkansas-Louisiana State line near Readland, Ark. (except Little Rock, Ark., and points in its Commercial Zone as defined by the Commission); and from Houston, Tex., to points in Arkansas, Louisiana, and Mississippi, for 180 days. Supporting shipper: The Clorox Company, Beverly R. Mitchell, Asst., T.M., 7901 Oakport St., Oakland, Calif. 94621. Send protests to: Marie Spillars, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, Room 240 Old P.O. Bldg., 215 N.W. Third, Oklahoma City, Okla. 73102.

No. MC 119880 (Sub-No. 69TA), filed July 10, 1975. Applicant: DRUM TRANSPORT, INC., 617 Chicago St., P.O. Box 2056, E. Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic liquors*, in bulk, in tank vehicles, from Owensboro, Ky., to Cross-

wicks, N.J., for 180 days. Supporting shipper: Glenmore Distilleries, Co., Citizens Plaza, Louisville, Ky. 40202. Send protests to: Richard K. Shullaw, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126736 (Sub-No. 75TA), filed June 25, 1975. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 155 East 21st St., P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor fuel antiknock compound*, in bulk, in tank vehicles, from Baton Rouge, La., to Jacksonville, Fla., for subsequent export movements, for 180 days. Supporting shipper: Ethyl Corporation, 451 Florida, Baton Rouge, La. 70801. 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 126736 (Sub-No. 76TA) (Correction), filed June 27, 1975, published in the FEDERAL REGISTER issue of July 14, 1975, and republished as corrected this issue. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 155 East 21st Street, P.O. Box 1559, Jacksonville, Fla. 32201. Applicant's representative: L. H. Blow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dimethyl sulfoxide* in bulk, from Bogalusa, La., to Jacksonville, Fla., for subsequent export movements, for 180 days. Supporting shipper: Crown Zellerbach Corporation, P.O. Box 3475, Rincon Annex, San Francisco, Calif. 94119. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay St., Jacksonville, Fla. 32202. The purpose of this republication is to correct the docket number which was previously published in the FEDERAL REGISTER as MC 12636 (Sub-No. 76TA).

No. MC 128616 (Sub-No. 17TA), filed July 9, 1975. Applicant: BANKERS DISPATCH CORPORATION, 1106 W. 35th St., Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities), as are used in the conduct and operation of banks and banking institutions, between Jackson County, Mo., on the one hand, and, on the other, points in Fremont, Taylor, Page, Mills, and Montgomery Counties, Iowa, under a continuing contract with United Missouri Bank of Kansas City, N.A., for 180 days. Supporting shipper: United Missouri Bank of Kansas City, N.A., P.O. Box 226, Kansas City, Mo. 64141. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 129759 (Sub-No. 7TA), filed July 8, 1975. Applicant: TRIANGLE TRUCKING CO., P.O. Box 490, McKees Rocks, Pa. 15136. Applicant's representative: A. Charles Tell, 100 East Broad St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Post tension strand*, from Springfield, Va., to points in Delaware, Massachusetts, Pennsylvania, Michigan, Ohio, Maine, Maryland, Connecticut, and Alabama; and (2) *Materials, equipment, and supplies*, used in the manufacture of post tension strand, from Baltimore, Md., to Springfield, Va., under a continuing contract or contracts with Atlas Prestressing Corp., Springfield, Va., for 180 days. Supporting shipper: Atlas Prestressing Corp., 7954 Cameron Brown St., Springfield, Va. 22153. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Bldg., 1000 Liberty Ave., Pittsburgh, Pa. 15222.

No. MC 134400 (Sub-No. 17TA), filed July 7, 1975. Applicant: MILLER'S TRUCKING AND RENTAL, INC., 200 Southern Ave., Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Bldg., Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material*, accompanying said beverages, from Dubuque, Iowa, to points in Illinois and Indiana, located on and north of U.S. Highway 36, for 180 days. Supporting shipper: Pickett Brewing Company, E. 4th St., Extension, Dubuque, Iowa 52001. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 134450 (Sub-No. 2TA), filed July 10, 1975. Applicant: CARTAGE LEASING CO., INC., 17-02 Alden Terrace, Fair Lawn, N.J. 07410. Applicant's representative: George A Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), for the account of First National Stores in shipper-owned trailers, between the warehouses of First National Stores, located at points in Massachusetts, under a continuing contract with First National Stores, for 180 days. Supporting shipper: First National Stores, Inc., 123 Pennsylvania Ave., South Kearny, N.J. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 139913 (Sub-No. 1TA), filed July 10, 1975. Applicant: FOSTER'S FREIGHT, INC., 174 Passaic St., Garfield, N.J. 07026. Applicant's representative: Robert B. Papper, 168 Woodbridge Ave., Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as dealt in by wholesale, retail, and chain grocery food business houses, building supply houses, and chain retail department stores, and in connection therewith, *such equipment, materials, and supplies* used in the conduct of such businesses (except commodities in bulk, foodstuffs, and meats), between Vornado, Inc., facilities in Carlstadt, East Brunswick, and South Plainfield, N.J., and Guilderland Center, N.Y., on the one hand, and, on the other, points in the United States (except Alabama, Alaska, Florida, Georgia, Hawaii, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia), under a continuing contract with Vornado, Inc., for 180 days. Supporting shipper: Vornado, Inc., 174 Passaic St., Garfield, N.J. 07026. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 141039 (Sub-No. 1TA), filed July 8, 1975. Applicant: HARRY DAVIDSON, doing business as DAVIDSON TRUCKING, Route 3, P.O. Box 616, Siloam Springs, Arkansas 72761. Applicant's representative: Charles W. Atkinson, 8 North College Avenue, Fayetteville, Arkansas 72701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washed sand and washed and screened gravel*, from Muskogee, Okla., to Fayetteville, Springdale, Siloam Springs, and Gentry, Ark. (for 180 days). Supporting shippers: Tune Construction, Inc., 700 West North Street, Fayetteville, Arkansas 72701; Siloam Springs Ready-Mix, Inc., Siloam Springs, Ark. Send protests to: District Supervisor William H. Land, Jr., 3108 Federal Office Building, 700 West Capitol, Little Rock, Arkansas 72201.

No. MC 141077 (Sub-No. 1TA) (Correction), filed June 30, 1975, published in the FEDERAL REGISTER issue of July 15, 1975, and republished as corrected this issue. Applicant: DEAN JACOBSON AND JACK TANNER, doing business as TANNER TRUCKING, P.O. Box 53, Alexander, N. Dak. 58831. Applicant's representative: Charles M. Williams, Suite 646, Metropolitan Bldg., 1612 Court Place, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottonseed pellets and meal*, in bulk, in bags, from the plantsite and storage facilities utilized by Pecos Valley Cotton Oil Mill at or near Loving, N. Mex., to points in Sheridan, Daniels, Roosevelt, Richland, Valley, McCone, Dawson, Prairie, Wibaux, Fallon, Custer, Carter, and Powder River Counties, Mont.; and McKenzie, Dunn, Mercer, Golden Valley, Billings, Oliver, Stark, Morton, Slope, Hettinger, Grant, Sioux, Adams, and Bowman Counties, N. Dak.; restricted: (1) against the transportation of the above commodities in bulk, in tank vehicles, and (2) to services rendered under a continuing contract or contracts

with Dean Jacobson and Jack Tanner, a Partnership, for 180 days. Supporting shipper: Dean Jacobson and Jack Tanner, P.O. Box 53, Alexander, N. Dak. 58831. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102. The purpose of this republication is to correct the commodity description.

No. MC 140024 (Sub-No. 54TA), filed July 8, 1975. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Ave., Commerce City, Colo. 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, North Dakota, Ohio, South Dakota, and Wisconsin, restricted to the transportation of traffic originating at the above origin and destined to the above-named destination, for 180 days. Supporting shipper: Farmland Foods, Inc., 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Roger L. Buchanan, District Supervisor, 1961 Stout St., 2022 Federal Bldg., Denver, Colo. 80202.

No. MC 140138 (Sub-No. 3TA), filed July 7, 1975. Applicant: A. W. HURST, doing business as SIERRA RENTAL & TRANSPORT CO., 311 Sutro St., Reno, Nev. 89502. Applicant's representative: A. W. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, rock, road mix, cinders, stone, decomposed granite, aggregate and paving materials* (except cement, lime, and liquid commodities, in bulk, in tank vehicles), from Sparks, Nev., to points in California, located on U.S. Highway 395 between Nevada-California Stage Line at Hallelugah Jct., and Susanville, Calif., for 180 days. Supporting shipper: Nevada Paring, Inc., P.O. Box 1006, Sparks, Nev. 89431. Send protests to: Robert G. Harrison, District Supervisor, 203 Federal Bldg., 705 North Plaza St., Carson City, Nev. 89701.

No. MC 140829 (Sub-No. 3TA), filed July 11, 1975. Applicant: CARGO CONTRACT CARRIER CORP., P.O. Box 206, U.S. Highway 20, Sioux City, Iowa 51102. Applicant's representative: William J. Hanlon, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 hides and commodities in bulk), from the plantsite and storage facilities of or utilized by Farmland Foods, Inc., located at or near Crete, Nebr., to points in Arizona, California, Colorado, Idaho, Kansas, Missouri, Montana, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming, restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations, for 180 days. Supporting shipper: Wayne, E. Lemke, Manager-Packinghouse Product Traffic, Farmland Foods, Inc., 3315 N. Oak Trafficway, Kansas City, Mo. 64116. Send protests to: Carroll Russell, District Supervisor, Suite 620 Union Pacific Plaza, 110 North 14th St., Omaha, Nebr. 68102.

APPLICATION OF PASSENGERS

No. MC 141120, TA, filed July 8, 1975. Applicant: WALTER W. BELL, doing business as TWIN BELL'S LIMOSINE & SIGHTSEEING COMPANY, 207 Beloit Street, Delavan, Wis. 53115. Applicant's representative: Richard C. Alexander, 710 N. Plankinton Avenue, Milwaukee, Wis. 53203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (1) *Passengers and their baggage* in the same vehicle with passengers, between Elkhorn, Wis., and O'Hare International Airport, Cook County, Ill., serving all intermediate points in Wisconsin, and the off-route point of the Playboy Club-Hotel, near Lake Geneva, Wis.; from Elkhorn, Wis., over Wisconsin Highway 67 to junction Wisconsin Highway 50, thence over Wisconsin Highway 50 to junction U.S. Highway 12, thence over U.S. Highway 12 to junction Illinois Highway 68, thence over Illinois Highway 68 to junction Illinois Highway 53, thence over Illinois Highway 53 to junction Illinois Highway 194, thence over Illinois Highway 194 to junction Interstate I-594 to O'Hare International Airport; and return over the same route; between Elkhorn, Wis., and junction U.S. Highway 12 and Wisconsin Highway 50, serving all intermediate points; from Elkhorn, Wis., over East Geneva St., to junction U.S. Highway 12, thence over U.S. Highway 12 to junction U.S. Highway 12 and Wisconsin Highway 50; and return over the same route; between Fontana, Wis., and junction Wisconsin Highway 67 and Wisconsin Highway 50, serving all intermediate points; from Fontana, Wis., over Wisconsin Highway 67 to junction Wisconsin Highway 67 and Wisconsin Highway 50; and return over the same route; between Delavan, Wis., and junction Wisconsin Highway 50 and Wisconsin Highway 67, serving all intermediate points; from Delavan, Wis., over Wisconsin Highway 50 to junction Wisconsin Highway 50 and Wisconsin Highway 67; and return over the same route; between junction Wisconsin Highway 50 and Walworth County (Wis.) Highway F and junction Walworth County Highway F and Wisconsin Highway 67, serving all intermediate points; from junction Wisconsin Highway 50 and Walworth County Highway F, thence over Walworth County Highway F to junction Walworth County Highway F and Wisconsin Highway 67; and return over the same route; (2) *Passengers and their baggage* in the same vehicle with passengers in round-trip charter operations, beginning and ending at points in Walworth County, Wis., and extending to points in the United States, for 180 days. Supporting shippers: There are approximately 6 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: John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.75-19406 Filed 7-24-75;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

■

RADIOACTIVE DRUGS AND RADIOACTIVE BIOLOGICAL PRODUCTS

Title 21—Food and Drugs

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

[Docket No. 75N-0067]

RADIOACTIVE NEW DRUGS AND RADIOACTIVE BIOLOGICS

Termination of Exemptions

In a notice of proposed rule making published in the FEDERAL REGISTER of July 29, 1974 (39 FR 27538), the Commissioner of Food and Drugs proposed to terminate the present exemption for radioactive new drugs (including radioactive biological products) for investigational use from new drug requirements and classify, by use, radioactive drugs either as "new drugs" or as generally recognized as safe and effective for their intended use and therefore not "new drugs" when used under the conditions specified. Interested persons were invited to submit comments on the proposal by September 27, 1974.

The Commissioner of Food and Drugs is terminating the present exemption for radioactive drugs, including radioactive biological products, from the investigational new drug requirements of the Federal Food, Drug, and Cosmetic Act. The Food and Drug Administration (FDA) is establishing regulations to assure that after August 25, 1975 all radioactive drugs, except those for certain research uses, introduced into interstate commerce are subject to a "Notice of Claimed Investigational Exemption for a New Drug" (IND), an approved new drug application (NDA), or a biological product license. In addition, the FDA is establishing regulations setting forth specific conditions under which radioactive drugs for certain research uses, other than clinical trials to determine safety and effectiveness, are not subject to the new drug requirements of the act.

The Commissioner, for the purpose of an orderly development of regulations relating to the establishment of procedures for codifying old drug monographs for prescription drugs which are generally recognized as safe and effective and not misbranded, has redesignated proposed new 21 CFR Part 370 as 21 CFR Part 361 and limited it to drugs used in research. All future old drug monographs for such drugs will be incorporated into Part 361.

The U.S. Nuclear Regulatory Commission (NRC), a new agency created by Pub. L. 93-438 and Executive Order 11834, assumed the licensing and related regulatory responsibilities of the former Atomic Energy Commission (AEC) on January 19, 1975. To conform to this organizational change, all references to the AEC in this regulation and in the preamble have been changed to the NRC. In the quotation from and discussion of comments received from members of the public on this proposed regulation, references to the AEC have been changed to the NRC even though the comments from the public were made prior to the organizational change.

Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is issuing an order effecting a transfer of responsibility for radioactive biological products from the Bureau of Biologics to the Bureau of Drugs.

Comments on the proposal were received from 21 different sources; namely, hospitals, universities, professional organizations, trade associations, manufacturers, Agreement States (i.e., States which, under formal agreement with the NRC, are authorized to license, under Federal law, persons engaged in the possession, use, or transfer of reactor-produced radionuclides in their respective states), and State health departments.

The major areas of concern as expressed by the comments were the composition of the Radioactive Drug Research Committee (proposed as the Radiation Safety Committee), the use of State advisory committees, radiation dosimetry, procedures for providing the summary of information on radioactive drugs for investigational use and the "Report on Research Use of Radioactive Drug" to the NRC and appropriate Agreement States, limitation on pharmacological dose for research not under an IND, and the applicability of the proposed regulation to radiopharmacies. Eight comments supported the proposal in principle but offered suggestions for modification, clarification, and addition to some areas. The principal comments received and the Commission's conclusions are as follows:

DEFINITION OF A RADIOACTIVE DRUG

1. One comment pointed out that in § 312.1 the additional information to be supplied in new items 6.d, 10.a, and 16 of Form FD-1571 is required only if the investigational drug is a "radioactive drug" but the term "radioactive drug" is not defined in the proposed regulation.

The Commissioner has determined that a "radioactive drug" is any substance defined as a drug in section 201 (g)(1) of the Federal Food, Drug, and Cosmetic Act which exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any nonradioactive reagent kit or nuclide generator which is intended to be used in the preparation of any such substance. The term "radioactive drug" includes a "radioactive biological product" as defined in 21 CFR 600.3(ee). This definition does not include drugs such as carbon-containing compounds or potassium-containing salts which contain trace quantities of naturally occurring radionuclides. Section 310.3 has been amended to include this definition in paragraph (n).

IND REQUIREMENTS FOR RADIOACTIVE NEW DRUGS

2. Several comments suggested that the Summary of Information as required by § 312.1 be forwarded directly by the manufacturer to the NRC or Agreement States rather than by the Food and Drug Administration. Such a procedure would enhance the manufacturer's efforts to protect the confidentiality of any proprietary information contained in the summary, would free the FDA from further administrative workload, and would eliminate the possibility of administrative delays in forwarding the necessary information to the NRC or Agreement States. Comments also pointed out that the proposed regulation does not provide a procedure for notifying the NRC and Agreement State authorities that the FDA has approved an NDA or issued a biological product license.

This proposed regulation was not intended to preclude the sponsor from forwarding the Summary of Information directly to the NRC or Agreement States. The proposal was merely a service which FDA would provide to IND sponsors and to the Federal and State licensing agencies to expedite the processing of licensing applications. The Summary of Information serves no regulatory purpose for the FDA. Failure of the IND sponsor to submit the Summary of Information, or to authorize its release to licensing agencies, would not alter the status of the IND.

The Commissioner had intended that the release of the Summary of Information to Federal and State licensing bodies would not waive any confidentiality to which the sponsor of the IND would be entitled under the FDA Public Information regulations (21 CFR Part 4; 21 CFR 312.4; and 21 CFR 314.14). Under these regulations, FDA records which are normally exempt from disclosure (e.g., existence and contents of an IND) may be disclosed, without requiring disclosure to the public at large, to a department or agency that has concurrent jurisdiction over the matter and separate legal authority to obtain the specific information involved, 21 CFR 4.84. The NRC (and through it, the Agreement States) would satisfy these criteria. The regulations require, however, that such disclosure "be pursuant to an agreement that the record shall not be further disclosed by the other department or agency except with the written permission of the Food and Drug Administration." The NRC has informed the FDA that it would not agree to this restriction and would not assure any confidential treatment for the Summary of Information.

The Commissioner believes that, under these circumstances, retaining the Summary of Information would not be justified because the administrative problems which would arise are too numerous. First, separate agreements would be required for each of the 25 Agreement States; besides the practical difficulties involved, the legality of these agreements would be in doubt, since the Agreement States derive authority from the NRC. Secondly, each IND submission with a Summary of Information would have to be examined to determine in which states the IND drug might be used; those with agreements for confidentiality would be notified, but those without, and those under NRC jurisdiction, would not be notified. In short, providing this service would become very complicated. One alternative, to provide that an explicit waiver of confidentiality be signed by the IND sponsor if he chose to submit the Summary of Information, seemed unlikely to generate a significant num-

ber of cases in which FDA could disclose the Summary of Information. It might also confuse sponsors and lead to erroneous or unintended waivers.

Therefore the Commissioner has deleted item 16 from the proposed amendments to IND Form FD-1571 and item 6.i and item 4.i from the proposed amendments to Forms FD-1572 and FD-1573, respectively. The Commissioner advises that he remains quite willing to adopt a procedure for providing information regarding IND's directly to Federal and State agencies if and when all such agencies agree not to disclose any confidential information so provided without the written permission of the FDA.

The Commissioner advises that the FDA has notified Agreement States and the NRC of all existing approved NDA's and biological product licenses for radioactive drugs and radioactive biological products. Procedures have been established to continue to notify the NRC and all Agreement States of all new approvals of NDA's for radioactive drugs and radioactive biological products. These procedures do not, however, preclude an applicant from notifying the NRC or an Agreement State of an NDA approval.

3. One comment suggested that § 312.1 should include concise and complete details for an acceptable protocol and pointed out that such areas as dosimetry, expected or documented clearance rates, and rationale of diagnosis or therapy were not contained in the new proposed rules.

The Commissioner is of the opinion that the present IND regulations (§ 312.1) and Form FD-1571 with the additions set forth in the proposal, are adequate as requirements for the development of a protocol for producing well-controlled clinical data on radioactive drugs. Each protocol for an IND study for a radioactive drug wil be evaluated individually. In § 312.1, item 10.a of Form FD-1571 requires that the protocol include studies which will obtain sufficient data for dosimetry calculations and that these studies should evaluate the excretion, whole body retention, and organ distribution of the radioactive material. The FDA is currently preparing guidelines for research protocols on radioactive drugs; the Radioactive Pharmaceuticals Advisory Committee is assisting in this and, as drafts are developed, they will be discussed in open sessions of that advisory committee. When adopted, these guidelines will be available from the Agency.

4. One comment questioned whether it was necessary to amend or otherwise alter an existing IND for a nonradioactive investigational new drug if the drug is "tagged" with a radioactive element in accordance with the limitations set forth in proposed §370.100. The comment also expressed the opinion that, if an investigational drug is "tagged" and administered at or near a pharmacologic dose, the new information required in items 6.d and 10.a of Form FD-1571 should be submitted as an amendment to the existing IND and a new IND should not be required.

The Commissioner concludes that it is not necessary to amend an existing IND for a nonradioactive investigational new drug if the drug is "tagged" with a radionuclide in accordance with the limitations set forth in § 361.1 (proposed § 370.100), and the specific research study is within the purposes set forth by that section. The results of the research study using the "tagged" compound must, however, be submitted to the existing IND. If pharmacological data are not sufficient to permit compliance with the requirements of § 361.1, it would of course be necessary to submit a new IND or, preferably, to amend the existing IND for the nonradioactive investigational new drug to conduct a study on the drug "tagged" with a radionuclide, even though the radioactivity limits set forth in § 361.1 are met. To amend an IND in this way, the information required in items 6.d and 10.a of Form FD-1571 must be submitted.

5. One comment suggested that, to assist the Federal and State regulatory agencies in fulfilling their responsibility for licensing the use of radioactive materials, the Summary of Information required in Form FD-1571 should be expanded to include: information describing the plan of investigation in sufficient detail to permit a critical evaluation of the methods and controls to be used; an indication as to whether any complementary drug or radionuclide administration is planned or contemplated in conjunction with the study; an indication of the expected fate of the radiopharmaceutical administered; if for therapeutic purposes, an indication of the expected effects; and calculations of the radiation doses delivered to the whole body and to the critical organ(s).

As stated in paragraph 2 above, the Commissioner has deleted item 16 (Summary of Information) from the amendments to IND Form FD-1571. Information needed by the NRC and Agreement States for licensing purposes must be obtained from the IND sponsors.

6. One comment suggested that, although radiopharmaceuticals are relatively simple organic compounds with little or no toxicological/pharmaceutical activity and may not require chronic toxicity studies, the regulations should require semichronic toxicity studies in anticipation that radiopharmaceuticals may, in the near future, be considerably more complex.

The Commissioner recognizes that an IND for radioactive drugs may in some cases require chronic or subacute toxicity studies. The preamble to the proposed regulations only noted that chronic toxicity studies may not be required for some radioactive drugs. The requirements for any IND will depend on the specific nature of the drug and its proposed uses.

7. One comment argued that the proposed regulations failed to distinguish between "hot" (radioactive) and "cold" (nonradioactive) pharmaceuticals and between diagnostic and therapeutic agents by applying to radioactive pharmaceuticals the same clearance procedures applicable to nonradioactive pharmaceuticals. The comment further suggested that a definitive statement was needed recognizing the difference between these two types of pharmaceuticals, as well as clear guidelines setting forth a workable format from which manufacturers can fashion their studies to comply with investigational new drug as well as new drug application requirements. These guidelines should be specifically tailored to reflect realistically the unique problems in the field of radiopharmaceuticals.

The Commissioner realizes that IND requirements for radioactive drugs will differ in various ways from those involving nonradioactive drugs, and this is clearly stated in the preamble to the proposed regulations. This situation is not unique, however, since requirements for one nonradioactive drug may differ sharply from those for a different nonradioactive drug. The requirements of § 312.1 are general requirements and are regularly adapted as appropriate for specific drugs. The FDA is currently in the process of drafting guidelines for conducting clinical trials involving radioactive drugs.

NDA Requirements for Radioactive New Drugs Generally

8. One comment questioned whether or not a mechanism had been established for filing abbreviated new drug applications for diagnostic radiopharmaceuticals.

The Commissioner advises that no mechanism has been established yet for submitting an abbreviated new drug application for a radioactive drug. The Commissioner recognizes, however, that the amount of clinical data necessary to approve an NDA varies among radioactive drugs, depending on several factors. Applicants are invited to meet with representatives of the FDA, Bureau of Drugs, Division of Oncology and Radiopharmaceutical Drug Products, to discuss the amount of data needed prior to submission of an NDA.

9. One comment suggested that there be a mechanism whereby previous work performed under an IND or an NDA could be referenced for a radiopharmaceutical for which a new use is being developed, provided the previous work is applicable to the new use.

The Commissioner advises that previous unpublished studies relating to a radioactive drug for which a new use is being developed may be incorporated by reference from one IND or NDA file into another only if the sponsor of the previous IND or applicant of the previous NDA authorizes the new sponsor or applicant to use these data.

NDA Requirements for Certain Radioactive New Drugs

10. One comment indicated that, at the outset of the preamble to the proposal, a statement is made that "any radiopharmaceutical which is not a 'new drug,' i.e., when used under the conditions specified, will require neither an IND nor an NDA, but will require certain documentation to establish that the drug is in fact being

used under the conditions set forth in the regulation." The proposed rules then go on to set dates for the filing of an NDA for all radioactive pharmaceuticals with well-established medical uses. The comment requested clarification as to how those pharmaceuticals listed in § 310.503 (f) (1) relate to those referred to above.

The Commissioner advises that § 310.503(f) (1) lists a group of new drugs, reactor-produced radionuclides and their chemical forms, which the FDA and the NRC have determined have well-established medical uses. In view of the extent of experience with drugs containing these radionuclides, the FDA and the NRC have concluded that they should not be distributed under investigational use labeling when they are actually intended for use in medical practice. Such drug products have not been used to a material extent or for a material time and are not yet regarded as generally recognized as safe and effective for their labeled indications. However, it may reasonably be expected that adequate evidence of safety and effectiveness can be submitted by manufacturers and distributors for use of these drugs as recommended in appropriate labeling. In order to continue shipping in interstate commerce drugs containing these radionuclides, manufacturers and distributors must submit an NDA, IND, or application for a biological product license, on or before August 25, 1975. An IND will not, however, permit continued commercial marketing of these drugs.

On the other hand, § 361.1 (proposed as § 370.100) specifies conditions under which radioactive drugs are generally recognized as safe and effective and therefore are not new drugs. Such drugs do not require an NDA, biological product license, or IND. The statement quoted in the comment referred to the fact that, for these drugs, reports will be required (in the form of annual or special reports from the Radioactive Drug Research Committee (see paragraph 29)) to assure FDA that use of the drug remains within the conditions under which the drug is generally recognized as safe and effective.

11. One comment questioned whether the December 31, 1974 deadline for submission of NDA's applies only to those radioactive drugs listed in "§ 130(c) of the November 13, 1971 FEDERAL REGISTER" and in the table included in § 310.503(f) (1) of the July 29, 1974 proposal.

The Commissioner assumes that the comment meant to refer to "§ 130.49(c) in the FEDERAL REGISTER of November 3, 1971" instead of "§ 130(c) in the FEDERAL REGISTER of November 13, 1971." The December 31, 1974 deadline set forth in the July 29, 1974 proposal for submission of an NDA, IND, or application for a biological product license applies only to drug products, including biological products, which contain any of the radionuclides listed in § 310.503(f) (1) in the "Chemical form" listed and for the indications listed. This deadline has now been extended to August 25, 1975. The purpose of this deadline is to allow manufacturers and distributors who are currently marketing drug products containing any of the radionuclides listed in § 310.503(f) (1) time to submit to the FDA information necessary for continued marketing of these products. This deadline is not applicable to drug products, including biological products, containing any of the radionuclides listed in § 310.503(c) (formerly § 130.49(c)). Manufacturers and distributors were given until March 3, 1972 to submit an NDA, IND, or application for a biological product license to continue distribution of those products for any of the indications listed.

12. One comment pointed out that the November 1971 regulations allowed the submission of a new drug application for an existing product without requiring the prior submission of either clinical data or an investigational new drug application and questioned whether such a policy was still in effect.

The Commissioner advises that this policy is applicable to those radioactive drugs listed in § 310.503(f) (1). These are products which the FDA and the NRC consider to have well-established medical uses. The Commissioner has concluded that manufacturers and distributors of these drugs may reasonably be expected to be able to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling without conducting additional clinical studies to obtain such data. The policy is the same as that announced in the November 3, 1971 order for similar radioactive drugs.

13. One comment stated that this proposal "would create a new structure, on a temporary basis, to regulate a relatively small number of drugs." The comment further stated that "it may be more effective to require immediate submission of an IND and to permit the drug's continued use in interstate commerce for a shorter period under the same circumstances as it had been thereto used."

The Commissioner assumes that the comment is in reference to § 310.503 which lists a group of new drugs, reactor-produced radionuclides and their chemical forms, which the FDA and the NRC determined have well-established medical uses. No new structure is proposed to deal with these drugs. In view of the extent of experience with the radionuclides listed in § 310.503(f) (1), the FDA and NRC concluded that they should not be distributed under investigational use labeling when they are actually intended for use in medical practice, and that manufacturers and distributors may reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling. To continue shipping drugs containing these radionuclides in interstate commerce an NDA, IND, or application for a biological product license, must be submitted. An IND will not, however, permit continued commercial marketing of these drugs.

14. One comment requested clarification as to what effect, if any, the revision of § 310.503 would have on lists of "well-established uses" which many Agreement States have developed but which do not totally agree with those of the NRC. Another comment proposed the addition of Indium-113m to the list in § 310.503(f) (1).

The Commissioner has determined that only those radioactive drugs listed under § 310.503 shall be considered by the FDA to have well-established uses in medical practice. In the preamble to the proposal, the Commissioner invited any person who believed that other radioactive drugs are widely used in medical practice and should be added to this list to submit comments and data proposing and justifying the addition of such drugs. The request for addition of the isotope Indium-113m to the well-established list was submitted. The data submitted in support of the request (which is on display in the Hearing Clerk's office) have been reviewed, the Radioactive Pharmaceuticals Advisory Committee consulted, and the request approved. Section 310.503(f) (1) has been modified accordingly.

15. A comment requested that the regulations for radioactive new drugs include provisions to clarify the requirements regarding reactor-produced byproduct materials when such products are processed and shipped in bulk to other manufacturers for reprocessing into finished drug forms.

The Commissioner advises that bulk byproduct materials intended for processing, repacking or use in the manufacture of another drug shall be processed, shipped, and labeled in compliance with 21 CFR 201.122 (formerly 21 CFR 1.106 (1)).

NUCLEAR PHARMACY ISSUE

16. One comment questioned whether the FDA had jurisdiction over radioactive drugs, in the investigational stage or for well-established medical uses, that are prepared by the using physician and qualified associate staff rather than procured from a commercial pharmaceutical concern. The comment further stated that the provision of nuclear medicine services and the continued development of techniques, methods and products would be severely inhibited by requiring an IND or NDA under such circumstances, particularly in the larger clinical and research centers where much of the innovative and developmental advances evolve. Another comment questioned whether the proposed regulation was applicable to those so-called "regional radiopharmacies" which manufacture their own radioactive drugs including the nonradioactive components.

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is issuing a notice regarding the Food and Drug Administration's policy on the "nuclear pharmacy" issue.

REQUIREMENTS FOR RESEARCH USES OF RADIOACTIVE DRUGS GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

A. SCOPE OF DETERMINATION

17. One comment stated that in medical institutions operating under an NRC Broad Medical License new radiopharmaceuticals are sometimes developed in-

ternally and subjected to clinical trials to establish diagnostic or therapeutic efficacy. The comment questioned whether it is necessary for these institutions to submit an IND even though in the developmental and testing phase the drug is not shipped in interstate commerce. The comment further questioned whether such clinical trials relating to diagnostic efficacy were covered by proposed § 370.100 and whether it would be necessary to file reports on investigators of this type approved by a radioisotopes committee under a Broad License, either annually or immediately. If such clinical trials are not covered by proposed § 370.100, would the dose restrictions specified under that section apply?

The Commissioner advises that the FDA has jurisdiction over all drugs, including radioactive drugs, shipped in or introduced into interstate commerce whether prepared by a medical institution, physician, or a commercial drug manufacturer. "Shipment in interstate commerce" is determined not only by the interstate shipment of the final dosage form of the drug product, but also by the interstate shipment of the components of the drug product, as well as other factors. Therefore, where a determination is made that interstate commerce is involved (also see paragraph 16 of this preamble), an IND must be submitted before the drug product may be used in clinical trials.

As stated in the preamble to the proposal, the Commissioner has concluded that the provisions of § 361.1 (proposed § 370.100) are not applicable to clinical trials intended to determine the safety and/or effectiveness of a radioactive drug. Section 361.1 only applies to research "intended to obtain basic information regarding the metabolism (including kinetics, distribution, and localization) of a radioactively labeled drug or regarding human physiology, pathophysiology, or biochemistry but not intended for immediate therapeutic, diagnostic, or similar purposes." Clinical trials using new radioactive drugs are subject to the requirements of an IND as set forth in § 312.1. Section 361.1 of this regulation has been clarified to reflect this. The dose restrictions set forth in § 361.1 do not apply to clinical trials conducted under § 312.1.

18. One comment expressed confusion in interpreting the scope of the exemption provided by proposed § 370.100 as it relates to the development of new radioactive diagnostic agents. The comment further stated that it was not clear why the particular agent being studied cannot be used specifically for diagnostic purposes if the criteria for exemption under proposed § 370.100 are met (i.e., radiation safety, pharmacological inactivity, and Radioactive Drug Research Committee approval).

Section 361.1 (proposed § 370.100) provides for the use of tracer amounts of radionuclides, attached to various compounds, in research studies to obtain basic information on drug metabolism, specific physiologic or pathophysiologic processes in humans, and the kinetics, distribution, and localization of the various "tagged" compounds. Certain studies included in this category may be essential parts of the development of a new diagnostic agent (for example, studies conducted to determine where the radioactive drug is localized or the extent to which it is concentrated in certain organs or tissues). Such studies fall within the scope of § 361.1 if other requirements of that section are met. These studies must be distinguished from studies intended to evaluate the safety and effectiveness of a radioactive drug as a diagnostic agent. In this case the drug is used, not as a research tool, but as a new diagnostic agent for which safety and effectiveness must be proven; therefore, there is no basis for concluding that it is generally recognized as safe and effective as a diagnostic agent. The radioactive diagnostic agent, therefore, must be studied under an IND.

B. LIMITS ON PHARMACOLOGICAL DOSE

19. Several comments were received regarding the requirements under the proposed § 370.100 that the pharmacological dose shall be known not to cause any clinically detectable pharmacological effect in human beings. One comment expressed the thought that such a limit on the pharmacological dose was unrealistic and unnecessary and would place severe and unnecessary restrictions upon research in such vital areas as human drug metabolism. The comment further noted that, since doses known not to cause any clinically detectable pharmacological effect are often substantially below the therapeutic dose, radioactive studies conducted with such minute doses would not be representative of the pharmacokinetics of the drug studied at the therapeutic dose. Further, it was stated that such studies would not furnish enough labeled metabolites to conduct metabolite studies. Another comment suggested that the exemption from IND requirements should include the tagging of a drug at a dose level having a pharmacologic effect if that dose level is safe and effective, as evidenced by an approved NDA.

In the preamble to the proposed regulation, the Commissioner made it clear that for radioactive drugs to be considered not new drugs for certain uses it was necessary to conclude that they were generally recognized as safe for such uses. The Commissioner suggested that such a conclusion could certainly be reached, with regard to the pharmacological safety of the drug, if the drug was known not to produce clinically detectable pharmacological effects on the basis of data from studies in human beings. If such data are not available, even the smallest amount of that drug must be assumed to produce pharmacological activity. Once pharmacological activity is known or assumed to occur, pharmacological safety cannot be presumed and other evidence of general recognition of safety is necessary. Without this evidence, the drug is considered to be a new drug, and any research with it must meet the requirements of § 312.1, including the submission of an IND.

The fact that a drug is approved for certain specific uses means that it is considered safe and effective for these uses. It is not considered safe and effective for other uses or for non-therapeutic uses. The Commissioner recognized that the proposed standard for demonstrating general recognition of safety (i.e., the absence of pharmacological activity) was a strict standard and interested persons were invited to submit comments on the appropriateness of the proposed standard. While proposing this standard, the Commissioner also invited comments on an alternative test; namely, that the amount of radioactive drug administered not exceed a dose of 10 percent of the lowest single dose recommended by the drug's labeling, or in the absence of approved labeling, 10 percent of the lowest single dose recommended by recognized medical texts, with the exact dosage being reviewed by a peer committee for safety. Although comments objected to the proposed standard and, in some cases, suggested alternatives, no comments were received which provided reasons for considering any standard, other than the absence of clinically detectable pharmacological activity, as demonstrating general recognition of safety. While the Commissioner may at some future time reconsider this issue, he has concluded that, at present, for the purpose of this regulation, general recognition of pharmacological safety can be considered to exist only when the drug has no clinically detectable pharmacological effect in human beings.

It should be stressed that it is not anticipated that there will necessarily have been a formal dose-response study that defines the lower threshold dose for a clinically detectable pharmacological effect. For example, if the circulating blood levels or excretion rate of an endogenously produced substance is well known, it may be possible for the Radioactive Drug Research Committee (see paragraph 29) to conclude that some small fraction of these levels or rates (e.g., administration over a given interval of a low percentage of the amount of a substance that is produced endogenously during the same interval) represents an amount without detectable pharmacological effect. Or, if large amounts of a substance such as an amino acid or sugar are regularly consumed as foodstuffs, it may be possible for the Radioactive Drug Research Committee to conclude that a small amount of it (e.g., a small percentage of the amount usually consumed during a meal), at least by the oral route, would be without detectable pharmacological activity.

The Commissioner is aware that pharmacokinetic studies or studies requiring isolation of metabolites may require larger amounts of a drug. Such studies may either be conducted under an IND or in persons already receiving the nonradioactive drug for a therapeutic purpose.

20. One comment suggested modification of proposed § 370.100(b)(2) to allow, under well-defined conditions, the administration of the radio-labeled ver-

sion of a pharmacological agent when this pharmacological agent is administered to the patient in pharmacological doses as part of a therapeutic treatment and to assess the effectiveness of that particular therapy. The comment suggested adding the statement "If a drug is used under protocol for therapeutic purposes, then a minimal dose of the radio-labeled isomer of this drug can be added to help evaluate the radiopharmacokinetics of this drug."

The Commissioner advises that this regulation in no way restricts the use of a nonradioactive drug, i.e., under an IND, NDA, or old drug status, whether or not the radioactively labeled version of this drug is administered at the same time to evaluate the pharmacokinetics of the drug. For such a study to be permitted under § 361.1, the conditions of that section must be met, except that in this case the limitation on pharmacological dose will be such that the aggregate amount of the drug administered (nonradioactive drug and tagged compound) shall be known to remain an appropriate dose for the use for which the nonradioactive drug is being given. The regulation has been clarified to reflect this. The Commissioner also advises that if the nonradioactive drug has an IND, the results of any research studies using the radioactively labeled version of the drug and performed under § 361.1 must be included as part of the required IND reports.

21. One comment stated that the fundamental information to determine what "traditional pharmacology based judgment" means needed amplification and the term "no response" was not clear.

In paragraph D.1 of the preamble to the proposal, the Commissioner stated that "when radioactive drugs are administered in amounts which have been demonstrated not to produce clinically detectable pharmacologic activity in human beings, such drugs are and must be generally recognized as safe from the viewpoint of traditional pharmacology." In this context "traditional pharmacology" was intended only to distinguish hazards related to the toxic effects of the drugs (traditional pharmacology/toxicology) from those related to hazards of radiation. The term "clinically detectable pharmacologic activity" in human beings has been discussed above. Neither the term "no response" nor "traditional pharmacology" are used in the regulation; therefore no change is needed.

C. LIMITS ON RADIATION DOSE

22. One comment indicated that the intent of proposed § 370.100(b)(3) was not clearly stated in the preamble but presumed that the radiation limits are stated so that it will not be necessary to file an IND for research projects which do not lead to diagnostic tests.

The Commissioner advises that the intent of § 361.1 (proposed § 370.100) is to identify a class of drugs that are not new drugs because they are generally recognized as safe and effective under specific circumstances. One of those circumstances is that the radiation dose to subjects does not exceed certain limits. The identification of this drug class as not new drugs has the effect of making it unnecessary to submit an IND before using them.

23. One comment questioned whether it was necessary that there be a radiation dose limit included among the conditions under which the use of radioactive drugs for research is considered safe and effective. The comment stated that "if a local committee is deemed to have the judgment to assess and approve varied lesser dose procedures, need they be limited in regard to the far less frequent situations of a particularly important research study that might necessitate a larger organ dose?" The comment suggested that it might be preferable to offer the option to the local committee of referring to an FDA-sponsored "super-committee" research proposals which, because of larger dosage or other unusual considerations, the local committee would prefer to have acted upon by a higher authority.

The Commissioner disagrees with the suggestion of the comment. When a pharmacologically inactive amount of a radioactive drug is used, the issue of safety for use in human subjects is entirely related to the amount of radiation administered. Because any exposure to radiation is presumed to have an attendant risk (due to a lack of evidence showing any absolutely safe level of exposure), it is obvious that no radiation exposure can be justified or considered generally recognized as safe as a research tool if the study in which it is used is of poor quality or is not likely to provide useful information. The Commissioner has concluded that the Radioactive Drug Research Committee (see paragraph 29) can assure the quality of studies and the minimization of the radiation dose. Nevertheless, despite this conclusion, the Commissioner has no basis for concluding that all doses of a radioactive drug, even if used for research purposes and monitored by a properly functioning committee, are generally recognized as safe for the intended use. He has therefore concluded that a limit on radiation dose is necessary to make a determination of general recognition of safety for research uses. As discussed below (in paragraph 24), the Commissioner has concluded that the basic occupational radiation protection criteria established by the NRC under 10 CFR 20.101 and 20.102, even though they were not intended to be criteria related in any way to subjects in clinical research, provide a reasonable basis for the determination that a radioactive drug, when administered in amounts such that the pharmacological and radiation dose from such drug is within the limits of § 361.1(b), and under the cognizance of an FDA-approved committee, is generally recognized as safe. It should be emphasized that this limit for purposes of establishing general recognition of safety in no way represents a conclusion that such radiation doses do not represent some element of risk to the individual nor that larger doses are necessarily unsafe. It is further emphasized that setting a limit on radiation dose for purposes of § 361.1 does not alter the requirement that the radiation dose, even though it is within the limit, should be the smallest amount needed to carry out the study. It is only concluded that, within the context of the benefit to be obtained from the research study, that such radiation doses are generally recognized as safe. Radioactive drugs which deliver larger doses are considered to represent new drugs and to require an IND or approved NDA.

24. One comment questioned whether it was appropriate to use the occupational permissible exposure criteria as a limit upon the approval authority of the proposed Radiation Safety Committee (under proposed § 370.100(b)(3)) since such limits were developed for a specific purpose and should not be extended to research use of radiation in human volunteer subjects.

As stated in the preamble to the proposal, the Commissioner fully agrees with the National Council on Radiation Protection and Measurements who, in discussing radiation dose to research subjects, noted that "each proposed human research application must be judged on its merit after review by competent peers, and that dose-limiting recommendations for radiation workers or the public do not apply to the individual to be irradiated." The Commissioner concludes that § 361.1 of this regulation embodies this recommendation and requires that each study be approved by competent peers (the Radioactive Drug Research Committee) and that the radiation dose be kept as low as practicable. The radiation dose criteria in § 361.1(b)(3) are for the purpose of stating that such research studies are generally recognized as safe and not to set a specific dose limit for research subjects.

The Commissioner referred, in the preamble to the proposal, to various studies and published literature which reflect a consensus which permitted the establishment of exposure levels acceptable from the standpoint of radiation safety. The NRC criteria, set forth in 10 CFR 20.101 and 20.102, accord with this consensus.

The NRC requirements take into account both the risk to the public health of larger doses of radiation for a particular group of persons and the risk to the individuals involved. Investigational subjects, like radiation workers, represent a limited segment of the total population; the public health implications of doses of radiation to research subjects appear no different from those resulting from exposure of radiation workers and the risks are equally acceptable to society. Considerations of risk to the individual also appear reasonably similar for both groups. An informed potential research subject is able to make a decision regarding participation in a study because he will, in effect, be deciding whether or not he is willing to participate in the study and assume a risk in the same sense as does a radiation worker. Although the benefits to the individual are quite different, in one case the opportunity to earn a livelihood, in the other the opportunity to participate in a scientific study, each situation in-

volves a decision to take a specified risk for a specified purpose. The Commissioner concludes that these doses represent a minimal risk to the individual and are appropriate criteria for a general recognition of safety where there are societal benefits from research studies.

25. One comment expressed the opinion that use of the occupational radiation exposure limitation (as an upper limit for exposure of research subjects in studies covered by proposed § 370.100) is too high in comparison with the intended scope of the studies.

The Commissioner notes that it is probable that many studies under § 361.1 (proposed as § 370.100) can be carried out using smaller doses of radiation than would be permitted under the limits on radiation dose. As noted earlier, it is the responsibility of the Radioactive Drug Research Committee (see paragraph 29) to assure that the smallest dose that can be used without jeopardizing the study is used. The Commissioner believes that doses up to the limits set forth in § 361.1 and used under conditions specified in that section can be considered generally recognized as safe and effective and constitute a reasonable limit for research studies conducted under this section. The Food and Drug Administration will continually evaluate the use of radioactive drugs under § 361.1 through the review of the required annual reports submitted by the Radioactive Drug Research Committee. The present criteria for establishing a radiation dose limit will be reconsidered if justified by this evaluation.

26. Several comments questioned the particular radiation dose limits selected. One comment suggested that it would be preferable to state any limitation as a maximum organ dose in any one year with the further qualification that in the event of a very long effective half-life situation, the total dose over the life expectancy of the concerned subject would not exceed some considered value. Another comment stated that it was not clear how the yearly cumulative total for whole body exposure for adults and the yearly total for critical organs were derived.

The Commissioner has reconsidered the proposed maximum radiation doses in light of the comments above and further intra-agency discussion. As originally proposed, maximum yearly doses were given. To provide adequate protection for subjects in special circumstances where long half-life radionuclides are used, the wording has been changed so that there will be both an annual limit on dose received and a limit on the total dose commitment resulting from studies conducted in a single year. Thus, the regulation has been modified to include both the "annual dose" and "total dose commitment" from a study or studies conducted within a single year. In addition, maximum whole body dose and the dose to critical organs (active blood-forming organs, lens of the eye, and gonads) have been made identical. The proposed notice specified limitations for "critical" organs that should have been applied to other organs. This has been corrected in the final order. As modified, the total dose commitment to any research subject, from a single study or cumulatively from a number of studies within a single year may not exceed the total commitment value of 5 rems for exposure to the whole body and critical organs (active blood-forming organs, lens of the eye, and gonads) or 15 rems for exposure to other organs. The designation of whole body, critical organs, and other organs within the various dose categories has been modified in the regulation to conform to terminology used by the NRC.

It is further recognized that significant radioactive contaminants or impurities in a radioactive drug may affect the results of a study or alter the validity of the dose calculations; therefore, any contribution to dose due to significant radioactive contaminants or impurities shall be included in calculating the total radiation dose and dose commitment. In addition, in determining maximum permissible dose limitations, the possibility of followup studies shall be considered for inclusion in the dose calculations. Section 361.1(b)(3) (proposed as § 370.100(b)(3)) has been revised accordingly.

27. One comment raised a question regarding the relationship between exposure history and the radiation limitations. The comment stated that the repeated reference to occupational exposure limitations in proposed § 370.100 (b)(3) and (d)(1) appear to sanction a quarterly occupational exposure of 3 rems. The comment further stated that this level of exposure is allowed in Agreement State and NRC regulations only with a properly completed exposure history and that there is no provision for an exposure history in the proposed regulation. The comment did not object to the 3 rems limit but to the use of such phrases in the proposed § 370.100 as "occupational exposure limitations" and "absorbed dose * * * permissible for occupationally exposed personnel."

The Commissioner believes that the limitations on radiation dose have been clarified in the final order. With the addition of an annual dose, an indication of a quarterly radiation dose is unnecessary. It is thus clear that, with a total annual dose of 5 rems for whole body and critical organs, 3 rems cannot be administered in each quarter.

"Exposure history," as required under NRC and Agreement State regulations, refers to previous occupational exposure. The Commissioner is of the opinion that very few research subjects will have been radiation workers and therefore they will not have an "exposure history." The Commissioner advises that, in revising paragraph (b)(3) and (d)(1) of § 361.1 of the regulation, the phrases "occupational exposure limitations" and "absorbed dose * * * permissible for occupationally exposed personnel" have been deleted.

28. One comment expressed concern that some research programs may also involve radiation doses from radiographic or fluoroscopic procedures such that the total subject dose may exceed the occupational permissible dose limits. The comment further stated that the x-ray dose may or may not be totally or partly of direct diagnostic benefit to the concerned subject or may or may not be part of medical care that the subject would receive if not volunteering for the study. The comment requested clarification as to whether any limitations on radiation dose to the subject that may be set under proposed § 370.100(b)(3) are applicable only to the dose attributable to the radionuclide procedure or only to the dose attributable to the research aspect of the subject's radiation experience during the period of concern, or to some other dose calculation. The comment expressed the opinion that it is not practicable to attempt to set regulatory limits based on the total radiation experience associated with a research use of radioactivity, because of the many considerations involved in assessing the value-risk ratio of an individual research proposal.

The Commissioner advises that the radiation dose limitations under § 361.1 (b)(3) (proposed § 370.100(b)(3)) are the total doses attributable to the research study including the radioactive drug and any doses from x-ray procedures which are considered and integral part of the research study, i.e., would not have occurred but for the study. An x-ray procedure which would have occurred whether or not the patient was part of the research study should not be included in determining the doses attributable to the research study. The Commissioner considers the determination of whether or not a given x-ray procedure is a part of the patient's medical care, as opposed to part of the research procedure, to be one which the Radioactive Drug Research Committee (see paragraph 29) can readily make.

D. RADIOACTIVE DRUG RESEARCH COMMITTEE

29. Comment was received from the Nuclear Regulatory Commission (NRC) requesting that the term Radiation Safety Committee as used in § 361.1 be changed to Radioisotope Research Committee or any other appropriate name. The NRC stated that the term Radiation Safety Committee is used by many hospitals and academic institutions for the committee that reviews the institution's overall program for use of radioactive materials and radiation producing machines, especially from the standpoint of radiation protection which is frequently called health physics.

The Commissioner has therefore concluded that, to distinguish between this committee and the committee required for approval of research uses of radioactive drugs under § 361.1 of this regulation, the term "Radiation Safety Committee" as used in § 361.1 shall be changed to "Radioactive Drug Research Committee." The regulation has been modified accordingly. In stating the following comments and their discussion, the revised committee name is used.

30. One comment recommended that the field of pharmacology be included as a discipline to be considered for repre-

sentation on a Radioactive Drug Research Committee under the proposed § 370.100(c)(1). Other comments expressed the feeling that a pharmacologist should be a required member of such committee. Comments also differed as to whether a radiopharmacist should be included in the membership of the Radioactive Drug Research Committee. Some comments indicated that there may be some misunderstanding as to who the required members of a Radioactive Drug Research Committee are.

The Commissioner concludes that the composition of the Radioactive Drug Research Committee as set forth in § 361.1(c)(1) is adequate. As stated in the proposed regulation, approval of a Radioactive Drug Research Committee shall be based upon an assessment of the qualifications of the members of the committee and the assurance that all of the necessary fields of expertise are covered. Certification in a particular discipline is not necessary. For example, one of the required members of the Committee shall be a person qualified to formulate radioactive drugs. This person need not necessarily be a radiopharmacists; he may be a physician or other qualified individual. The Commissioner also sees no reason to specify additional disciplines as required members because § 361.1(c)(1) states that the addition of consultants in other pertinent medical disciplines is encouraged. Expertise in any needed area can thus be obtained. The Commissioner advises that the only three required fields of specialization of a Radioactive Drug Research Committee are (1) a physician recognized as a specialist in nuclear medicine, (2) a person qualified by training and experience to formulate radioactive drugs, and (3) a person with special competence in radiation safety and radiation dosimetry. The remaining members shall be selected from individuals qualified in varied disciplines pertinent to the field of nuclear medicine (e.g., radiology, internal medicine, clinical pathology, hematology, endocrinology, radiation therapy, radiation physics, radiation biophysics, health physics, and radiopharmacy). Section 361.1(c)(1) has been rewritten to indicate more explicitly the required members.

31. One comment pointed out that the proposed § 370.100(c) gave no guidance regarding notification of changes in the membership of the Radioactive Drug Research Committee (e.g., because of relocation, retirement, or death of members) and the effect of such changes upon FDA approval of the Committee. The comment suggested that such changes be reported and documented in the annual report and that approval or disapproval of the revised Committee be determined by the FDA following receipt of the annual report.

The Commissioner has studied the comment and concludes that all changes in the membership of the Radioactive Drug Research Committee and selection of new members shall be communicated to the FDA as early as possible so that the FDA may review the qualifications of the new member(s) and the composition of the Committee and be assured that the Committee continues to include all of the necessary fields of expertise. Section 361.1(c)(4) (proposed § 370.100(c)(4)) has been revised to provide for this procedure. The Commissioner advises that once a Radioactive Drug Research Committee is approved, it continues in such status until the approval is withdrawn by the FDA. Individual changes in membership may therefore be implemented without FDA approval; FDA disapproval of a new member would take the form of withdrawal of approval of the Committee.

32. One comment expressed concern over the proliferation of duplicative committees deriving their authority from various Federal and State regulatory agencies. It recommended that FDA limit, at least initially, those committees which it approves pursuant to proposed § 370.100(c)(4) to those already established medical advisory committees of radioactive material licensing agencies and the radiation safety committees of broad medical licensees of the NRC. Another comment expressed concern that the FDA might not approve a Radioactive Drug Research Committee which has been approved as a Broad License Committee by an Agreement State or the NRC, or vice versa, and suggested that there be some criteria for mutual acceptance of a Radioactive Drug Research Committee. The comment further questioned whether the regulation would allow the Medical Committee of a State Radiation Advisory Board to review and approve research programs for small user licensees.

The Commissioner has determined that, to conclude that a radioactive drug is generally recognized as safe and effective when used for certain research studies, it is necessary to establish criteria for use of the drug which include a monitoring of that use by a Radioactive Drug Research Committee. The standards for the composition and functioning of the Radioactive Drug Research Committee are a fundamental element in the Commissioner's determination. The Commissioner cannot assume that the requirements for advisory or review committees of other Federal or State regulatory agencies will assure a committee that meets FDA criteria for a Radioactive Drug Research Committee. Therefore the FDA cannot, without an independent determination, approve a Committee that has been approved by another Agency. However, any established committee, such as the Medical Committee of a State Radiation Advisory Board, may, if constituted in accordance with § 361.1(c)(1), apply to the FDA for approval as a Radioactive Drug Research Committee.

33. One comment questioned the need for each Radioactive Drug Research Committee to meet at least quarterly, as provided in proposed § 370.100(c)(2), because the quantity of business to be considered by the Committee may not justify such frequent meetings.

The Commissioner concurs in part and has concluded that the Radioactive Drug Research Committee shall meet at least once each quarter in which a research activity has been authorized or conducted. No more than 90 days should pass between the start of the research and the monitoring of the study's progress by the Committee. More frequent meetings may be held at the discretion of the Committee.

The Commissioner has also determined that to provide reasonable assurance that the expertise available within the committee will be utilized in committee deliberations, it is necessary to indicate the number of members needed to constitute a quorum. He has concluded that more than 50 percent of the membership of the Committee must be present to constitute a quorum and that there must be appropriate representation of the required fields of specialization. Section 361.1(c)(2) (proposed as § 370.100(c)(2)) has been revised accordingly.

34. One comment expressed the opinion that more efficient use of the concept of a Radioactive Drug Research Committee as a "watchdog body" in cases of experimental use of radioactive drugs should be to expand its function to cover both new and not new radioactive drugs.

The Commissioner advises that review of investigations of new radioactive drugs submitted pursuant to § 312.1 is clearly a regulatory function of the Food and Drug Administration and cannot be delegated to a Radioactive Drug Research Committee. Institutional review is also required for investigational new drugs under an IND where the clinical studies are conducted on institutionalized subjects or are conducted by an individual affiliated with an institution which agrees to assume responsibility for the study. The Radioactive Drug Research Committee would not fulfill this requirement because its composition lacks lay membership. The FDA would, however, look favorably upon a Radioactive Drug Research Committee serving as a subcommittee of an Institutional Review Committee when the Investigational new drug is a radioactive drug. The Commissioner advises that this regulation does not in any way prohibit an institution from involving its Radioactive Drug Research Committee in other policy matters, including use of radioactive new drugs, if it so chooses.

35. One comment suggested that, because of the inherent time delays involved in obtaining protocol review and approval from a Radioactive Drug Research Committee as envisioned by the regulations, and because of the relatively short shelf life of many of the tagged drugs utilized, the regulations include a maximum time limit within which the Committee would have to approve or reject a proposed protocol.

The Commissioner concludes that regulation of the time required for approval or rejection by a Radioactive Drug Research Committee of a proposed protocol must be left to the institution or State or Federal agency with which the Committee is associated. The Commissioner cannot predict the workload of each Radioactive Drug Research Com-

mittee; therefore, it is not feasible for the FDA to establish a time frame for review and approval or rejection of a proposed protocol. The FDA believes, however, that since the Radioactive Drug Research Committee is composed of persons familiar with the unique problems of research with radioactive drugs, committee review will be responsive to the needs of individual researchers. The Commissioner further assumes that ordinarily approval of a protocol will be sought before the tagged drug is obtained; therefore, the shelf life of the tagged drug will not be germane.

36. Several comments suggested that the "Report on Research Use of Radioactive Drug" which each Radioactive Drug Research Committee is required to submit annually under proposed § 370.100(c)(3) for each study conducted during the preceding year be made available to Agreement States or other licensing agencies for future licensing actions without forfeiting the nondisclosure provisions which apply to proprietary information. Another comment suggested that FDA consider establishing some mechanism of advising its approved Radioactive Drug Research Committees of any studies which have been approved under proposed § 370.100 by any other approved Radioactive Drug Research Committee.

The Commissioner advises that contents of the "Report on Research Use of Radioactive Drug" are available for public disclosure unless confidentiality is requested by the investigator and it is adequately shown by the investigator that the report constitutes a trade secret or confidential commercial information as defined in 21 CFR 4.61. A trade secret, as defined in 21 CFR 4.61, may consist of any formula, pattern, device, or compilation of information which is used in one's business and which gives him an opportunity to obtain an advantage over competitors who do not know or use it. Commercial information that is privileged or confidential means valuable data or information which is used in one's business and is of a type customarily held in strict confidence or regarded as privileged and not disclosed to any member of the public by the person to whom it belongs. Data and information submitted or divulged to the Food and Drug Administration which fall within the definitions of a trade secret or confidential commercial information are not available for public disclosure.

The note under "Report on Research Use of Radioactive Drug" set forth in proposed § 370.100(c)(3), stated that the name of the investigator would not be disclosed publicly. Under the new regulation promulgated under the Freedom of Information Act, such information may be publicly disclosed. Section 361.1(c)(3) (proposed § 370.100(c)(3)) has been revised accordingly.

Therefore, information from this report which is available for public disclosure is also available to Agreement States or other licensing agencies and all Radioactive Drug Research Committees and will be disclosed in accordance with procedures set forth in 21 CFR Part 4. The Commissioner has concluded that it is impractical, because of resource limitations, to provide these reports to Agreement States and other licensing agencies and to other FDA Radioactive Drug Research Committees on a continuing basis. A specific request will be required under the public information regulations (21 CFR Part 4).

37. One comment recommended that the age of all research subjects, not just minors, be included in the "Report on Research Use of Radioactive Drug" set forth in proposed § 370.100(c)(3). Another comment suggested that the number of adults and children be specified separately on each report.

While such data are not necessary to monitor compliance, the Commissioner concludes that data such as the age and sex of all research subjects would be useful in evaluating the total risk to the public health and to individuals. Further, the Commissioner notes that this data would be useful to the FDA in studies of the radiation dose to the public from all radioactive drugs. Accordingly, § 361.1(c)(3) of the regulation has been modified to require the "Report on Research Use of Radioactive Drug" to include the dose to each research subject by age and sex.

38. One comment objected to the requirement of reporting immediately when more than 30 research subjects were involved in a research project under proposed § 370.100 since the individual risks to a human subject receiving radioactive materials are independent of the number of subjects. Another comment felt that annual reporting by the Radioactive Drug Research Committee and their function as a peer review group were sufficient and therefore objected to immediate reporting as stated above or when the research subject is under 18 years of age.

The Commissioner wishes to be certain that the requirements of § 361.1 (proposed § 370.100) are being interpreted and followed in a satisfactory manner. Relatively large research studies, such as those resulting in the exposure of more than 30 research subjects, represent a category of study in which it may be particularly appropriate to examine whether the need for the number of subjects chosen is documented, the radiation dose is well justified, and the distinction between research protocols and clinical trials is observed. Similarly, any study involving radiation exposure to research subjects less than 18 years of age may need special attention to examine the basis for carrying out the study in that age group and assure that the protocol is adequate for the safety of such subjects. The Commissioner emphasizes that the early notification of FDA under these circumstances in no way implies that such studies are unacceptable or inappropriate or that these studies require preclearance by the FDA. Notification is entirely for FDA's internal monitoring of this new regulation.

39. One comment suggested that item 5 of the "Report of Research Use of Radioactive Drug" be revised to read as follows:

5. Radiation Absorbed Dose:
a. Radionuclide identification.
b. Administered activity dose—child, adult (max.).
c. Maximum number of activity doses per patient.
d. Estimated absorbed dose per single procedure—whole body, gonad and critical organ.

The Commissioner has reviewed the terminology in item 5 and is of the opinion that the requirements should be stated in more specific terms. He has therefore revised these parts of the "Report of Research Use of Radioactive Drug" to read as follows:

5. Name of the radionuclide(s) used, including any present as significant contaminants or impurities.
6. Radiation absorbed dose. Give the methods by which radiation dose commitment was estimated, such as by calculation, by in vivo measurements, by uptake excretion, or by other methods. For each subject, provide:
a. Age, sex.
b. Amount of each radionuclide administered.
c. Estimated absorbed dose per single administration of radioactive drug, expressed as whole body, active blood-forming organs, lens of the eye, gonads, and other organ dose.
d. If more than one administration of a radioactive drug per subject, cumulative radiation dose and dose commitment, expressed as whole body, active blood-forming organs, lens of the eye, gonads, and other organ doses from the administered radionuclides.

E. OTHER CONDITIONS

40. Three comments expressed the opinion that proposed § 370.100(d)(1) should require the radioassay of the pharmaceutical prior to administration and one comment suggested that the use of a dose calibrator be required. One comment assumed that a dose calibrator would be required.

Although proposed § 370.100 implies that the radioactive drug will be assayed prior to use, this is not stated explicitly. The Commissioner therefore concurs with this part of the comment, concluding that radioassay of some kind is necessary prior to use of the radioactive drug. Specific designation of a dose calibrator is inappropriate, however, since other assay methods would be acceptable. Section 361.1(d)(1) (proposed § 370.100 (d)(1)) is therefore amended to require radioassay of the radioactive drug prior to its use.

The Commissioner advises that § 361.1 (d)(1) has also been amended to state more specifically the requirements which the Radioactive Drug Research Committee must consider to assure that the radiation dose to research subjects is as low as practicable to perform the study and to meet the criteria set forth in § 361.1(b)(3). To help achieve this assurance, two additional requirements have been added to this paragraph; namely, that the radioactive drug chosen for the study has that combination of half-life, types of radiation, radiation

energy, metabolism, chemical properties, etc., which results in the lowest dose to the whole body or specific organs with which it is possible to obtain the necessary information and that the investigator utilize adequate and appropriate instrumentation for the detection and measurement of the specific radionuclide.

41. One comment stated that proposed § 370.100(d)(5) appeared to prohibit research studies involving metabolism during pregnancy and felt that the acceptability of performing a specific study on pregnant females should be the decision of the FDA-approved Radioactive Drug Research Committee.

Both the International Commission on Radiological Protection (ICRP) and the National Council on Radiation Protection and Measurements (NCRP) have expressed concern over the possible adverse effects on the human embryo and fetus from radiation exposure to pregnant women. The Commissioner has determined that, because of the potential risk to an embryo or fetus, the use of a radioactive drug during pregnancy cannot be generally recognized as safe; therefore, such studies cannot be conducted under § 361.1. This limitation in no way reflects, however, any prejudgment as to whether such a study may be conducted under an IND. The Commissioner emphasizes that the radiation dose limits, pharmacological dose limits, Radioactive Drug Research Committee requirements, and all other requirements of § 361.1 relate only to a specific group of radioactive drugs for certain research uses. There is no intent that any of these limits represent actual or de facto limits for studies conducted under an IND. Therefore, research studies in pregnant women may be permitted where the sponsor submits an IND and complies with the requirements of § 312.1.

42. One comment requested clarification of proposed § 370.100(d)(7) as to whether the statement in "No study involving * * *, no matter how small the amount of radioactivity, shall be permitted * * *." would require Radioactive Drug Research Committee approval for the use of any compound containing naturally occurring radioisotopes such as potassium which contains 0.012 percent K-40.

The Commissioner advises that § 361.1 (proposed § 370.100) pertains only to compounds to which tracer quantities of certain radionuclides have been deliberately attached and not to an element, such as potassium, which contains trace amounts of radioisotopes in its natural state. Section 361.1(d)(7) has been modified to reflect this.

43. One comment questioned the meaning of the word "active" as used in the term "active ingredient," relative to information required on the label by section 502(e) of the act and proposed § 370.100(f) and expressed the feeling that all ingredients in an injectable preparation should be specified and listed under proposed § 370.100(f) and a determination made later on whether they are "active" or not.

The Commissioner advises that the definition of "active ingredient" in 21 CFR 210.3(d)(5) (formerly 21 CFR 133.1(d)(5) prior to recodification published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13996)) is applicable to § 361.1(f)(4) of these regulations. Active ingredient is defined as "any component which is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of man or other animals. The term shall include those components which may undergo chemical change in the manufacture of the drug and be present in the finished drug product in a modified form intended to furnish the specified activity or effect." The Commissioner agrees that radioactive drug products intended for parenteral administration under § 361.1 should be labeled to identify all inactive ingredients in the same way as other drug products for parenteral administration under § 201.100 (b)(5)(iii) (formerly § 1.106(b)(2)(v)(c)) and has modified § 361.1(f) correspondingly. All other label requirements imposed by section 502 (b) and (e) of the act which were stated in the preamble to the proposal have also been listed under § 361.1(f).

The Commissioner also advises that the proposal (in the preamble and proposed § 370.100(f)) indicated label and labeling requirements for radioactive materials. Such requirements are specific label requirements as imposed by section 502 (b) and (e) of the act and certain other requirements and are to appear on the label of the immediate container and shielded container unless otherwise specified. The wording in the final order has been revised to reflect this.

44. One comment suggested revising paragraph (f) of proposed § 370.100 to read: "A radioactive drug prepared, packaged, distributed and primarily intended for use in accordance with the requirements of this section shall be exempt from section 502(f)(1) of the act and section 1.106 of this chapter if the packaging, label and labeling are in compliance with Federal, State, and local law regarding radioactive materials and if the packaging, label and labeling required for radioactive materials by the Nuclear Regulatory Commission and by State and local radiological health authorities bear the following: * * *." The comment further proposed the addition of a new paragraph (f)(6) to read "whether the drug is for investigational use only;" and a new paragraph (f)(7) to read "The expiration date, special storage conditions, pyrogenicity, specific concentration and addition of bacteriostatic agents" and addition of a new sentence reading "In the event that the immediate container of any radioactive drug is too small to contain the information set forth in paragraph seven (7) above, the information shall be furnished in the product's accompanying label."

The Commissioner concludes that the initial wording of § 361.1(f) (proposed § 370.100(f)) is preferable to the suggested alternative. The requirements by the FDA for labeling may be in addition to the requirements of the NRC, other Federal authorities, or State and local radiological health authorities. Paragraph (f) of proposed 370.100 was therefore written to allow the NRC or the State and local health authorities to decide whether they wanted a distinct radioactive warning on the label, apart from other labeling. The suggested alternative does not provide for this.

The suggested paragraph (f)(6) is not applicable since these are not investigational drugs, as that term is normally used (i.e., a drug under an IND), although these drugs are used for research. The statement described in § 361.1(f)(2) is proper for radioactive drugs for research use under this section.

With regard to the suggested paragraph (f)(7), the name and quantity of all bacteriostatic agents and other inactive ingredient(s) are required by 21 CFR 201.100(b)(5)(iii) (formerly 21 CFR 1.106(b)(2)(v)(c)) if a drug product is for parenteral use. Section 361.1(f) (proposed 370.100(f)) has been modified to include this requirement. Section 502(h) of the act requires that drugs liable to deterioration shall bear a statement of such precaution as necessary for the protection of the public health. The Commissioner concludes that, because of the special nature of radioactive drugs, i.e., radioactive decay, the label for such drugs shall contain an expiration date. If special storage conditions are necessary to maintain the drug product's stability for its anticipated shelf life, manufacturers are responsible for providing such information in the labeling. If a radioactive drug is recognized in an official compendium, it shall be labeled as prescribed by such compendium.

Current good manufacturing practices require that the manufacturer assure that the drug finished dosage form has the identity, strength, quality, and purity stated in the labeling. For radioactive drugs for parenteral use, manufacturers must therefore have evidence that the methods of manufacture and sterilization employed are adequate to ensure that each final product is sterile and pyrogen free. It is the responsibility of the Radioactive Drug Research Committee to determine that radioactive materials for parenteral use under § 361.1 are prepared in sterile and pyrogen-free form.

The Commissioner has also concluded that the specific concentration for each radioactive drug should be expressed on the label. Section 361.1(f) (proposed § 370.100(f)) has been revised to require that the label include the total quantity of radioactivity in the drug product's immediate container and the amount of radioactivity per unit volume or unit mass at a designated referenced time. Section 361.1(f) has also been revised to require that the label bear the route of administration if the drug is for other than oral use, as is required for all prescription drugs under 21 CFR 201.100. Information which may be placed on the label of the shielded container only if

the immediate container label is too small to accommodate all of the necessary information is also specified.

MISCELLANEOUS

45. One comment suggested changing paragraph (b) of proposed § 370.100 to read: "The conditions under which use of any radioactive drug for research, which has been, are now or will be regulated by the Food and Drug Administration or which is introduced into interstate commerce, as safe and effective are:". The comment also suggested adding a new paragraph (d) to proposed § 370.100 to state "These regulations will not act to exempt any drug covered by this part from any other provision of law or regulation applicable thereto."

The Commissioner has concluded that the suggested changes to proposed § 370.-100 are unnecessary. This regulation in no way implies that other provisions of law or regulation are not applicable. In fact, the regulation clearly alludes to the licensing requirements of the NRC. This regulation will apply to all radioactive drugs that are generally recognized as safe and effective until future developments, experience, or knowledge necessitates revision.

46. One comment stated that there were no recommendations in the proposed regulations pertaining to the proper disposal of isotopes.

The Commissioner advises that the NRC and Agreement States control radiation safety during the manufacture, use, and disposal of radioactive drugs.

47. One comment asked if a separate office within the FDA had been assigned responsibility solely for radiopharmaceuticals.

The Commissioner advises that for all radioactive drug products, including radioactive biological products, review of a "Notice of Claimed Investigational Exemption for a New Drug," amendments to such notice, a new drug application, amendments and supplements to such application, and approving and monitoring the activities of the Radioactive Drug Research Committee shall be the responsibility of the Radiopharmaceutical Group, Division of Oncology and Radiopharmaceutical Drug Products, (HFD-150), Bureau of Drugs, 5600 Fishers Lane, Rockville, MD 20852. Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is issuing an order transferring responsibility for radioactive biological products from the Bureau of Biologics to the Bureau of Drugs to consolidate processing of all radioactive drug matters in one office.

48. One comment indicated that proposed § 370.100(f) permits the label and labeling of "tagged" compounds to contain information required by the NRC or State authorities, but this is not mentioned regarding those radioactive drugs covered under topics A, B, and C of the preamble to the proposal.

The Commissioner has determined that all radioactive drugs, including those which require the submission of an NDA, IND, or an application for a biological product license, as discussed under topics A, B, and C of the preamble to the July 29, 1974 proposal, are permitted to have on their label and labeling information required by the NRC and State and local radiation control authorities, if all of the FDA labeling requirements of section 502 of the act and 21 CFR 201.100 (formerly 21 CFR 1.106(b)) are met.

49. One comment expressed concern as to the effect these regulations will exert on existing competition within the radiopharmaceutical industry during the transition from regulation by the NRC to regulation by the FDA. Further, the comment expressed concern regarding the cost of the transition and any competitive disadvantage or restrictions imposed during this transition period. The comment emphasized that it is essential that nothing in these regulations create a competitive advantage for one manufacturer over another.

The Commissioner sees no basis for the concern expressed by the comment.

50. Two comments pointed out a typographical error in the paragraph heading for proposed § 1.106(p). The word "radiocative" should read "radioactive."

The typographical error as noted in the comment has been corrected. In addition, proposed § 1.106(p) has been recodified as § 201.129 in the final regulation in accordance with the recodification of § 1.106 into Part 201, published in the FEDERAL REGISTER of March 27, 1975 (40 FR 13996).

EFFECTIVE DATES

51. One comment requested that the December 31, 1974 and July 1, 1975 deadlines as set forth in the proposal be extended by the FDA on a drug-by-drug and manufacturer-by-manufacturer basis to provide adequate time to comply with the final regulations, following any any modification resulting from comments submitted.

The proposal identified effective dates for specific changes to implement FDA regulations regarding radioactive new drugs. Due to the length of time needed to review the comments and prepare the final regulation, the Commissioner has found it necessary to extend these proposed effective dates as follows: (1) the December 31, 1974 date for submission of an NDA, IND, or an application for a biological product license for each drug containing those radionuclides listed under § 310.503(f)(1) and for submission of the information for an investigational new drug as required by § 310.503(g) is extended to August 25, 1975; (2) the October 1, 1974 date referred to in § 310.-503(g) is extended to July 25, 1975; (3) the January 1, 1975 date referred to in § 310.503 (f) (4) and (5) and (h) is extended to after August 25, 1975; (4) the effective date for deleting the "Note" that appears at the end of § 312.1 is extended to after August 25, 1975; and (5) the July 1, 1975 date referred to in § 310.503 (d)(3), (f)(5), and (g) is extended to February 20, 1976. The regulations have been revised accordingly. The Commissioner concludes that there has been adequate discussion and notice of these requirements, and that the time periods established should not result in a hardship to any manufacturer.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701 (a), 52 Stat. 1052-1053, as amended, 1055 (21 U.S.C. 355, 371(a)), the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262)), authority delegated to the Commissioner (21 CFR 2.120), and in cooperation with the Nuclear Regulatory Commission, Title 21 of the Code of Federal Regulations is amended as follows:

PART 201—LABELING

1. In Subpart D a new § 201.129 is added to read as follows:

§ 201.129 Drugs and devices; exemption for radioactive drugs for research use.

A radioactive drug intended for administration to human research subjects during the course of a research project intended to obtain basic research information regarding metabolism (including kinetics, distribution, and localization) of a radioactively labeled drug or regarding human physiology, pathophysiology, or biochemistry (but not intended for immediate therapeutic, diagnostic, or similar purposes), under the conditions set forth in § 361.1 of this chapter, shall be exempt from section 502(f)(1) of the act if the packaging, label, and labeling are in compliance with § 361.1(f) of this chapter.

PART 310—NEW DRUGS

2. In § 310.3 add a new paragraph (n) to read as follows:

§ 310.3 Definitions and interpretations.

* * * * *

(n) The term "radioactive drug" means any substance defined as a drug in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act which exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any nonradioactive reagent kit or nuclide generator which is intended to be used in the preparation of any such substance but does not include drugs such as carbon-containing compounds or potassium-containing salts which contain trace quantities of naturally occurring radionuclides. The term "radioactive drug" includes a "radioactive biological product" as defined in § 600.3(ee) of this chapter.

3. In § 310.503 revise paragraph (d) and add new paragraphs (f), (g), and (h), to read as follows:

§ 310.503 Requirements regarding certain radioactive drugs.

* * * * *

(d) (1) In view of the extent of experience with the isotopes listed in paragraph (c) of this section, the Nuclear Regulatory Commission and the Food and Drug Administration conclude that such isotopes should not be distributed under investigational-use labeling when

they are actually intended for use in medical practice.

(2) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (c) of this section, in the "chemical form" and intended for the uses stated, is terminated on March 3, 1972, except as provided in paragraph (d)(3) of this section.

(3) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (c) of this section, in the "chemical form" and intended for the uses stated, for which drug a new drug application or a "Notice of Claimed Investigational Exemption for a New Drug" was submitted prior to March 3, 1972, or for which biologic an application for product license or "Notice of Claimed Investigational Exemption for a New Drug" was submitted prior to March 3, 1972, is terminated either upon issuance of a nonapprovable notice for the new drug application or application for product license or termination of the "Notice of Claimed Investigational Exemption for a New Drug," or on February 20, 1976, whichever occurs first.

* * * * *

(f) (1) Based on its experience in regulating investigational radioactive pharmaceuticals, the Nuclear Regulatory Commission has compiled a list of reactor-produced isotopes for which it considers that applicants may reasonably be expected to submit adequate evidence of safety and effectiveness for use as recommended in appropriate labeling; such use may include, among others, the uses in this tabulation:

Isotope	Chemical form	Use
Fluorine 18.	Fluoride	Bone imaging.
Indium-113m.	Diethylenetriamine pentaacetic acid (DTPA).	Brain imaging; kidney imaging.
Do	Chloride	Placenta imaging; blood pool imaging.
Technetium 99m.	Human serum albumin microspheres.	Lung imaging.
Do	Diethylenetriamine pentaacetic acid (Sn).	Kidney imaging; kidney function studies.
Do	do	Brain imaging.
Do	Polyphosphates	Bone imaging.
Do	Technetated aggregated albumin (human).	Lung imaging.
Do	Disodium etidronate.	Bone imaging.

(2) In view of the extent of experience with the isotopes listed in paragraph (f)(1) of this section, the Nuclear Regulatory Commission and the Food and Drug Administration conclude that they should not be distributed under investigational-use labeling when they are actually intended for use in medical practice.

(3) Any manufacturer or distributor interested in continuing to ship in interstate commerce drugs containing the isotopes listed in paragraph (f)(1) of this section for any of the indications listed, shall submit, on or before August 25, 1975 to the Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, a new drug application or a "Notice of Claimed Investigational Exemption for a New Drug" for each such drug for which the manufacturer or distributor does not have an approved new drug application pursuant to section 505(b) of the act. If the drug is a biologic, a "Notice of Claimed Investigation Exemption for a New Drug" or an application for a license under section 351 of the Public Health Service Act shall be submitted to the Bureau of Biologics, Food and Drug Administration, 8800 Rockville Pike, Bethesda, MD 20014, in lieu of any submission to the Bureau of Drugs.

(4) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (f)(1) of this section, in the "chemical form" and intended for the uses stated, is terminated August 25, 1975 except as provided in paragraph (f)(5) of this section.

(5) The exemption referred to in paragraph (a) of this section, as applied to any drug or biologic containing any of the isotopes listed in paragraph (f)(1) of this section in the "chemical form" and intended for the uses stated, for which drug a new drug application or a "Notice of Claimed Investigational Exemption for a New Drug" was submitted to the Bureau of Drugs on or before August 25, 1975 or for which biologic an application for product license or "Notice of Claimed Investigational Exemption for a New Drug" was submitted to the Bureau of Biologics on or before August 25, 1975 is terminated either upon issuance of a nonapprovable notice for the new drug application or application for product license or termination of the "Notice of Claimed Investigational Exemption for a New Drug," or on February 20, 1976 whichever occurs first.

(g) The exemption referred to in paragraph (a) of this section, as applied to any drug intended solely for investigational use as part of a research project, which use had been approved on or before July 25, 1975 in accordance with 10 CFR 35.11 (or equivalent regulation of an Agreement State) is terminated on February 20, 1976 if the manufacturer of such drug or the sponsor of the investigation of such drug submits on or before August 25, 1975 to the Food and Drug Administration, Bureau of Drugs, HFD-150, 5600 Fishers Lane, Rockville, MD 20852, the following information:

(1) The research project title;

(2) A brief description of the purpose of the project;

(3) The name of the investigator responsible;

(4) The name and license number of the institution holding the specific license under 10 CFR 35.11 (or equivalent regulation of an Agreement State);

(5) The name and maximum amount per subject of the radionuclide used;

(6) The number of subjects involved; and

(7) The date on which the administration of the radioactive drugs is expected to be completed.

(h) The exemption referred to in paragraph (a), as applied to any drug not referred to in paragraphs (d), (f), and (g) of this section, is terminated after August 25, 1975.

PART 312—NEW DRUGS FOR INVESTIGATIONAL USE

4. In § 312.1, amend paragraph (a)(2) in Form FD-1571 by adding a new item 6.d and two new sentences to item 10.a and delete in its entirety, effective August 25, 1975, the "Note" regarding an order of the Commissioner of Food and Drugs published in the FEDERAL REGISTER on January 8, 1963 (28 FR 183), as it appears at the end of § 312.1, to read as follows:

§ 312.1 Conditions for exemption of new drugs for investigational use.

(a) * * *

(2) * * *

FORM FD-1571

* * * * *

6. * * *

d. If the drug is a radioactive drug, sufficient data must be available from animal studies or previous human studies to allow a reasonable calculation of radiation absorbed dose upon administration to a human being.

* * * * *

10. * * *

a. * * *

If a drug is a radioactive drug, the clinical pharmacology phase must include studies which will obtain sufficient data for dosimetry calculations. These studies should evaluate the excretion, whole body retention, and organ distribution of the radioactive material.

* * * * *

PART 361—PRESCRIPTION DRUGS FOR HUMAN USE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED: DRUGS USED IN RESEARCH

5. Add a new Part 361, consisting at this time of one section, to read as follows:

AUTHORITY: Federal Food, Drug, and Cosmetic Act, Sec. 505, 701(a), 52 Stat. 1052-1053, as amended, 1055 (21 U.S.C. 355, 371(a); Public Health Service Act, Sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262).

§ 361.1 Radioactive drugs for certain research uses.

(a) Radioactive drugs (as defined in § 310.3(n) of this chapter) are generally recognized as safe and effective when administered, under the conditions set forth in paragraph (b) of this section, to human research subjects during the course of a research project intended to obtain basic information regarding the metabolism (including kinetics, distribution, and localization) of a radioactively labeled drug or regarding human physiology, pathophysiology, or biochemistry, but not intended for immediate therapeutic, diagnostic, or similar purposes or to determine the safety and effectiveness of the drug in humans for such purposes (i.e., to carry out a clinical trial). Certain basic research studies,

e.g., studies to determine whether a drug localizes in a particular organ or fluid space and to describe the kinetics of that localization, may have eventual therapeutic or diagnostic implications, but the initial studies are considered to be basic research within the meaning of this section.

(b) The conditions under which use of radioactive drugs for research are considered safe and effective are:

(1) *Approval by Radioactive Drug Research Committee.* A Radioactive Drug Research Committee, composed and approved by the Food and Drug Administration in accordance with paragraph (c) of this section, has determined, in accordance with the standards set forth in paragraph (d) of this section, that:

(i) The pharmacological dose is within the limits set forth in paragraph (b)(2) of this section;

(ii) The radiation dose is within the limits set forth in paragraph (b)(3) of this section;

(iii) The radiation exposure is justified by the quality of the study being undertaken and the importance of the information it seeks to obtain;

(iv) The study meets the other requirements set forth in paragraph (d) of this section regarding qualifications of the investigator, proper licensure for handling radioactive materials, selection and consent of reserach subjects, quality of radioactive drugs used, research protocol design, reporting of adverse reactions, and approval by an appropriate Institutional Review Committee; and

(v) The use of the radioactive drug in human subjects has the approval of the Radioactive Drug Research Committee.

(2) *Limit on pharmacological dose.* The amount of active ingredient or combination of active ingredients to be administered shall be known not to cause any clinically detectable pharmacological effect in human beings. If the same active ingredients (exclusive of the radionuclide) are to be administered simultaneously, e.g., under a "Notice of Claimed Investigational Exemption for a New Drug" or for a therapeutic use in accordance with labeling for a drug approved under Part 314 of this chapter, the total amount of active ingredients including the radionuclide shall be known not to exceed the dose limitations applicable to the separate administration of the active ingredients excluding the radionuclide.

(3) *Limit on radiation dose.* The amount of radioactive material to be administered shall be such that the subject receives the smallest radiation dose with which it is practical to perform the study without jeopardizing the benefits to be obtained from the study.

(i) Under no circumstances may the radiation dose to an adult research subject from a single study or cumulatively from a number of studies conducted within 1 year be generally recognized as safe if such dose exceeds the following:

Whole body, active blood-forming organs, lens of the eye, and gonads:

	Rems
Single dose	3
Annual and total dose commitment	5
Other organs:	
Single dose	5
Annual and total dose commitment	15

(ii) For a research subject under 18 years of age at his last birthday, the radiation dose shall not exceed 10 percent of that set forth in paragraph (b)(3)(i) of this section.

(iii) All radioactive material included in the drug either as essential material or as a significant contaminant or impurity shall be included when determining the total radiation doses and dose commitments. Radiation doses from x-ray procedures that are part of the research study (i.e., would not have occurred but for the study) shall also be included. The possibility of followup studies shall be considered for inclusion in the dose calculations.

(iv) Numerical definitions of dose shall be based on an absorbed fraction method of radiation absorbed dose calculation, such as the system set forth by the Medical Internal Radiation Dose Committee of the Society of Nuclear Medicine, or the system set forth by the International Commission on Radiological Protection.

(c) A Radioactive Drug Research Committee, in order to comply with paragraph (b)(1) of this section, shall be composed, shall function, and shall obtain and maintain approval of the Food and Drug Administration in conformity with the following:

(1) *Membership.* A Radioactive Drug Research Committee shall consist of at least five individuals. Each committee shall include the following three individuals: (1) A physician recognized as a specialist in nuclear medicine, (2) a person qualified by training and experience to formulate radioactive drugs, and (3) a person with special competence in radiation safety and radiation dosimetry. The remainder of the committee shall consist of individuals qualified in various disciplines pertinent to the field of nuclear medicine (e.g., radiology, internal medicine, clinical pathology, hematology, endocrinology, radiation therapy, radiation physics, radiation biophysics, health physics, and radiopharmacy). Membership shall be sufficiently diverse to permit expert review of the technical and scientific aspects of proposals submitted to the committee. The addition of consultants in other pertinent medical disciplines is encouraged. A Radioactive Drug Research Committee shall be either associated with a medical institution operated for care of patients and with sufficient scientific expertise to allow for selection of committee members from its faculty, or with a committee established by a State authority to provide advice on radiation health matters. Joint committees involving more than one medical institution which have been established in order to achieve a high level and diversity of experience will be acceptable. The Director of the Bureau of Drugs may modify any of the foregoing requirements in a particular situation where alternative factors provide substantially the same composition and association.

(2) *Function.* Each Radioactive Drug Research Committee shall select a chairman, who shall sign all applications, minutes, and reports of the committee. Each committee shall meet at least once each quarter in which research activity has been authorized or conducted. A quorum consisting of more than 50 percent of the membership must be present with appropriate representation of the required fields of specialization. Minutes shall be kept and shall include the numerical results of votes on protocols involving use in human subjects. No member shall vote on a protocol in which he is an investigator.

(3) *Reports.* Each Radioactive Drug Research Committee shall submit an annual report on or before January 31 of each year to the Food and Drug Administration, Bureau of Drugs, HFD-150, 5600 Fishers Lane, Rockville, MD 20852. The annual report shall include the names and qualifications of the members of, and of any consultants used by, the Radioactive Drug Research Committee, and, for each study conducted during the preceding year, a summary of information presented in the following format:

REPORT ON RESEARCH USE OF RADIOACTIVE DRUG

1. Title of the research project.
2. Brief description of the purpose of the research project.
3. Name of the investigator responsible.
4. Pharmacological dose:
a. Active ingredients.
b. Maximum amount administered per subject.
5. Name of the radionuclide(s) used, including any present, as significant contaminants or impurities.
6. Radiation absorbed dose. Give the methods by which radiation dose commitment was estimated, such as by calculation, by in vivo measurements, by uptake excretion, or by other methods. For each subject; provide:
a. Age, sex.
b. Amount of each radionuclide administered.
c. Estimated absorbed dose per single administration of radioactive drug, expressed as whole body, active blood-forming organs, lens of the eye, gonads, and other organ dose.
d. If more than one administration of a radioactive drug per subject, cumulative radiation dose and dose commitment, expressed as whole body, active blood-forming organs, lens of the eye, gonads, and other organ doses from the administered radionuclides.
7. A claim of confidentiality, if any.

NOTE: Contents of this report are available for public disclosure unless confidentiality is requested by the investigator and it is adequately shown by the investigator that the report constitutes a trade secret or confidential commercial information as defined in 21 CFR 4.61.

_____
Investigator

_____
Chairman, Radiation Safety Committee

At any time a proposal is approved which involves exposure either of more than 30 research subjects, or of any research subject under 18 years of age, the committee shall immediately submit to the Food and Drug Administration a special summary of information in the format shown in this paragraph. Contents of these reports are available for public disclosure, unless confidentiality is requested by the investigator and it is adequately shown by the investigator that the report constitutes a trade secret or confidential commercial information as defined in § 4.61 of this chapter.

(4) *Approval.* Each Radioactive Drug Research Committee shall be specifically approved by the Bureau of Drugs of the Food and Drug Administration. Applications shall be submitted to the Food and Drug Administration, Bureau of Drugs, HFD-150, 5600 Fishers Lane, Rockville, MD 20852, and shall contain the names and qualifications of the members of the committee, and a statement that the committee agrees to comply with the requirements set forth in this section. Approval shall be based upon an assessment of the qualifications of the members of the committee, and the assurance that all necessary fields of expertise are covered. Approval of a committee may be withdrawn at any time for failure of the committee to comply with any of the requirements of this section. Approval of a committee shall remain effective unless and until the FDA withdraws such approval. Changes in membership and applications for new members shall be submitted to the Food and Drug Administration as soon as, or before, vacancies occur on the committee.

(5) *Monitoring.* The Food and Drug Administration shall conduct periodic reviews of approved committees. Monitoring of the activities of the committee shall be conducted through review of its annual report, through review of minutes and full protocols for certain studies, and through on-site inspections.

(d) In making the determinations required in paragraph (b)(1) of this section, a Radiation Safety Committee shall consider the following requirements and assure that each is met:

(1) *Radiation dose to subjects.* To assure that the radiation dose to research subjects is as low as practicable to perform the study and meet the criteria of § 361.1(b)(3), the Radioactive Drug Research Committee shall require that:

(i) The investigator provide absorbed dose calculations based on biologic distribution data available from published literature or from other valid studies.

(ii) The investigator provide for an acceptable method of radioassay of the radioactive drug prior to its use to assure that the dose calculations actually reflect the administered dose.

(iii) The radioactive drug chosen for the study has that combination of half-life, types of radiations, radiation energy, metabolism, chemical properties, etc., which results in the lowest dose to the whole body or specific organs with which it is possible to obtain the necessary information.

(iv) The investigator utilize adequate and appropriate instrumentation for the detection and measurement of the specific radionuclide.

(2) *Pharmacological dosage.* To determine that the amount of active ingredients to be administered does not exceed the limitations set forth in paragraph (b)(2) of this section, the committee shall require that the investigator provide pharmacological dose calculations based on data available from published literature or from other valid human studies.

(3) *Qualifications of investigators.* Each investigator shall be qualified by training and experience to conduct the proposed research studies.

(4) *License to handle radioactive materials.* The responsible investigator or institutions shall, in the case of reactor-produced isotopes, be licensed by the Nuclear Regulatory Commission or Agreement State to possess and use the specific radionuclides for research use or be a listed investigator under a broad license, or in the case of non-reactor-produced isotopes, be licensed by other appropriate State or local authorities, when required by State or local law, to possess and use the specific radionuclides for research use.

(5) *Human research subjects.* Each investigator shall select appropriate human subjects and shall obtain the consent of such human beings or their representatives in accordance with § 310.102 of this chapter. The research subjects shall be at least 18 years of age and legally competent. Exceptions are permitted only in those special situations when it can be demonstrated to the committee that the study presents a unique opportunity to gain information not presently available and requires the use of research subjects less than 18 years of age and is without significant risk to the subject. Studies involving minors shall be supported with review by qualified pediatric consultants to the Radioactive Drug Research Committee. Each female research subject of child-bearing potential shall state in writing that she is not pregnant, or, on the basis of a pregnancy test, be confirmed as not pregnant before she may participate in any study.

(6) *Quality of radioactive drug.* The radioactive drug used in the research study shall meet appropriate chemical, pharmaceutical, radiochemical, and radionuclidic standards of identity, strength, quality, and purity as needed for safety and be of such uniform and reproducible quality as to give significance to the research study conducted. The Radioactive Drug Research Committee shall determine that radioactive materials for parenteral use are prepared in sterile and pyrogen-free form.

(7) *Research protocol.* No matter how small the amount of radioactivity, no study involving administration of a radioactive drug, as defined in § 310.3(n) of this chapter, to research subjects under this section, shall be permitted unless the Radioactive Drug Research Committee concludes, in its judgment, that scientific knowledge and benefit is likely to result from that study. Therefore, the protocol shall be based upon a sound rationale derived from appropriate animal studies or published literature and shall be of sound design such that information of scientific value may result. The radiation dose shall be both sufficient and no greater than necessary to obtain valid measurement. The projected number of subjects shall be sufficient but no greater than necessary for the purpose of the study. The number of subjects shall also reflect the fact that the study is intended to obtain basic research information referred to in paragraph (a) of this section and not intended for immediate therapeutic, diagnostic or similar purposes or to determine the safety and effectiveness of the drug in humans for such purposes (i.e., to carry out a clinical trial).

(8) *Adverse reactions.* The investigator shall immediately report to the Radioactive Drug Research Committee all adverse effects associated with the use of the radioactive drug in the research study. All adverse reactions probably attributable to the use of the radioactive drug in the research study shall be immediately reported by the Radioactive Drug Research Committee to the Food and Drug Administration, Bureau of Drugs, HFD-150, 5600 Fishers Lane, Rockville, MD 20852.

(9) *Approval by Institutional Review Committee.* The investigator shall obtain the review and approval of an Institutional Review Committee which conforms to the requirements of 45 CFR Part 46.

(e) The results of any research conducted pursuant to this section as part of the evaluation of a drug pursuant to § 312.1 of this chapter shall be included in the submissions required under § 312.1 of this chapter.

(f) A radioactive drug prepared, packaged, distributed, and primarily intended for use in accordance with the requirements of this section shall be exempt from section 502(f)(1) of the act and §§ 201.5 and 201.100 of this chapter if the packaging, label, and labeling are in compliance with Federal, State, and local law regarding radioactive materials, and if the label of the immediate container and shielded container, if any, either separate from or as part of any label and labeling required for radioactive materials by the Nuclear Regulatory Commission or by State or local radiological health authorities bear the following:

(1) The statement "Caution: Federal law prohibits dispensing without prescription";

(2) The statement "To be administered in compliance with the requirements of Federal regulations regarding radioactive drugs for research use (21 CFR 361.1)";

(3) The established name of the drug, if any;

(4) The established name and quantity of each active ingredient;

(5) The name and half-life of the radionuclide, total quantity of radioactivity in the drug product's immediate con-

tainer, and amount of radioactivity per unit volume or unit mass at a designated referenced time;

(6) The route of administration, if it is for other than oral use;

(7) The net quantity of contents;

(8) An identifying lot or control number from which it is possible to determine the complete manufacturing history of the package of the drug;

(9) The name and address of the manufacturer, packer, or distributor;

(10) The expiration date, if any;

(11) If the drug is intended for parenteral use, a statement as to whether the contents are sterile;

(12) If the drug is for other than oral use, the names of all inactive ingredients, except that:

(i) Trace amounts of harmless substances added solely for individual product identification need not be named.

(ii) If the drug is intended for parenteral use, the quantity or proportion of all inactive ingredients, except that ingredients added to adjust pH or to make the drug isotonic may be declared by name and a statement of their effect; if the vehicle is water for injection, it need not be named. *Provided, however,* That in the case of containers too small or otherwise unable to accommodate a label with sufficient space to bear all such information, the information required by paragraph (f) (1) and (12) of this section may be placed on the shielded container only.

Effective date. This regulation shall become effective on July 25, 1975. This date is necessary because of the various effective dates set forth for specific changes relating to the transitional regulation of radioactive new drugs from the Nuclear Regulatory Commission to the Food and Drug Administration, and the need for this regulation to be in force as soon as possible so that there will be regulatory control over the safety and effectiveness of all radioactive drugs.

(Secs. 505, 701(a), 52 Stat. 1052-1053, as amended, 1055 (21 U.S.C. 355, 371(a)); the Public Health Service Act (sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262))

Dated: July 18, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-19316 Filed 7-24-75;8:45 am]

[Docket No. 75N-0068]

RADIOACTIVE BIOLOGICAL PRODUCTS

Reassignment of Responsibility

By this regulation, the Commissioner of Food and Drugs is reassigning responsibility within the Food and Drug Administration for regulating radioactive biological products from the Bureau of Biologics to the Bureau of Drugs. As a result of this reassignment, manufacturers of radioactive biological products will be required to comply with the requirements for drugs (including submitting new drug applications and periodic reports) for such products in lieu of the requirements for biological products (including submitting establishment and product license applications). All future correspondence and submissions regarding radioactive biological products shall be directed to the Bureau of Drugs. This order becomes effective August 25, 1975.

The Division of Biologics Standards (DBS) was transferred from the National Institutes of Health to the Food and Drug Administration (FDA) and renamed the Bureau of Biologics (notice of which was published in the FEDERAL REGISTER of June 29, 1972 (37 FR 12865)). As the first step in effecting an orderly transfer, the DBS was appended to the FDA as a Bureau without any realignment of overlapping or related functions that had developed between DBS and FDA based on historical, statutory, and organizational distinctions.

Since the transfer of DBS to FDA, the Commissioner has reviewed those activities that historically have been conducted by DBS and the Bureau of Biologics under section 351 of the Public Health Service Act as well as those conducted by the FDA, principally the Bureau of Drugs, under the Federal Food, Drug, and Cosmetic Act. He concludes that there is a need for some reassignment of activities regarding radioactive drugs between the Bureau of Biologics and the Bureau of Drugs to provide uniformity in processing and a focal point for action within FDA for this category of products.

The Bureau of Biologics currently exercises primary control over those radioactive drugs which contain a biological product in addition to a radionuclide; such products have been subject to licensure under section 351 of the Public Health Service Act. The Bureau of Drugs regulates all other radioactive drugs.

Radioactive biological products, however, in addition to being subject to section 351 of the Public Health Service Act, are also "drugs" and "new drugs" as those terms are defined in section 201 (g) and (p), respectively, of the Federal Food, Drug, and Cosmetic Act and are therefore subject to the drug provisions of the Federal Food, Drug, and Cosmetic Act, including the new drug provisions. Recognizing this dual jurisdiction over biological products, the Department of Health, Education, and Welfare decided many years ago (prior to the transfer of DBS to FDA) that to market a biological product a manufacturer should not be required to submit both a license application under section 351 of the Public Health Service Act and a new drug application under section 505 of the Federal Food, Drug, and Cosmetic Act. To require such dual submissions would have resulted in unnecessary duplication of effort, both by the manufacturer and by the Department. Instead, to avoid such duplication, only license applications under section 351 of the Public Health Service Act would be required. The new drug regulations (21 CFR 310.4) were amended to state that a new drug would not be deemed subject to the new drug provisions of the Federal Food, Drug, and Cosmetic Act if it is a drug licensed as a biological product under the Public Health Service Act.

The Commissioner now concludes that, since radioactive drugs, including radioactive biological products, are drugs in which the radioactive component is of primary interest, all radioactive drugs should be regulated through only one Bureau to achieve uniformity of treatment through a single contact point. The Commissioner further concludes that the Bureau of Drugs should be responsible for all radioactive drugs because of its existing organizational structure and staffing. The Bureau of Biologics will provide the Bureau of Drugs needed expertise with respect to the biological component of radioactive biological products and will test all samples of such products that are submitted in support of new drug applications.

As a result of this decision to transfer responsibility for radioactive biological products from the Bureau of Biologics to the Bureau of Drugs, all future applications and submissions for radioactive drugs, including radioactive biological products, shall be in the format and follow the procedures prescribed in 21 CFR Part 314. For radioactive biological products, the new drug application prescribed in 21 CFR 314.1 will be deemed to constitute the establishment and product license applications required for biological products; approval of the new drug application shall be in lieu of issuing a product and an establishment license. The requirement to submit new drug applications is not expected to impose any hardship on manufacturers of radioactive biologicals. The evidence required to establish safety and effectiveness are essentially the same for both biological products and new drugs. These are firms now holding biological product licenses for radioactive biological products, and all of them also manufacture other products requiring new drug applications. The impact on the regulated industry should, therefore, not be significant. The Commissioner advises that, if any person is preparing a biological product license application, he should submit it within 30 days in order to have it processed in that form.

In addition, compliance with the provisions of 21 CFR Part 314 shall be deemed to constitute compliance with the provisions of Subchapter F, the biological product regulations, unless the Commissioner makes a determination that a particular regulation in Subchapter F shall be applicable to radioactive drugs containing a biological product. Application of a Subchapter F regulation will only be made when the Commissioner concludes that it is necessary to assure the safety or effectiveness of the product, is not duplicative of the requirements in Part 314, and is to assure the same degree of regulatory control currently exercised over such products. The Commissioner has reviewed the provisions of Subchapter F and concludes at this time that the provisions of § 610.2 Requests for samples and protocols; official release shall remain applicable to radioactive drugs containing

a biological product. Appropriate changes have been made to this section to reflect that the Director of the Bureau of Drugs may use this section for radioactive drugs containing a biological product when it is deemed necessary for the safety, purity, or potency of the product.

To effect the transfer of responsibility, amendments must be made in 21 CFR Parts 310, 312, 314, 600, 601, and 610. In Part 310, § 310.4 provides the exemption, previously discussed, that a licensed biological product need not also be subject to an approved new drug application; that section is amended to exclude radioactive biological products from this exemption. In Part 312, § 312.1(g) currently provides that a "Notice of Claimed Investigational Exemption for a New Drug" (IND) for a biological product be submitted to the Bureau of Biologics; this section is amended to provide that an IND for a radioactive biological product be submitted to the Bureau of Drugs. In Part 314, § 314.110(a)(7) provides that a new drug application will be refused for filing if the drug is subject to licensing under the Public Health Service Act; this section is amended to permit filing of a new drug application for a radioactive biological product. Part 600 is amended in § 600.3 to include a definition of a radioactive biological product, which is defined as a biological product labeled with a radionuclide or a biological product intended solely to be labeled with a radionuclide. (Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is issuing a final regulation on radioactive drugs which includes a definition of "radioactive drug" in Part 310; this definition cross-references the new definition in Part 600.) In Part 601, § 601.2 currently outlines the procedures for filing applications for establishment and product licenses or biologics; this section is amended to provide that radioactive biological products shall be covered by new drug applications and not by biological product licenses. Part 610 is amended as discussed above.

These changes are prospective in nature. Every biological product licensed prior to July 1, 1972, is currently under review for safety, effectiveness, and appropriate labeling, as described in 21 CFR 601.25. The product license for such a radioactive biological product, together with portions of the establishment license relevant to the requirements for a new drug application, now constitutes an approved new drug application under section 505 of the Federal Food, Drug, and Cosmetic Act. Any such products, even through new subject to new drug applications, will remain subject to the biological product review, because they were licensed as biological products before July 1, 1972. Those products which are found to be unsafe, or ineffective, or misbranded will be subject to regulatory action. Those which are determined to be safe, effective and not misbranded may continue to be marketed; in addition, the conditions under which an identical, similar or related product may be introduced to the market (i.e., full new drug application, abbreviated new drug applications, or other conditions) will be determined at that time.

A new drug application does not have to be submitted for any radioactive biological product licensed after July 1, 1972, and before the effective date of this order. The product license for such a radioactive biological product, together with portions of the establishment license relevant to the requirements for a new drug application, now constitutes an approved new drug application under section 505 of the Federal Food, Drug, and Cosmetic Act.

Any radioactive biological product for which a license application is pending on the effective date of this order will be processed and approved or disapproved as submitted. Again, no new drug application need be submitted for these products. If the product is found acceptable for licensure, it will be approved as a new drug application in lieu of issuance of a product license.

Future changes in all approved radioactive biological products will be subject to supplemental new drug applications (21 CFR 314.8) rather than amendments to the license. Likewise, all radioactive biological products are subject to the records and reports requirements of 21 CFR 310.300 after the effective date of this section.

Every current "Notice of Claimed Investigational Exemption for a New Drug" for a radioactive biological product will be transferred to the Bureau of Drugs. Any amendments of or supplements to any such notice, and all progress reports regarding such notice, shall be filed in the future with the Bureau of Drugs. Any new "Notice of Claimed Investigational Exemption for a New Drug" for a radioactive biological product shall be submitted directly to the Bureau of Drugs.

For all radioactive biological products, including any subject to pending application for licensure on the effective date of this order, all correspondence, "Notices of Claimed Investigational Exemption for a New Drugs," and original and supplemental new drug applications shall be submitted to the Division of Oncology and Radiopharmaceutical Drug Products (HFD-150), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. All samples of radioactive biological products submitted in support of a new drug application shall, when notified by the Bureau of Drugs, be sent directly to the Bureau of Biologics, Food and Drug Administration, Bldg. 29A, 8800 Rockville Pike, Bethesda, MD 20014.

The Commissioner notes that the labeling standards under Part 610, Subpart G, of Subchapter F will no longer apply to radioactive biological products; instead, the requirements of 21 CFR Part 201 of Subchapter C will be applicable. In particular, this means that the manufacturer's license number appearing on the container and package labels (21 CFR 610.60(a)(2) and 610.61 (b)) is no longer required. To permit an orderly and economical transition regarding labels and labeling of marketed products, the Commissioner will delay the effective date on which marketed radioactive biological products must comply with the requirements of Part 201 until the date on which new labels and/or labeling is printed by the manufacturer of such product, or July 26, 1976, whichever occurs first.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 505, 701 (a), 52 Stat. 1052–1053 as amended, 1055 (21 U.S.C. 355, 371(a)), the Public Health Service Act (sec. 351, 58 Stat. 702 as amended (42 U.S.C. 262)), and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 310—NEW DRUGS

1. In Subpart A by revising § 310.4 to read as follows:

§ 310.4 Biologics; products subject to license control.

(a) Except for radioactive biological products intended for human use, a new drug shall not be deemed to be subject to section 505 of the act if it is a drug licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended (42 U.S.C. 201 et seq.)) or under the animal virus, serum, and toxin law of March 4, 1913 (37 Stat. 832 (21 U.S.C. 151 et seq.)).

(b) A radioactive biological product (as defined in § 600.3(ee) of this chapter) intended for human use is subject to section 505 of the act. Any license for such a radioactive biological product which is issued under the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended (42 U.S.C. 201 et seq.)) and which has not been revoked or suspended as of August 25, 1975 shall constitute an approved new drug application in effect under the same terms and conditions as set forth in such license and such portions of the establishment license relating to such product, which include data and information required under Part 314 of this chapter for a new drug application. Any such radioactive biological product for which licensure under the Public Health Service Act is pending on August 25, 1975 shall, upon determination that it is acceptable for licensure, be approved as a new drug application in lieu of issuance of a biological product license.

PART 312—NEW DRUGS FOR INVESTIGATIONAL USE

2. In § 312.1 by revising paragraph (g) to read as follows:

§ 312.1 Conditions for exemption for new drugs for investigational use.

* * * * *

(g) A "Notice of Claimed Investigational Exemption for a New Drug" which pertains to a product subject to the licensing provisions of the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended (42 U.S.C. 201 et seq.)) shall

be submitted initially to the Director, Bureau of Biologics, 8800 Rockville Pike, Bethesda, MD 20014. Radioactive biological products for human use are not deemed to be subject to the licensing provisions of the Public Health Service Act (see § 310.4 of this chapter) and a "Notice of Claimed Investigational Exemption for a New Drug" which pertains to radioactive biological products shall be submitted to the Division of Oncology and Radiopharmaceutical Drug Products, Bureau of Drugs, 5600 Fishers Lane, Rockville, MD 20852. Amendments of or supplements to such notice, and progress reports, consultations, or other communications with regard to the investigation shall be directed to the same office to which the original notice was sent. A sponsor for a "Notice of Claimed Investigational Exemption for a New Drug" submitted to the Bureau of Biologics shall substitute in reading this section "Bureau of Biologics" for "Bureau of Drugs" wherever it appears.

* * * * *

PART 314—NEW DRUG APPLICATIONS

3. In § 314.110 by revising paragraph (a)(7) to read as follows:

§ 314.110 Reasons for refusing to file applications.

(a) * * *

(7) The new drug is a drug, other than a radioactive biological product (as defined in § 600.3(ee) of this chapter) intended for human use, subject to licensing under the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended (42 U.S.C. 201 et seq.)).

* * * * *

PART 600—GENERAL PROVISIONS

4. In § 600.3 by adding a new paragraph (ee) to read as follows:

§ 600.3 Definitions.

* * * * *

(ee) "Radioactive biological product" means a biological product which is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

PART 601—LICENSING

5. In § 601.2 by redesignating the present text as paragraph (a) *General* and adding at the end a new sentence and by adding a new paragraph (b). As revised, § 601.2 reads as follows:

§ 601.2 Applications for establishment and product licenses; procedures for filing.

(a) *General.* To obtain a license for any establishment or product, the manufacturer shall make application to the Director, Bureau of Biologics, on forms prescribed for such purpose, and in the case of an application for a product license, shall submit data derived from laboratory and clinical studies which demonstrate that the manufactured product meets prescribed standards of safety, purity, and potency; a full description of manufacturing methods; data establishing stability of the product through the dating period; sample(s) representative of the product to be sold, bartered, or exchanged or offered, sent, carried or brought for sale, barter, or exchange; summaries of results of tests performed on the lot(s) represented by the submitted sample(s); and specimens of the labels enclosures and containers proposed to be used for the product. An application for license shall not be considered as filed until all pertinent information and data shall have been received from the manufacturer by the Bureau of Biologics. In lieu of the procedures described in this paragraph, applications for radioactive biological products shall be handled as set forth in paragraph (b) of this section.

(b) *Radioactive biological products.* In lieu of submitting an establishment and product license for the manufacture of a radioactive biological product, as defined in § 600.3(ee) of this chapter, the manufacturer of such a product shall submit a new drug application to the Director, Division of Oncology and Radiopharmaceutical Drug Products, Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852, on form FD-356(H) as set forth in § 314.1(c)(2) of this chapter. For such products, the approval of the new drug application will be in lieu of issuing a product and an establishment license. Compliance with the provisions of Part 314 of this chapter shall be deemed to constitute compliance with the provisions of Subchapter 4 of this chapter unless the Commissioner makes a determination that a particular regulation from Subchapter F shall be applicable to radioactive drugs containing a biological product, e.g., § 610.2 of this chapter.

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

6. In § 610.2 by redesignating the present text as paragraph (a) *General* and revising it, and by adding a new paragraph (b). As revised, § 610.2 reads as follows:

§ 610.2 Request for samples and protocols; official release.

(a) *General.* Samples of any lot of any licensed product, except for radioactive biological products, together with the protocols showing results of applicable tests, may at any time be required to be sent to the Director, Bureau of Biologics. Upon notification by the Director, Bureau of Biologics, a manufacturer shall not distribute a lot of a product until the lot is released by the Director, Bureau of Biologics: *Provided,* That the Director, Bureau of Biologics, shall not issue such notification except when deemed necessary for the safety, purity, or potency of the product.

(b) *Radioactive biological products.* Samples of any lot of a radioactive biological product, as defined in § 600.3(ee) of this chapter, together with the protocols showing results of applicable tests, may at any time be required to be sent to the Food and Drug Administration for official release. Upon notification by the Director, Bureau of Drugs, a manufacturer shall not distribute a lot of a radioactive biological product until the lot is released by the Director, Bureau of Drugs: *Provided,* That the Director, Bureau of Drugs shall not issue such notification except when deemed necessary for the safety, purity, or potency of the product.

Since these changes concern internal reassignment of activities and will promote uniform handling of all radioactive drug products, the Commissioner finds that the changes covered by this order are such that, under 5 U.S.C. 553, the notice and comment procedure for rule making are unnecessary and are not prerequisites to this promulgation. In reaching this decision, the Commissioner has considered the facts that less than ten firms currently hold biological product licenses for radioactive biological products, and that all of these firms also hold approved new drug applications. The Commissioner also advises that any person currently preparing a biological product license for a radioactive biological product may submit it within 30 days and thereafter will not be required to resubmit a new drug application for the product.

Interested persons may, however, on or before September 23, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments in quintuplicate on any portion of the order. Comments received will be available for public inspection at the office noted above during working hours, Monday through Friday. Any changes in this order justified by such comments will be the subject of a further order amending the specific regulations involved.

Effective date. This regulation shall be effective August 25, 1975, except for the requirements for labels and labeling of radioactive biological products. The labels and labeling of any marketed radioactive biological product must comply with the requirements of 21 CFR Part 201 on the date on which such labels and labeling are next printed or July 26, 1975, whichever occurs first.

(Secs. 505, 701(a) 52 Stat. 1052-1053 as amended, 1055 (21 U.S.C. 355, 371(a)); sec. 351, 58 Stat. 702 as amended (42 U.S.C 262))

Dated: July 18, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-19315 Filed 7-24-75;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. 75N-0069]

RADIOACTIVE DRUGS, INCLUDING BIOLOGICAL PRODUCTS

Notice to Nuclear Pharmacies Regarding the Development of Proposed Regulations and Interim Enforcement Policy

This notice states the interim enforcement policy of the Commissioner of Food and Drugs regarding nuclear pharmacies until definitive regulations on this matter are issued by the Food and Drug Administration. Under the conditions set forth in this notice, the agency will not take regulatory action for the failure of a nuclear pharmacy to comply with the requirements of the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act, except where such regulatory action is necessary to safeguard the public health.

Elsewhere in this issue of the FEDERAL REGISTER, the Commissioner is issuing a final regulation terminating the exemption from new drug requirements for radioactive drugs, including radioactive biological products. As a result, manufacturers and distributors of these products must comply with the requirements of the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, and the regulations thereunder, including registration, drug listing, compliance with current good manufacturing practices, marketing under an approved new drug application or biological product license, research under the requirements for investigational drugs, and labeling and advertising requirements. In commenting on the proposal published in the FEDERAL REGISTER of July 29, 1974 (39 FR 27538), which preceded this final regulation, several persons inquired about the legal obligations of "nuclear pharmacies" under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act upon the effective date of the final regulation, especially insofar as these "nuclear pharmacies" may be deemed to be manufacturing or distributing these products other than as part of the compounding and dispensing of drugs in the ordinary practice of pharmacy.

Many radioactive drugs, including biological products, because of their short half-lives, must be prepared in the final dosage form shortly before they are to be used for diagnosis or treatment of disease in man. In addition, the preparation of radioactive drugs requires a special knowledge of radioactive materials, involves the use of special equipment and facilities, and, where reactor-produced radionuclides are involved, requires licensing by the Nuclear Regulatory Commission or an Agreement State. Certain pharmacies, referred to as "nuclear pharmacies," conduct operations which vary from repackaging or preparing radioactive drugs for administration to more extensive and complex manufacturing and compounding procedures. In most cases these nuclear pharmacies are affiliated with, or operated by, hospitals, medical groups, clinics, universities, medical schools, and public health agencies. Some of these pharmacies are not so affiliated, are privately owned, or are operated by several institutions on a cooperative basis. The radioactive drugs prepared by a nuclear pharmacy may be intended solely for use within the institution in which the pharmacy is located, or they may be prepared for distribution to other institutions. For example, a nuclear pharmacy in a university hospital may prepare radioactive drugs for distribution to other hospitals and clinics.

At present, pharmacies are subject to the misbranding and adulteration sections of the Federal Food, Drug, and Cosmetic Act and to the provisions of the Public Health Service Act regarding the licensing of biological products. If they engage in the manufacture of new drugs, they may also be subject to the new drug provisions of the Federal Food, Drug, and Cosmetic Act. Pharmacies are generally exempted under sections 510(g) and 704 (a) of the Federal Food, Drug, and Cosmetic Act from regulations regarding registration, drug listing, inspection, and compliance with current good manufacturing practices where their operations are in compliance with applicable local pharmacy laws and do not involve manufacturing procedures other than in the regular course of their business of dispensing or selling drugs at retail. Application of these rules and exemptions to nuclear pharmacies, which would be an immediate result of the final regulation referred to below, raises numerous complex issues or problems because of the unique nature of operations in nuclear pharmacies.

To clarify the obligations of nuclear pharmacies under the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act, the Food and Drug Administration is drafting regulations which will define those operations connected with the preparation of radioactive drugs and biological products which will be regarded as manufacturing procedures and not part of the practice of pharmacy. Nuclear pharmacies engaged in such operations will then be subject to regulations regarding registration, drug listing, inspection, new drug applications or biological product licenses, compliance with current good manufacturing practices, and related requirements. Operations not deemed to be manufacturing procedures will also be identified and will thereafter be treated as part of the practice of pharmacy. It is anticipated that these regulations will be proposed in the FEDERAL REGISTER in the near future. Interested persons will be given 60 days to comment on the proposed regulations and all such comments will be considered in the preparation and promulgation of the final regulation.

The Commissioner advises that, until the regulations outlined above are proposed and made final, the Food and Drug Administration will not take regulatory action for the failure of a nuclear pharmacy to comply with the requirements of the Federal Food, Drug, and Cosmetic Act or the Public Health Service Act, so long as the pharmacy (1) complies with applicable local laws regulating the practice of pharmacy and (2) is licensed, where applicable, by the Nuclear Regulatory Commission or an Agreement State to possess, use, or transfer radioactive drugs, except where the Commissioner determines that such regulatory action is necessary to safeguard the public health. The Food and Drug Administration is adopting this policy as an interim measure to avoid any disruption in the practice of nuclear pharmacy and nuclear medicine throughout the United States.

Dated: July 18, 1975.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.75-19314 Filed 7-24-75;8:45 am]

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PART III

FEDERAL ELECTION COMMISSION

■

ADVISORY OPINIONS

Pre-1975 Campaign Debts

FEDERAL ELECTION COMMISSION

[Notice 1975-15]

ADVISORY OPINIONS

Pre-1975 Campaign Debts

The Federal Election Commission announces the publication today of Advisory Opinions 1975-5 and 1975-6. The Commission's opinions are in response to questions raised by individuals holding Federal office, candidates for Federal office and political committees, with respect to whether any specific transaction or activity by such individual, candidate, or political committee would constitute a violation of the Federal Election Campaign Act of 1971, as amended, of Chapter 95 or Chapter 96 of Title 26 United States Code, or of Sections 608, 610, 611, 613, 614, 615, 616, or 617 of Title 18 United States Code.

The Commission points out that these advisory opinions should be regarded as interim rulings which are subject to modification by future Commission regulations of general applicability. In the event that a holding in either opinion is altered by the Commission's regulations, the persons to whom the opinions were issued will be notified.

ADVISORY OPINION 1975-5

[File: AO:1975-5]

CONTRIBUTIONS FOR CAMPAIGN DEBTS INCURRED PRIOR TO DECEMBER 31, 1972

Summary. Candidates who ran for Federal office in 1970 and 1971 and have remaining outstanding debts, are not subject to contribution and expenditure limitations of 18 U.S.C. 608 as amended by the Federal Election Campaign Act Amendments of 1974, with regard to funds received and expended solely to liquidate these past debts.

This is an advisory opinion in response to two requests, published on June 24, 1975 at 40 FR 26665 (1975), which relate to the applicability of the Federal Election Campaign Act Amendments of 1974 (effective January 1, 1975) to candidates who ran for Federal office in 1970 and have outstanding debts remaining from their respective election campaigns. The question specifically raised is whether current contributions made solely for repayment of debts stemming from Federal election campaigns which ended prior to December 31, 1971, are subject to the contribution and expenditure limits of 18 U.S.C. 608, as amended by the Federal Election Campaign Act of 1971 (effective April 7, 1972) and the Federal Election Campaign Act Amendments of 1974 (hereinafter referred to as the "Act").

Section 608(a)(1) of title 18 United States Code, imposes a limitation on the amount a Federal candidate and his immediate family may expend on behalf of the candidate's campaign. In addition, 18 U.S.C. 608(b) as effective January 1, 1975, limits the amount which individuals and multi-candidate committees may contribute to a particular candidate for Federal office to $1,000 and $5,000 respectively, with respect to each separate election. An individual is further limited to contributing no more than $25,000 to all Federal candidates and political committees during a calendar year.[1]

The only provision of the 1974 Act which makes express reference to the treatment of outstanding campaign debts relative to existing contribution and expenditure limitations is section 101(c)(1) of Public Law 93-443 which provides:

> Notwithstanding section 608(a) of title 18, United States Code, relating to limitations on expenditures from personal funds, any individual may satisfy or discharge, out of his personal funds or the personal funds of his immediate family, any debt or obligation which is outstanding on the date of enactment of this Act and which was incurred by him or on his behalf by any political committee *in connection with any campaign ending before the close of December 31, 1972*, for election to Federal office." (Emphasis added.)

The Commission believes that the effect of the quoted statutory provisions is to dispense with the expenditure limitation provisions of 18 U.S.C. 608(a)(1), with regard to any Federal election campaign which ended before the close of December 31, 1972. The result is that a candidate or member of his immediate family may expend personal funds in any amount to defray outstanding campaign debts which were incurred in connection with an election campaign ending before the close of December 31, 1972. Such funds may be expended at any time subsequent to December 31, 1972, without regard to the expenditure limitations of 18 U.S.C. 608(a)(1).

Moreover, contributions made by individuals or multi-candidate committees to extinguish pre-1973 campaign debts are not subject to the contribution limitations in 18 U.S.C. 608(b) as amended by the 1974 Act. Any expenditure, from funds contributed for that purpose, made to liquidate a campaign debt incurred before the close of December 31, 1972, is not subject to a candidate's expenditure limitation under 18 U.S.C. 608(c) as amended by the 1974 Act.

However, to assure compliance with the Act, the Commission will require that all solicitations for contributions to be used for extinguishing past debts include clear notice of that purpose and that persons making such contributions exceeding $100 expressly restrict them in writing for application to past debts. The Commission will further require that contributions to retire campaign debts from 1970 or 1972 must be received by the debtor (candidate, former candidate, or political committee) no later than December 31, 1975, in order to avoid the possibility that such contributions will be counted toward individual contribution limits under the 1974 Act. In view of the foregoing restrictions placed on contributions to retire past campaign debts, the Commission expects that, to the extent such contributions exceed the amount necessary to retire the debt, they will be returned to the donors.

The Commission advises that any candidate or former candidate who presently has a campaign deficit not heretofore reported by a committee and who wishes to retire that deficit before the Commission's December 31, 1975, deadline, should apprise the Commission of the amount of the deficit on or before August 25, 1975. The Commission reaches this conclusion regarding a terminal date for such contributions in order to assure that no abuses develop.

Contributions to a candidate (including a former candidate) or the candidate's principal or other campaign committee which are received and expended solely for liquidating campaign debts from a Federal election campaign ending before the close of December 31, 1972, should be reported separately from receipt of funds for a current or upcoming election. Under 2 U.S.C. 434(b)(12) reporting political committees must report their outstanding debts. Candidates are not so required. The Commission now advises those candidates or former candidates who have outstanding campaign debts not currently being reported by a political committee to file reports in the same manner as committees are required to report until such debts are extinguished. The contents of such reports are prescribed by 2 U.S.C. 434(b).

SOURCES

William B. Stanley, 17 Meadow Lane, Box 1129, Norwich, Connecticut 06360.

Taft '71 Committee, through its Attorney, Richard Roberts, c/o Richard Roberts, Esquire, Taft, Stettinus & Hollister, Dixie Terminal Building, Cincinnati, Ohio 45202.

ADVISORY OPINION 1975-6

[File: AO:1975-6]

CAMPAIGN DEBTS INCURRED DURING THE PERIOD OF JANUARY 1, 1973 THROUGH DECEMBER 31, 1974

Summary. Candidates who ran for Federal office in 1974 and have remaining outstanding debts are subject to the limitations of 18 U.S.C. 608(a)(1) with regard to use of personal funds to defray past debts but are not subject to the contribution limitations of 18 U.S.C. 608 (b) relating to individual and multi-candidate committees; neither are they subject to the candidate expenditure limitations in 18 U.S.C. 608(c).

This is an advisory opinion in response to requests, published on June 24, 1975 at 40 FR 26665 (1975), which concern the applicability of the Federal Election Campaign Act Amendments of 1974 (effective January 1, 1975 and hereinafter referred to as the "Act"), to candidates who ran for Federal office in 1974, and have outstanding debts remaining from their respective election campaigns. The questions specifically raised are whether

[1] The Commission notes that with respect to elections after January 1, 1975, 18 U.S.C. 608(b)(3) provides in part that "any contribution made in a year other than the calendar year in which the election is held with respect to which such contribution was made, is considered to be made during the calendar year in which such election is held."

Federal candidates may (1) currently pay the debts of their campaign committees out of their personal funds, (2) accept contributions to be used solely to liquidate past campaign debts, and (3) cancel debts owed by the committee to the candidate—all such transactions not being subject to the contribution and expenditure limitations of 18 U.S.C. 608.

Section 608(a)(1) of title 18, United States Code, as amended by the Federal Election Campaign Act of 1971 (effective April 7, 1972) imposed a limitation on the amount a candidate or a member of his immediate family was permitted to expend from personal or family funds in connection with his or her campaigns in one calendar year. The amount of the limitation is dependent on the Federal office sought by the candidate; i.e. $50,000 for presidential candidates, $35,000 for Senate candidates, and $25,000 for House candidates.

Section 101(c)(1) of the 1974 Act (Public Law 93-443) grants a one time exemption from the personal fund limits in 18 U.S.C. 608(a), but the exemption only extends to campaign debts that were outstanding on October 15, 1974, and incurred in connection with any campaign ending before the close of December 31, 1972. Accordingly, debts incurred in connection with campaigns occurring after December 31, 1972, are subject to 18 U.S.C. 608(a), as effective April 7, 1972 and can be retired out of the personal funds of one who was a candidate in a campaign after December 31, 1972, or out of the personal funds of his or her "immediate family," only to the extent that the aggregate limits stated above are not exceeded with respect to that candidate's "campaigns during any calendar year * * *."

As amended by the 1974 Act, 18 U.S.C. 608(b) limits the amount which an individual and a multi-candidate committee may contribute to a particular candidate for Federal office to $1,000 and $5,000, with respect to each separate election. An individual is further limited to contributing no more than $25,000 to all Federal candidates and political committees during a calendar year.[1] However, under the 1972 Act, as in effect for campaigns in 1972 and 1974, individuals (other than a candidate and his or her immediate family) and political committees were not subject to any contribution limitations.

Since section 410(a) of the 1974 Amendments (Public Law 93-443) provides that the effective date, with certain exceptions not here relevant, is January 1, 1975, the Commission concludes that the contribution and expenditure limitations prescribed by 18 U.S.C. 608 (b) for individuals and multi-candidate committees are inapplicable with respect to election campaigns which occurred prior to January 1, 1975. Furthermore, contributions received and expended specifically for that purpose are not subject to a candidate's expenditure limitation under 18 U.S.C. 608(c) for a 1976 election.

However, to assure compliance with the Act, the Commission will require that all solicitations for contributions to be used for extinguishing past debts include clear notice of that purpose and that persons making such contributions exceeding $100 expressly restrict them in writing for application to past debts. The Commission will further require that contributions to retire campaign debts from 1973 and 1974 must be received by the debtor (candidate, former candidate, or political committee) no later than December 31, 1975, in order to avoid the possibility that such contributions will be counted toward individual contribution limits under the 1974 Act. In view of the foregoing restrictions placed on contributions to retire past campaign debts, the Commission expects that, to the extent such contributions exceed the amount necessary to retire the debt, they will be returned to the donors.

The Commission advises that any candidate or former candidate who presently has a campaign deficit not heretofore reported by a committee and who wishes to retire that deficit before the Commission's December 31, 1975, deadline should apprise the Commission of the amount of the deficit on or before August 25, 1975. The Commission reaches this conclusion regarding a terminal date for such contributions in order to assure that no abuses develop.

Contributions to a candidate (including a former candidate) or the candidate's principal or other campaign committee which are received and expended solely for liquidating campaign debts from a Federal election that occurred prior to January 1, 1975, must be reported separately from receipt of funds for a current or upcoming election. Under 2 U.S.C. 434(b)(12) reporting political committees must report their outstanding debts. Candidates are not so required. The Commission now advises those candidates or former candidates who have outstanding campaign debts not currently being reported by a political committee to file reports in the same manner as committees are required to report until such debts are extinguished. The contents of such reports are prescribed by 2 U.S.C. 434(b).

Since the Act, as in effect during the 1974 campaign period, regarded the execution of a promissory note as a contribution (18 U.S.C. 591(e)(2) and 2 U.S.C. 431(e)(2)), payment by the promisor in 1975 would not be regarded as a contribution subject to any of the limitations in 18 U.S.C. 608(b), as amended by the 1974 Act. Similarly, a creditor's cancellation of a campaign debt incurred between January 1, 1973, and December 31, 1974, would not be regarded as a contribution for purposes of 18 U.S.C. 608(b) as amended by the 1974 Act. However, the Commission points out that if the creditor is a national bank, corporation, labor organization, or government contractor, cancellation of the debt may be a "contribution" of the type that has been prohibited under 18 U.S.C. 610 and 611 for many years.

SOURCES

Democrats for Harlan, adopted request by Murray T. Johnson, c/o Democrats for Harlan, 236 Argyle Avenue, San Antonio, Texas 72809.

Representative David Emery Committee, c/o Robert N. Pyle, 425 Cannon House Office Building, Washington, D.C. 20515.

Hart for Senate Committee, c/o Harold A. Haddon, Esquire, Suite 1130, Capitol Life Center, 16th at Grant Street, Denver, Colorado 80203.

Representative Richard Kelley, adopted request by Representative John J. Rhodes, c/o Honorable Richard Kelly, 1130 Longworth House Office Building, Washington, D.C. 20515.

Representative Richardson Preyer, c/o Honorable Richardson Preyer, 403 Cannon House Office Building, Washington, D.C. 20515.

Republican Congressional Boosters Club, c/o I. Lee Potter, Executive Director, 300 New Jersey Avenue SE., Suite 522, Washington, D.C. 20003.

Jo Ann Saunders, 2123 Alameda Drive, Orlando, Florida 32804.

James R. Soles, 215 Vassar Drive, Newark, Delaware 19711.

Dated: July 23, 1975.

THOMAS B. CURTIS,
Chairman for the Federal Election Commission.

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[1] The Commission notes that with respect to elections after January 1, 1975, 18 U.S.C. 608(b)(3) provides in part that "any contribution made in a year other than the calendar year in which the election is held made, is considered to be made during the with respect to which such contribution was calendar year in which such election is held."

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PART IV

DEPARTMENT OF DEFENSE

Corps of Engineers

■

PERMITS FOR ACTIVITIES IN NAVIGABLE WATERS OR OCEAN WATERS

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

PART 209—ADMINISTRATIVE PROCEDURE

Permits for Activities in Navigable Waters or Ocean Waters

On May 6, 1975, the Department of the Army, acting through the Corps of Engineers, published four alternative proposed regulations in response to the order of the United States District Court for the District of Columbia in *NRDC* v. *Callaway*, et al., ---- F. Supp. ----, 7 ERC 1784, (D.D.C., March 27, 1975). Each of the four alternative proposed regulations pertained to the regulation, by the Corps of Engineers, of those activities involving the discharge of dredged or fill material in navigable waters pursuant to section 404 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to as the FWPCA). Each of these alternatives offered an administrative definition of the term "navigable waters" for public review and comment, as well as a definition of the terms "fill material" and "dredged material" and varying procedures to implement the regulatory permit program under Section 404 of the FWPCA.

Over 4,500 comments were received in response to this regulation. Those responding to the regulation included a large number of Governors; members of Congress; Federal, State, and local agencies; environmental organizations; commercial, industrial, and trade organizations; port authorities; agricultural organizations; and individual members of the public. A large number of these comments addressed the issue of whether there should or should not be a Federal permit program to regulate the discharge of dredged or fill material in navigable waters (defined in the FWPCA as "waters of the United States") rather than the particular provisions in the four alternative proposed regulations under review. Many comments appeared to be responses to the wide spread news coverage of the proposed regulation.

Those comments which did address substantive aspects of the regulation were helpful in meeting the dual purposes of the FWPCA: First, the development of a workable program; and, second, the needs of water quality. The regulation has clarified the activities which are included in the program and has incorporated administrative mechanisms to lessen the impacts of the regulation on affected Federal and State agencies, and on the public. To further refine the program the Corps will again need the help of the public and of State and Federal agencies in identifying activities and bodies of water that can be excluded from the Section 404 program without adverse impact on the chemical, physical, or biological integrity of the nation's waters.

We look forward to again working with the public and the State and Federal agencies on these further changes.

The Corps of Engineers wishes to take this opportunity to express its appreciation to every individual, organization, and governmental agency and representative that submitted comments during this rule-making exercise.

The Department of the Army, acting through the Corps of Engineers, is publishing herewith an interim final regulation which prescribes the policies, practice, and procedures to be followed in the processing of Department of the Army permits for activities in navigable or ocean waters including the discharge of dredged or fill material in navigable waters. Interim final regulations are being published in order to begin immediately to implement a permit program under Section 404 of the FWPCA in those waters which will be included in the Corps regulatory jurisdiction as a result of the decision in *NRDC* v. *Callaway*. However, while this regulation becomes effective July 25, 1975, there will be an additional comment period of 90 days in order that the public can comment further on any of its provisions. Thereafter, these comments will be reviewed and the regulation modified, if necessary.

The development of a permit program to regulate the discharge of dredged material and fill material in all waters of the United States has been the subject of intensive discussions between the Corps of Engineers and the Environmental Protection Agency since the decision in *NRDC* v. *Callaway*. We have worked together in an effort to develop a program that is manageable, responsive to the concerns of protecting vital national water resources from destruction through irresponsible and irreversible decisions, and sensitive to the often conflicting needs and desires of people who utilize these resources. We have attempted to create a program that recognizes the need to interweave all concerns of the public—environmental, social, and economic—in the decision-making process; that recognizes that present limitations on manpower preclude its immediate implementation throughout the country; and that we believe to be responsive to the overall objectives and needs of the Federal Water Pollution Control Act to the extent that the law now allows.

We recognize that this program, in its effort to protect water quality to the full extent of the commerce clause, will extend Federal regulation over discharges of dredged or fill material to many areas that have never before been subject to Federal permits or to this form of water quality protection. We therefore strongly urge the public to review and comment further on this interim final regulation in order that it can be modified, where necessary and legally permissible, to fully address your concerns, desires, goals, and objectives. To assist you in your analysis and understanding of this regulation, representatives from the Corps of Engineers intend to travel throughout the country during the next 90 days and conduct public hearings on this regulation. We urge your participation in these hearings when they are scheduled in your area.

As we move into this new program, we also urge your support and understanding. To the extent that enforcement of its provisions becomes necessary, the Corps of Engineers intends to request the Department of Justice and the Environmental Protection Agency to take appropriate action. However, we intend to pursue a reasonable enforcement program over these activities that have never before been subject to Federal regulation, relying initially on an intensive public information campaign to make the public aware of the requirements of Section 404 of the FWPCA. It is our desire and intention to work closely with the Department of Justice and the Environmental Protection Agency to achieve this purpose.

On May 6, 1975, the Environmental Protection Agency, in conjunction with the Department of the Army, published proposed guidelines for public comment which are required by section 404(b) of the FWPCA in the review of a permit application for the discharge of dredged or fill material. It is anticipated that final guidelines will be published about August 15, 1975. During the interim, the present procedures will be utilized by Corps District Engineers in the review of permit applications for the discharge of dredged or fill material in navigable waters.

There follows a brief discussion of the pertinent sections of this regulation which address the discharge of dredged or fill material in navigable waters:

Paragraph (d)(2): This paragraph defines the term "navigable waters" and in so doing identifies those waters of the United States which are subject to Corps Jurisdiction under section 404 of the FWPCA.

With respect to the coastal regions of the country, Corps jurisdiction would extend to all coastal waters subject to the ebb and flow of the tide shoreward to their mean high water mark (mean higher high water mark on the Pacific Coast) and also to all wetlands, mudflats, swamps, and similar areas which are contiguous or adjacent to coastal waters. This would include wetlands periodically inundated by saline or brackish waters that are characterized by the presence of salt water vegetation capable of growth and reproduction, and also wetlands (including marshes, shallows, swamps and similar areas) that are periodically inundated by freshwater and normally characterized by the prevalence of vegetation that requires saturated soil conditions for growth and reproduction. In months to come, we intend to publish a list of fresh, brackish, and salt water vegetation that can be used as one of the indicators in determining the extent of Corps jurisdiction in these areas.

With respect to the inland areas of the country, Corps jurisdiction under Section 404 of the FWPCA would extend to all rivers, lakes, and streams that are navigable waters of the United States, to all tributaries (primary, secondary, tertiary, etc.) of navigable waters of the United States, and to all interstate waters. In addition, Corps jurisdiction would extend to those waters located en-

tirely within one state that are utilized by interstate travelers for water related recreational purposes, or to remove fish for sale in interstate commerce, or for industrial purposes or the production of agricultural commodities sold or transported in interstate commerce. Corps jurisdiction over these water bodies would extend landward to their ordinary high water mark and up to their headwaters, as well as to all contiguous or adjacent wetlands to these waters which are periodically inundated by freshwater, brackish water, or salt water and are characterized by the prevalence of aquatic vegetation, as described in the preceding paragraph, that are capable of growth and reproduction. Manmade canals which are navigated by recreational or other craft are also included in this definition. Drainage and irrigation ditches have been excluded.

We realize that some ecologically valuable water bodies or environmentally damaging practices may have been omitted. To insure that these waters are also protected, we have given the District Engineer discretionary authority to also regulate them on a case by case basis.

Paragraph (d)(2)(ii): Several additional definitions amplify the definition of navigable waters and are expressed in this paragraph. "Ordinary high water mark", used as a measurement point to determine the extent of Federal jurisdiction in inland freshwater rivers, streams, and lakes that do not have wetlands contiguous or adjacent to them, is established as that point on shore which is inundated 25% of the time (derived by a flow duration curve based on available water stage data).

"Headwaters" has been defined as the point on a stream beyond which the flow of the water body is normally less than five cubic feet per second. However, other factors, such as the volume of flow and point and nonpoint source discharge characteristics in the area will also be considered in determining these limits. Finally, "lakes" have been defined to include all natural bodies of water greater than five acres in surface area and also all bodies of standing water created by impounding any navigable water. This would not include stock watering ponds and settling basins, other than those that result from the impoundment of a navigable water.

During the 90 day comment period, the public is urged to carefully review these various definitions, particularly with respect to "ordinary high water mark," "headwaters," and "lakes" and furnish comments and recommended revisions to assist in the development of a final definition of this term that is consistent with the goals and objectives of the FWPCA to protect water quality.

Paragraph (d)(4): The term "dredged material" has been defined to include any material that is excavated or dredged from any of the waters of the United States identified in the preceding paragraphs. It would not include material which is obtained from some other source beyond a water of the United States, and also would not include materials produced in normal farming, silvaculture, and ranching activities such as plowing, cultivating, seeding, and harvesting.

Paragraph (d)(5): The term "discharge of dredged material" has been added to the lists of definitions in an effort to clarify the types of activities that fall under this term. Under this definition, therefore, any material which is excavated or dredged from a navigable water and then reintroduced through a point source into a navigable water would fall under this term. The types of activities encompassed by this term would include the depositing into navigable waters of dredged material if it is placed alongside of a newly dredged canal which has been excavated in a wetland area. It would also include maintenance of these canals if excavated material is placed in navigable waters. Also included is the runoff or overflow from a contained land or water disposal area.

The term "discharge of dredged material" does not include the discharge of pollutants into navigable waters that occur during the subsequent land based processing of dredged material extracted for commercial use even though the operation of extracting the materials itself may require a permit from the Corps of Engineers under section 10 of the River and Harbor Act of 1899. Discharges of materials from land based commercial washing operations are regulated under section 402 of the FWPCA.

Paragraph (d)(6): The term "fill material" has been defined to mean any pollutant used to create fill in the traditional sense of replacing an aquatic area with dry land or changing the bottom elevation of a water body for any purpose. Again, materials resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting for the production of food, fiber, and forest products, would not fall within this term. Farm conservation practices such as terracing, check dams and landleveling would also not be regulated unless they occur in navigable waters. In addition, maintenance or emergency reconstruction of existing structures such as dikes, dams, or levees, will not be regulated.

Paragraph (d)(7): A new term "discharge of fill material" has been added to identify the types of activities to be regulated under section 404 of the FPWCA if, and only if, they are performed in a navigable water as that term has been defined in the regulation and discussed in the preceding paragraphs. Those activities falling within this term include site development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes; artificial islands; property protection and/or reclamation devices such as riprap, groins, seawalls, breakwaters, and bulkheads and fills; beach nourishment; levees; sanitary landfills; backfill required for the placement of structures such as sewage treatment facilities, intake and outfall pipes associated with power plants, and subaqueous utility lines; and artificial reefs.

Paragraph (e)(2): In view of manpower and budgetary constraints it is necessary that this program be phased in over a two year period. Provision for such a phase-in approach exists in this paragraph. Thus, under Phase I, this regulation would become immediately operative in all coastal waters and contiguous or adjacent wetlands as well as inland rivers, lakes and streams that are navigable waters of the United States (which the Corps of Engineers is already regulating) and their contiguous or adjacent wetlands. In Phase II, which would begin on July 1, 1976, we would continue to regulate all of those discharges of dredged material occurring in those waters identified in Phase I, and also begin to regulate discharges of dredged or fill material in primary tributaries (the main stems of tributaries directly connecting to navigable waters of the United States), their contiguous or adjacent wetlands, and all lakes. Finally, in Phase III, all discharges of dredged or fill material in navigable waters would be regulated after July 1, 1977.

We believe that the initial thrust of this phase-in program will enable the protection of those wetland and water resources areas that are in immediate danger of being further destroyed through unregulated development. As we move to implement these phases, we will endeavor to utilize general categorical permits to the maximum possible extent relying on individual permit actions to regulate only those environmentally significant activities. We will also attempt to identify additional categories of activities which can be excluded at a later date.

Discharges of dredged or fill material that occur before a particular water body falls under a particular phase are permitted by the regulation in paragraph (e)(2)(i), provided certain prescribed conditions are met before the discharge occurs. Included in these conditions is the requirement to obtain a State water quality certification (or to have the State waive its right to so certify) and the requirement to certify under section 307 (c)(3) of the Coastal Zone Management Act of 1972 that the discharge will be in compliance with an approved coastal zone management program. This paragraph does not automatically exempt all discharges of dredged or fill material not covered by a particular phase from the permitting requirements of this regulation, for it still gives the District Engineer the option of exercising jurisdiction over any activity involving the discharge of dredged or fill material in those cases where the activity will have a significant impact on the environment.

Paragraph (e)(2)(iii): This paragraph "grandfathers" all discharges of dredged or fill material in waters other than navigable waters of the United States which were completed before the date of this regulation and also permits any discharge of dredged or fill material of less than 500 cubic yards which was commenced before the date of this regulation and is completed within six months. This 500 cubic yard exemption

to the requirements of this regulation only pertains to a single and complete project, and would not encompass cumulative discharges of dredged or fill material, each less than 500 cubic yards, in a large number of projects which comprise and are associated with a complete plan of development. The term "commenced" as used in this paragraph is satisfied if there has been some discharge of dredged or fill material at a specified disposal site or the entering into a written contract to do such before the date of the regulation. The "grandfathering" of these activities does not avoid the legal requirement to comply with the State water quality certification requirements of section 401 of the FWPCA or to furnish a coastal zone management certification, however.

Paragraph (e)(2)(iv): This paragraph permits, (without the need for the processing of a individual permit application through the procedures in the regulation), minor bulkheads and fills that are constructed in waters other than navigable waters of the United States provided they are less than 500 feet in length, constructed for property protection, and involve the discharge of less than an average of one cubic yard per running foot. However, while these types of discharges are permitted through the regulation, conditions have also been imposed that must be met before the discharge can occur (including the need to obtain a water quality certification and furnish a coastal zone management certification). In addition, the District Engineer can still exercise jurisdiction over these activities in those cases where he determines that the discharge will have a significant impact on the environment.

We believe that this administrative mechanism of authorizing this type of activity through the regulation is essential in order to make this program manageable from a manpower and resources point of view, and still protect the aquatic environment. In addition, it serves as a mechanism to alleviate the administrative burdens which are encountered in the normal processing of individual permits. To this end, we intend to rely heavily on the general public to bring to the attention of the District Engineer those minor bulkhead and fill activities which, while falling within the protection of this paragraph, should be regulated on a case by case basis.

Paragraph (e)(4): Activities of Federal agencies that involve the discharge of dredged material or of fill material into navigable waters are not exempt from the provisions of this regulation. Activities of the Corps of Engineers involving such discharges are reviewed and regulated pursuant to the policies and procedures expressed in Title 33 of the Code of Federal Regulations, Part 209.145.

Paragraph (f)(3): We believe there is considerable merit in having the States become directly involved in the decision-making process to the maximum extent possible under the law. Indeed, many states already have ongoing permit programs which address many, and, in some cases all, of the concerns which are addressed in the Corps decision-making process. Three ways will be used to involve the States in this decision-making process. We have embodied these three mechanisms in an effort to make the program manageable and publicly acceptable, and in response to the overwhelming number of comments which supported the basic concept.

First, since each discharge of dredged or fill material into a navigable water is, in effect, the discharge of a pollutant into the water, a State water quality certification is required under section 401 of the FWPCA before that discharge can be lawfully undertaken. Provision has therefore been made in the opening paragraph of this section to indicate this legal requirement. Thus, any State may cause the denial of a section 404 permit if it chooses to deny a water quality certification. Similar situations also exist in those states with approved coastal zone management plans: An individual in states with such plans must also certify that his activity will comply with the approved plan. On the other hand, where the state does not have such a certification program or delays the processing of its certification, we will still begin to process the section 404 permit. In absence of a timely response from the State, the section 404 permit will be processed to a conclusion.

Second, we are mindful that many states have existing permit programs to regulate the same types of activities that will be regulated through section 404 of the FWPCA by the Corps of Engineers. To the extent possible, it is our desire to support the state in its decision. Thus, where a state denies a permit, the Corps will not issue a section 404 permit. On the other hand, if a state issues a permit, the Corps would not deny its permit unless there are overriding national factors of the public interest which dictate such action. We believe that this type of situation can be kept to a minimum provided the State's permit program has built into it the policies, procedures, goals, requirements, and objectives embodied in the Corps permit program and the national legislation which molded and supports it. This would include, for example, the concerns and requirements of the National Environmental Policy Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, the Coastal Zone Management Act, and the FWPCA. In view of this objective, a section 404 permit will generally be issued following a favorable State determination unless overriding national factors of the public interest are revealed during the final processing of the section 404 permit application and provided the concerns, policies, goals, and requirements expressed in the above cited statutes, the Corps policies, and the guidelines have been addressed. In those States without any type of permit program to regulate the types of activities envisioned by section 404, we believe that the objectives expressed in this subparagraph should give them guidance in the formulation of their respective programs should they choose to do so.

Finally, provision has been made in subparagraph (v) of this section to allow the District Engineer to enter into an agreement with those States having ongoing permit programs which would enable joint processing of the Department of the Army and the state permit application to an independent conclusion by each entity. This would include joint public notices, joint public hearings, and the joint development, review, and analysis of information which leads to the final decision on a permit application. We strongly encourage States to work with our District Engineers in this effort for we feel that this is a valuable mechanism to make this program manageable and publicly acceptable as well as a means to avoid unnecessary duplication of effort.

Paragraph (i)(2)(ix): We have also adopted a procedure, found in this paragraph, to process general permits for certain clearly described categories. A general permit once issued would preclude the need for any further permit for similar work and would prescribe conditions to be followed in the future performance of such work. We hope this mechanism will go far in making our entire regulatory program administratively manageable, and we will attempt to use the general permit for many categories in Phases II and III prior to the effective date of those phases. We intend to urge our District Engineers to utilize this mechanism as often as possible, and we request that those Federal agencies, organizations, and members of the public who review and comment on public notices for general permits do so in a spirit of cooperation, constructive criticism and suggestion.

During the next 90 days, comments addressing this interim final regulation should be submitted in writing to the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, ATTN: DAEN-CWO-N.

It is hereby certified that the economic and inflationary impacts of this regulation have been carefully evaluated in accordance with OMB Circular A-107.

Dated: July 22, 1975.

ROBERT B. HUGHES,
Colonel, Corps of Engineers, Assistant Chief, Construction-Operations, Directorate of Civil Works.

§ 209.120 Permits for activities in Navigable Waters or Ocean Waters.

(a) *Purpose.* This regulation prescribes the policy, practice, and procedure to be followed by all Corps of Engineers installations and activities in connection with applications for permits authorizing structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into navigable waters, and the transportation of dredged material for the purpose of dumping it into ocean waters.

(b) *Laws requiring authorization of structures or work.* (1) Section 9 of the

River and Harbor Act approved March 3, 1899 (30 Stat. 1151; 33 U.S.C. 401) prohibits the construction of any dam or dike across any navigable water of the United States in the absence of Congressional consent and approval of the plans by the Chief of Engineers and the Secretary of the Army. Where the navigable portions of the waterbody lie wholly within the limits of a single State, the structure may be built under authority of the legislature of that State, if the location and plans or any modification thereof, are approved by the Chief of Engineers and by the Secretary of the Army. The instrument of authorization is designated a permit. Section 9 also pertains to bridges and causeways but the authority of the Secretary of the Army and Chief of Engineers with respect to bridges and causeways was transferred to the Secretary of Transportation under the Department of Transportation Act on October 16, 1966 (80 Stat. 941, 49 U.S.C. 1165g(6)(A)).

(2) Section 10 of the River and Harbor Act approved March 3, 1899 (30 Stat. 1151; 33 U.S.C. 403) prohibits the unauthorized obstruction or alteration of any navigable water of the United States. The construction of any structure in or over any navigable water of the United States, the excavation from or depositing of material in such waters, or the accomplishment of any other work affecting the course, location, condition, or capacity of such waters are unlawful unless the work has been recommended by the Chief of Engineers and authorized by the Secretary of the Army. The instrument of authorization is designated a permit or letter of permission. The authority of the Secretary of the Army to prevent obstructions to navigation in the navigable waters of the United States was extended to artificial islands and fixed structures located on the outer continental shelf by section 4(f) of the Outer Continental Shelf Lands Act of 1953 (67 Stat. 463; 43 U.S.C. 1333(f)).

(3) Section 11 of the River and Harbor Act approved March 3, 1899 (30 Stat. 1151; 33 U.S.C. 404) authorizes the Secretary of the Army to establish harbor lines channelward of which no piers, wharves, bulkheads, or other works may be extended or deposits made without approval of the Secretary of the Army. Regulations (ER 1145-2-304) have been promulgated relative to this authority and published at § 209.150. By policy stated in those regulations effective May 27, 1970, harbor lines are guidelines only for defining the offshore limits of structures and fills insofar as they impact on navigation interests. Except as provided in paragraph (e)(1) of this section below, permits for work shoreward of those lines must be obtained in accordance with section 10 of the same Act, cited above.

(4) Section 13 of the River and Harbor Act approved March 3, 1899 (30 Stat. 1152; 33 U.S.C. 407) provides that the Secretary of the Army, whenever the Chief of Engineers determines that anchorage and navigation will not be injured thereby, may permit the discharge of refuse into navigable waters. In the absence of a permit, such discharge of refuse is prohibited. While the prohibition of this section, known as the Refuse Act, is still in effect, the permit authority of the Secretary of the Army has been superseded by the permit authority provided the Administrator, Environmental Protection Agency, under sections 402 and 405 of the Federal Water Pollution Control Act (PL 92-500, 86 Stat. 816, 33 U.S.C. 1342 and 1345).

(5) Section 14 of the River and Harbor Act approved March 3, 1899 (30 Stat. 1152; 33 U.S.C. 408) provides that the Secretary of the Army on the recommendation of the Chief of Engineers may grant permission for the temporary occupation or use of any sea wall, bulkhead, jetty, dike, levee, wharf, pier, or other work built by the United States. This permission will be granted by an appropriate real estate instrument in accordance with existing real estate regulations.

(6) Section 1 of the River and Harbor Act of June 13, 1902 (32 Stat. 371; 33 U.S.C. 565) allows any persons or corporations desiring to improve any navigable river at their own expense and risk to do so upon the approval of the plans and specifications by the Secretary of the Army and the Chief of Engineers. Improvements constructed under this authority, which are primarily in Federal project areas, remain subject to the control and supervision of the Secretary of the Army and the Chief of Engineers. The instrument of authorization is designated a permit.

(7) Section 404 of the Federal Water Pollution Control Act (PL 92-500, 86 Stat. 816, 33 U.S.C. 1344) authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits, after notice and opportunity for public hearings, for the discharge of dredged or fill material into the navigable waters at specified disposal sites. The selection of disposal sites will be in accordance with guidelines developed by the Administrator of the Environmental Protection Agency (EPA) in conjunction with the Secretary of the Army. Furthermore, the Administrator can prohibit or restrict the use of any defined area as a disposal site whenever he determines, after notice and opportunity for public hearings, that the discharge of such materials into such areas will have an unacceptable adverse effect on municipal water supplies, shell fish beds and fishery areas, wildlife or recreational areas.

(8) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532, 86 Stat. 1052, 33 U.S.C. 1413) authorizes the Secretary of the Army to issue permits, after notice and opportunity for public hearings, for the transportation of dredged material for the purpose of dumping it in ocean waters. However, similar to the EPA Administrator's limiting authority cited in paragraph (b)(7) of this section, the Administrator can prevent the issuance of a permit under this authority if he finds that the dumping of the material will result in an unacceptable adverse impact on municipal water supplies, shellfish beds, wildlife, fisheries or recreational areas.

(9) The New York Harbor Act of June 29, 1888, as amended (33 U.S.C. 441 et seq.) provides for the issuance of permits by the Supervisors of the New York, Baltimore, and Hampton Roads Harbors for the transportation upon and/or discharge in those harbors of a variety of materials including dredgings, sludge and acid. The District Engineers of New York, Baltimore and Norfolk have been designated the Supervisors of these harbors, respectively. However, section 511 (b) of the Federal Water Pollution Control Act (PL 92-500, 86 Stat. 816) provides that the discharge of these materials into navigable waters shall be regulated pursuant to that Act and not the New York Harbor Act except as to the effect on navigation and anchorage. In addition, section 106(a) of the Marine Protection, Research and Sanctuaries Act of 1972 (PL 92-532, 86 Stat. 1052) provides that all permits for discharges in ocean waters shall only be issued in accordance with the Act after April 23, 1973. Therefore, the supervisors of these three harbors will no longer issue permits under the authority of the New York Harbor Act, as amended, for transportation and/or discharge of these materials.

(c) *Related Legislation.* (1) Section 401 of the Federal Water Pollution Control Act (PL 92-500; 86 Stat. 816, 33 U.S.C. 1411) requires any applicant for a Federal license or permit to conduct any activity which may result in a discharge into navigable waters to obtain a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that the discharge will comply with the applicable effluent limitations and water quality standards. A certification obtained for the construction of any facility must also pertain to the subsequent operation of the facility.

(2) Section 307(c)(3) of the Coastal Zone Management Act of 1972 (PL 92-583, 86 Stat. 1280, 16 U.S.C. 1456(c)(3)) requires any applicant for a Federal license or permit to conduct an activity affecting land or water uses in the State's coastal zone to furnish a certification that the proposed activity will comply with the State's coastal zone management program. Generally, no permit will be issued until the State has concurred with the applicant's certification. This provision becomes effective upon approval by the Secretary of Commerce of the State's coastal zone management program.

(3) Section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 (Pub. L. 92-532, 86 Stat. 1052, 16 U.S.C. 1432) authorizes the Secretary of Commerce, after consultation with other interested Federal agencies and with the approval of the President, to designate as marine sanctuaries those areas of the ocean waters or of the Great Lakes and their connecting waters or of other coastal waters which he determines necessary for the purpose of preserving or

restoring such areas for their conservation, recreational, ecological, or esthetic values. After designating such an area, the Secretary of Commerce shall issue regulations to control any activities within the area. Activities in the sanctuary authorized under other authorities are valid only if the Secretary of Commerce certifies that the activities are consistent with the purposes of Title III of the Act and can be carried out within the regulations for the sanctuary.

(4) The National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347) declares the national policy to encourage a productive and enjoyable harmony between man and his environment. Section 102 of that Act directs that "to the fullest extent possible: (1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies set forth in this Act, and (2) all agencies of the Federal Government shall * * * insure that presently unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations * * *." See also paragraph (l)(1) of this section on environmental statements.

(5) The Fish and Wildlife Act of 1956 (16 U.S.C. 742a, et seq.), the Migratory Marine Game-Fish Act (16 U.S.C. 760c–760g) and the Fish and Wildlife Coordination Act (16 U.S.C. 661–666c) and other acts express the concern of Congress with the quality of the aquatic environment as it affects the conservation, improvement and enjoyment of fish and wildlife resources. Reorganization Plan No. 4 of 1970 transferred certain functions, including certain fish and wildlife-water resources coordination responsibilities, from the Secretary of the Interior to the Secretary of Commerce. Under the Fish and Wildlife Coordination Act and Reorganization Plan No. 4, any Federal Agency which proposes to control or modify any body of water must first consult with the United States Fish and Wildlife Service, the National Marine Fisheries Service, as appropriate, and with the head of the appropriate State agency exercising administration over the wildlife resources of the affected State.

(6) The Federal Power Act of 1920 (41 Stat. 1063; 16 U.S.C. 791a et seq.), as amended, authorizes the Federal Power Commission (FPC) to issue licenses for the construction, operation and maintaining of dams, water conduits, reservoirs, power houses, transmission lines, and other physical structures of a power project. However, where such structures will affect the navigable capacity of any navigable waters of the United States (as defined in 16 U.S.C. 796), the plans for the dam or other physical structures affecting navigation must be approved by the Chief of Engineers and the Secretary of the Army. In such cases, the interests of navigation should normally be protected by a recommendation to the FPC for the inclusion of appropriate provisions in the FPC license rather than the issuance of a separate Department of the Army permit under 33 U.S.C. 401 et seq. As to any other activities in navigable waters not constituting construction, operation and maintenance of physical structures licensed by the FPC under the Federal Power Act of 1920, as amended, the provisions of 33 U.S.C. 401 et seq. remain fully applicable. In all cases involving the discharge of dredged or fill material into navigable waters or the transportation of dredged material for the purpose of dumping in ocean waters, Department of the Army permits under section 404 of the Federal Water Pollution Control Act, or under section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 will be required.

(7) The National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470) created the Advisory Council on Historic Preservation to advise the President and Congress on matters involving historic preservation. In performing its function the Council is authorized to review and comment upon activities licensed by the Federal Government which will have an effect upon properties listed in the National Register of Historic Places.

(8) The Interstate Land Sales Full Disclosure Act (15 U.S.C. 1701 et seq.) prohibits any developer or agent from selling or leasing any lot in a subdivision unless the purchaser is furnished in advance a printed property report including information which the Secretary of Housing and Urban Development may, by rules or regulations, require for the protection of purchasers. In the event the lot in question is in a wetlands area, the report is required by Housing and Urban Development regulation to state that no permit has been granted by the Corps of Engineers for the development under Section 10 of the River Harbor Act of 1899.

(9) The Water Resources Planning Act (42 U.S.C. 1962 et seq.) provides for the possible establishment upon request of the Water Resources Council or a State of river basin water and related land resources commissions. Each such commission shall coordinate Federal, State, interstate, local and nongovernmental plans for the development of water and related land resources in its area, river basin, or group of river basins. In the event the proposed Corps of Engineers permits to non-governmental developers or other agencies under section 10 of the River and Harbor Act of 1899 and section 404 of the Federal Water Pollution Control Act may affect the plans of such river basin commissions, the permits will be coordinated with the appropriate concerned river basin commissions. The same is true of Corps of Engineers authorizations to private persons or corporations to improve navigable rivers at their own expense under section 1 of the River and Harbor Act of 1902.

(d) Definitions. For the purpose of issuing or denying authorizations under this regulation.

(1) *"Navigable waters of the United States."* The term, "navigable waters of the United States," is administratively defined to mean waters that have been used in the past, are now used, or are susceptible to use as a means to transport interstate commerce landward to their ordinary high water mark and up to the head of navigation as determined by the Chief of Engineers, and also waters that are subject to the ebb and flow of the tide shoreward to their mean high water mark (mean higher high water mark on the Pacific Coast). See 33 CFR 209.260 (ER 1165–2–302) for a more definitive explanation of this term.

(2) *"Navigable waters".* (i) The term, "navigable waters," as used herein for purposes of Section 404 of the Federal Water Pollution Control Act, is administratively defined to mean waters of the United States including the territorial seas with respect to the disposal of fill material and excluding the territorial seas with respect to the disposal of dredged material and shall include the following waters:

(*a*) Coastal waters that are navigable waters of the United States subject to the ebb and flow of the tide, shoreward to their mean high water mark (mean higher high water mark on the Pacific coast);

(*b*) All coastal wetlands, mudflats, swamps, and similar areas that are contiguous or adjacent to other navigable waters. "Coastal wetlands" includes marshes and shallows and means those areas periodically inundated by saline or brackish waters and that are normally characterized by the prevalence of salt or brackish water vegetation capable of growth and reproduction;

(*c*) Rivers, lakes, streams, and artificial water bodies that are navigable waters of the United States up to their headwaters and landward to their ordinary high water mark;

(*d*) All artificially created channels and canals used for recreational or other navigational purposes that are connected to other navigable waters, landward to their ordinary high water mark;

(*e*) All tributaries of navigable waters of the United States up to their headwaters and landward to their ordinary high water mark;

(*f*) Interstate waters landward to their ordinary high water mark and up to their headwaters;

(*g*) Intrastate lakes, rivers and streams landward to their ordinary high water mark and up to their headwaters that are utilized:

(*1*) By interstate travelers for water-related recreational purposes;

(*2*) For the removal of fish that are sold in interstate commerce;

(*3*) For industrial purposes by industries in interstate commerce; or

(*4*) In the production of agricultural commodities sold or transported in interstate commerce;

(*h*) Freshwater wetlands including marshes, shallows, swamps and, similar areas that are contiguous or adjacent to other navigable waters and that support freshwater vegetation. "Freshwater wetlands" means those areas that are periodically inundated and that are normally characterized by the prevalence of vegetation that requires saturated soil

conditions for growth and reproduction; and

(i) Those other waters which the District Engineer determines necessitate regulation for the protection of water quality as expressed in the guidelines (40 CFR 230). For example, in the case of intermittent rivers, streams, tributaries, and perched wetlands that are not contiguous or adjacent to navigable waters identified in paragraphs (a)–(h), a decision on jurisdiction shall be made by the District Engineer.

(ii) The following additional terms are defined as follows:

(a) *"Ordinary high water mark"* with respect to inland fresh water means the line on the shore established by analysis of all daily high waters. It is established as that point on the shore that is inundated 25% of the time and is derived by a flow-duration curve for the particular water body that is based on available water stage data. It may also be estimated by erosion or easily recognized charactertistics such as shelving, change in the character of the soil, destruction of terrestrial vegetation or its inability to grow, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area;

(b) *"Mean high water mark"* with respect to ocean and coastal waters means the line on the shore established by the average of all high tides (all higher high tides on the Pacific Coast). It is established by survey based on available tidal data (preferably averaged over a period of 18.6 years because of the variations in tide). In the absence of such data, less precise methods to determine the mean high water mark may be used, such as physical markings or comparison of the area in question with an area having similar physical characteristics for which tidal data are already available;

(c) *"Lakes"* means natural bodies of water greater than five acres in surface area and all bodies of standing water created by the impounding of navigable waters identified in paragraphs (a)–(h), above. Stock watering ponds and settling basins that are not created by such impoundments are not included;

(d) *"Headwaters"* means the point on the stream above which the flow is normally less than 5 cubic feet per second; *provided, however*, the volume of flow, point and nonpoint source discharge characteristics of the watershed, and other factors that may impact on the water quality of waters of the United States will be considered in determining this upstream limit; and

(e) *"Primary tributaries"* means the main stems of tributaries directly connecting to navigable waters of the United States up to their headwaters and does not include any additional tributaries extending off of the main stems of these tributaries.

(3) *"Ocean waters"*. The term "ocean waters," as defined in the Marine Protection, Research, and Sanctuaries Act of 1972 (P.L. 92-532, 86 Stat. 1052), means those waters of the open seas lying seaward of the base line from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone (15 UST 1606; TIAS 5639).

(4) *"Dredged material"*. The term "dredged material" means material that is excavated or dredged from navigable waters. The term does not include material resulting from normal farming, silvaculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for production of food, fiber, and forest products.

(5) *"Discharge of dredged material"*. The term "discharge of dredged material" means any addition of dredged material, in excess of one cubic yard when used in a single or incidental operation, into navigable waters. The term includes, without limitation, the addition of dredged material to a specified disposal site located in navigable waters and the runoff or overflow from a contained land or water disposal area. Discharges of pollutants into navigable waters resulting from the onshore subsequent processing of dredged material that is extracted for any commercial use (other than fill) are not included within this term and are subject to section 402 of the Federal Water Pollution Control Act even though the extraction of such material may require a permit from the Corps of Engineers under section 10 of the River and Harbor Act of 1899.

(6) *"Fill material."* The term "fill material" means any pollutant used to create fill in the traditional sense of replacing an aquatic area with dry land or of changing the bottom elevation of a water body for any purpose. "Fill material" does not include the following:

(i) Material resulting from normal farming, silvaculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for the production of food, fiber, and forest products;

(ii) Material placed for the purpose of maintenance, including emergency reconstruction of recently damaged parts of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures.

(iii) Additions to these categories of activities that are not "fill" will be considered periodically and these regulations amended accordingly.

(7) *"Discharge of fill material."* The term "discharge of fill material" means the addition of fill material into navigable waters for the purpose of creating fastlands, elevations of land beneath navigable waters, or for impoundments of water. The term generally includes, without limitation, the following activities: placement of fill that is necessary to the construction of any structure in a navigable water; the building of any structure or impoundment requiring rock, sand, dirt, or other pollutants for its construction; site-development fills for recreational, industrial, commercial, residential, and other uses; causeways or road fills; dams and dikes; artificial islands, property protection and/or reclamation devices such as riprap, groins, seawalls, breakwalls, and bulkheads and fills; beach nourishment; levees; sanitary landfills; fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants, and subaqueous utility lines; and artificial reefs.

(8) *"Person"*. The term "person" means any individual, corporation, partnership, association, State, municipality, commission, or political subdivision of a State, any interstate body, or any agency or instrumentality of the Federal Government, other than the Corps of Engineers (see 33 CFR 209.145 for procedures for Corps projects).

(9) *"Coastal zone."* The term "coastal zone" means the coastal waters and adjacent shorelands designated by a State as being included in its approved coastal zone management program under the Coastal Zone Management Act of 1972.

(e) *Activities Requiring Authorizations.* (1) Structures or work in navigable waters of the United States. Department of the Army authorizations are required under the River and Harbor Act of 1899 (See paragraph (b) of this section) for all structures or work in navigable waters of the United States except for bridges and causeways (see Appendix A), the placement of aids to navigation by the U.S. Coast Guard, structures constructed in artificial canals within principally residential developments where the canal has been connected to a navigable water of the United States (see paragraph (g)(11) below), and activities that were commenced or completed shoreward of established harbor lines before May 27, 1970 (see 33 CFR § 209.150) other than those activities involving the discharge of dredged or fill material in navigable waters after October 18, 1972.

(i) Structures or work are in the navigable waters of the United States if they are within limits defined in 33 CFR 209.260. Structures or work outside these limits are subject to the provisions of law cited in paragraph (b) of this section if those structures or work affect the course, location, or condition of the water body in such a manner as to significantly impact on the navigable capacity of the water body. A tunnel or other structure under a navigable water of the United States is considered to have a significant impact on the navigable capacity of the water body.

(ii) Structures or work licensed under the Federal Power Act of 1920 do not require Department of the Army authorizations under the River and Harbor Act of 1899 (see paragraphs (b) and (c) of this section); provided, however, that any part of such structures or work that involves the discharge of dredged or fill material into navigable waters or the transportation of dredged material for the purpose of dumping it into ocean waters will require Department of the Army authorization under Section 404 of the Federal Water Pollution Control Act and Section 103 of the Marine Protection, Research, and Sanctuaries Act, as appropriate.

(2) *Discharges of dredged material or of fill material into navigable waters.* (i)

Except as provided in subparagraphs (ii) and (iii) below, Department of the Army permits will be required for the discharge of dredged material or of fill material into navigable waters in accordance with the following phased schedule:

(a) *Phase I:* After the effective date of this regulation, discharges of dredged material or of fill material into coastal waters and coastal wetlands contiguous or adjacent thereto or into inland navigable waters of the United States and freshwater wetlands contiguous or adjacent thereto are subject to the procedures of this regulation.

(b) *Phase II:* After July 1, 1976, discharges of dredged material or of fill material into primary tributaries, freshwater wetlands contiguous or adjacent to primary tributaries, and lakes are subject to the procedures of this regulation.

(c) *Phase III:* After July 1, 1977, discharges of dredged material or of fill material into any navigable water are subject to the procedures of this regulation.

(ii) All other discharges of dredged or fill material that occur before the dates specified in subparagraphs (i) (b) and (c) above, are hereby permitted for purposes of Section 404 of the Federal Water Pollution Control Act without further processing under this regulation; *provided, however,* That the procedures of this regulation including those pertaining to individual and general permits (see paragraph (i)(2)(ix), below) shall apply to any discharge(s) of dredged or fill material if the District Engineer determines that the water quality concerns as expressed in the guidelines (see 40 CFR 230) indicate the need for such action; and *further provided,* That the following conditions are met:

(a) That a water-quality certification under section 401 of the Federal Water Pollution Control Act (see paragraph (c)(1) of this section) is obtained before the discharge is commenced or the State has waived its right to so certify;

(b) That a certification of compliance with a State's approved coastal zone management program pursuant to section 307(c)(3) of the Coastal Zone Management Act (see paragraph (c)(2), above), is furnished, if applicable, before the discharge is commenced;

(c) That the discharge will not be located in the proximity of a public water supply intake;

(d) That the discharge will not contain unacceptable levels of pathogenic organisms in areas used for sports involving physical contact with the water;

(e) That the discharge will not occur in areas of concentrated shellfish production; and

(f) That the discharge will not destroy or endanger the critical habitat of a threatened or endangered species, as identified under the Endangered Species Act.

(iii) Discharges of dredged or fill material in waters other than navigable waters of the United States that have been completed by the effective date of this regulation and discharges of dredged or fill material of less than 500 cubic yards into waters other than navigable waters of the United States that are part of an activity that was commenced before the publication of this regulation, that will be completed within six months of the publication of this regulation, and that involves a single and complete project and not a number of projects associated with complete development plans are hereby authorized for purposes of Section 404 of the Federal Water Pollution Control Act without further processing under this regulation; *provided, however,* That the exemption of these types of activities from the requirements of this regulation shall not be construed as a waiver of the requirement to obtain a State water-quality certification under section 401 of the Federal Water Pollution Control Act or a certification of compliance with a State's approved coastal zone management program pursuant to section 307(c)(3) of the Coastal Zone Management Act in those cases where the discharge of dredged or fill material has not been completed by the date of this regulation; and *further provided,* That the procedures of this regulation shall apply to any activity involving the discharge of dredged or fill material commenced before the date of this regulation if the District Engineer determines that the interests of water quality as expressed in the guidelines (see 40 CFR Part 230) so require. The term "commenced" as used herein shall be satisfied if there has been, before the date of this regulation, some discharge of dredged or fill material into the navigable water as a part of the above activity or an entering into of a written contractual obligation to have the dredged or fill material discharged at a designated disposal site by a contractor.

(iv) All bulkhead and fill activities involving discharges of dredged material or of fill material in navigable waters other than navigable waters of the United States that are less than 500 feet in length, are constructed for property protection, and involve less than an average of one cubic yard per running foot are hereby permitted for purposes of section 404 of the Federal Water Pollution Control Act without further processing under this regulation; *provided, however,* That the procedures of this regulation including those pertaining to individual and general permits (see paragraph (i)(2)(ix), below) shall apply to any discharge(s) of dredged or fill material if the District Engineer determines that the water-quality concerns as expressed in the guidelines (see 40 CFR 230) indicate the need for such action; and *further provided,* That the conditions specified in subparagraph (ii)(a)-(f) are met.

(3) *Transportation of dredged material for the purpose of dumping it in ocean waters and construction of artificial islands and fixed structures on the outer continental shelf.* Department of the Army authorizations are required for the transportation of dredged material for the purpose of dumping it in ocean waters and construction of artificial islands and fixed structures on the outer continental shelf pursuant to Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 and Section 4(f) of the Outer Continental Shelf Lands Act, respectively.

(4) *Activities of Federal Agencies.* Except as specifically provided in this subparagraph, activities of the type described in paragraph (e)(1), (2), and (3) of this section done by or on behalf of any Federal agency, other than the Corps of Engineers, are subject to the authorization procedures of this regulation. Agreement for construction or engineering services performer for other agencies by the Corps of Engineers do not constitute authorization under the regulation. Division and District Engineers will therefore advise Federal agencies accordingly and cooperate to the fullest extent in the expediting processing of their applications.

(i) By section 10 of the Act of March 3, 1899 (see paragraph (b)(2) above), Congress has delegated to the Secretary of the Army and the Chief of Engineers the duty of authorizing or prohibiting certain work or structures in navigable waters of the United States. The general legislation by which Federal agencies are empowered to act generally is not considered to be sufficient authorization by Congress to satisfy the purposes of section 10. If an agency asserts that it has Congressional authorization meeting the test of section 10 or would otherwise be exempt from the provisions of section 10, the legislative history and/or provisions of the Act should clearly demonstrate that Congress was approving the exact location and plans from which Congress could have considered the effect on navigable waters of the United States or that Congress intended to exempt that agency from the requirements of section 10. Very often such legislation reserves final approval of plans or construction for the Chief of Engineers. In such cases, evaluation and authorization under this regulation are limited by the intent of the statutory language involved.

(ii) The policy provisions set out in paragraph (f)(3) of this section, relating to State or local authorizations, do not apply to work or structures undertaken by Federal agencies, except where compliance with non-Federal authorization is required by Federal law or Executive policy. Federal agencies are required to comply with the substantive State, interstate, and local water-quality standards and effluent limitations as are applicable by law that are adopted in accordance with or effective under the provisions of the Federal Water Pollution Control Act, as amended, in the design, construction, management, operation, and maintenance of their respective facilities. (See Executive Order No. 11752, dated 17 Dec. 73.) They are not required, however, to obtain and provide certification of compliance with effluent limitations and water-quality standards from State or interstate water pollution control agencies in connection with activities involving discharges into navigable waters.

(f) *General Policies for Evaluating Permit Applications.* (1) The decision

whether to issue a permit will be based on an evaluation of the probable impact of the proposed structure or work and its intended use on the public interest. Evaluation of the probable impact that the proposed structure or work may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal and, if authorized, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process (e.g., see § 209.400, Guidelines for Assessment of Economic, Social and Environmental Effects of Civil Works Projects). That decision should reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered; among those factors are conservation, economics, aesthetics, general environmental concerns, historic values, fish and wildlife values, flood-damage prevention, land-use classifications, navigation, recreation, water supply, water quality, and, in general, the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

(2) The following general criteria will be considered in the evaluation of every application:

(i) The relative extent of the public and private need for the proposed structure or work.

(ii) The desirability of using appropriate alternative locations and methods to accomplish the objective of the proposed structure or work.

(iii) The extent and permanence of the beneficial and/or detrimental effects that the proposed structure or work may have on the public and private uses to which the area is suited.

(iv) The probable impact of each proposal in relation to the cumulative effect created by other existing and anticipated structures or work in the general area.

(3) Permits will not be issued where certification or authorization of the proposed work is required by Federal, State, and/or local law and that certification or authorization has been denied. Initial processing of an application for a Department of the Army permit will proceed until definitive action has been taken by the responsible State agency to grant or deny the required certification and/or authorization. Where the required State certification and/or authorization has been denied and procedures for reconsideration exist, reasonable time not to exceed 90 days will be allowed for the applicant to attempt to resolve the problem and/or obtain reconsideration of the denial. If the State denial of authorization cannot be thus resolved, the application will be denied in accordance with paragraph (p) of this section.

(i) Where officially adopted State, regional, or local land-use classifications, determinations, or policies are applicable to the land or water areas under consideration, they shall be presumed to reflect local factors of the public interest and shall be considered in addition with the other national factors of the public interest identified in paragraph (f)(1), above.

(ii) A proposed activity in a navigable water may result in conflicting comments from several agencies within the same State. While many States have designated a single State agency or individual to provide a single and coordinated State position regarding pending permit applications, where a State has not so designated a single source, District Engineers will elicit from the Governor an expression of his views and desires concerning the application (see also paragraph (j)(3), below) or, in the alternative, an expression from the Governor as to which State agency represents the official State position in this particular case. Even if official certification and/or authorization is not required by State or Federal law, but a State, regional, or local agency having jurisdiction or interest over the particular activity comments on the application, due consideration shall be given to those official views as a reflection of local factors of the public interest.

(iii) If a favorable State determination is received, the District Engineer will process the application to a conclusion in accordance with the policies and procedures of this regulation. In the absence of overriding national factors of the public interest that may be revealed during the subsequent processing of the permit application, a permit will generally be issued following receipt of a favorable State determination provided the concerns, policies, goals, and requirements as expressed in paragraphs (f) (1) and (2), above, the guidelines (40 CFR 230), and the following statutes have been followed and considered: the National Environmental Policy Act; the Fish and Wildlife Coordination Act; the Historical and Archaeological Preservation Act; the National Historic Preservation Act; the Endangered Species Act; the Coastal Zone Management Act; the Marine Protection, Research, and Sanctuaries Act of 1972; and the Federal Water Pollution Control Act (see paragraph c, above).

(iv) If the responsible State agency fails to take definitive action to grant or deny required authorizations or to furnish comments as provided in subparagraph (ii) above within six months of the issuance of the public notice, the District Engineer shall process the application to a conclusion.

(v) The District Engineer may, in those States with ongoing State permit programs for work or structures in navigable waters of the United States or the discharge of dredged or fill material in navigable waters, enter into an agreement with the States to jointly process and evaluate Department of the Army and State permit applications. This may include the issuance of joint public notices; the conduct of joint public hearings, if held; and the joint review and analysis of information and comments developed in response to the public notice, public hearing, the environmental assessment and the environmental impact statement (if necessary), the Fish and Wildlife Coordination Act, the Historical and Archaeological Preservation Act, the National Historic Preservation Act, the Endangered Species Act, the Coastal Zone Management Act, the Marine Protection, Research, and Sanctuaries Act of 1972, and the Federal Water Pollution Control Act. In such cases, applications for Department of the Army permits may be processed concurrently with the processing of the State permit to an independent conclusion and decision by the District Engineer and appropriate State agency.

(4) The District Engineer shall consider the recommendations of the appropriate Regional Director of the Bureau of Sport Fisheries and Wildlife, the Regional Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, the Regional Administrator of the Environmental Protection Agency, the local representative of the Soil Conservation Service of the Department of Agriculture, and the head of appropriate State agencies in administering the policies and procedures of the regulation.

(g) *Policies on particular factors of consideration.* In applying the general policies cited above to the evaluation of a permit application, Corps of Engineers officials will also consider the following policies when they are applicable to the specific application:

(1) *Interference with adjacent properties or water resource projects.* Authorization of work or structures by the Department of the Army does not convey a property right, nor authorize any injury to property or invasion of other rights.

(i)(*a*) Because a landowner has the general right to protect his property from erosion, applications to erect protective structures will usually receive favorable consideration. However, if the protective structure may cause damage to the property of others, the District Engineer will so advise the applicant and inform him of possible alternative methods of protecting his property. Such advice will be given in terms of general guidance only so as not to compete with private engineering firms nor require undue use of government resources. A significant probability of resulting damage to nearby properties can be a basis for denial of an application.

(*b*) A landowner's general right of access to navigable waters is subject to the similar rights of access held by nearby landowners and to the general public's right of navigation on the water surface. Proposals which create undue interference with access to, or use of, navigable waters will generally not receive favorable consideration.

(ii)(*a*) Where it is found that the work for which a permit is desired may interfere with a proposed civil works project

of the Corps of Engineers, the applicant and the party or parties responsible for fulfillment of the requirements of local cooperation should be apprised in writing of the fact and of the possibility that a civil works project which may be constructed in the vicinity of the proposed work might necessitate its removal or reconstruction. They should also be informed that the United States will in no case be liable for any damage or injury to the structures or work authorized which may be caused by or result from future operations undertaken by the Government for the conservation or improvement of navigation, or for other purposes, and no claims or right to compensation will accrue from any such damage.

(b) Proposed activities which are in the area of a civil works project which exists or is under construction will be evaluated to insure that they are compatible with the purposes of the project.

(2) *Non-Federal dredging for navigation.* (i) The benefits which an authorized Federal navigation project is intended to produce will often require similar and related operations by non-Federal agencies (e.g., dredging an access channel to dock and berthing facilities or deepening such a channel to correspond to the Federal project depth). These non-Federal activities will be considered by Corps of Engineers officials in planning the construction and maintenance of Federal navigation projects and, to the maximum practical extent, will be coordinated with interested Federal, State, regional and local agencies and the general public simultaneously with the associated Federal projects. Non-federal activities which are not so coordinated will be individually evaluated in accordance with paragraph (f) of this section. In evaluating the public interest in connection with applications for permits for such coordinated operations, equal treatment will, therefore, be accorded to the fullest extent possible to both Federal and non-Federal operations. Furthermore, permits for non-Federal dredging operations will contain conditions requiring the permittee to comply with the same practices or requirements utilized in connection with related Federal dredging operations with respect to such matters as turbidity, water quality, containment of material, nature and location of approved spoil disposal areas (non-Federal use of Federal contained, disposal areas will be in accordance with laws authorizing such areas and regulations governing their use), extent and period of dredging, and other factors relating to protection of environmental and ecological values. (See also paragraph (g)(17) of this section.)

(ii) A permit for the dredging of a channel, slip, or other such project for navigation will also authorize the periodic maintenance dredging of the project. Authority for maintenance dredging will be subject to revalidation at regular intervals to be specified in the permit. Revalidation will be in accordance with the procedures prescribed in paragraph (n)(5) of this section. The permit, however, will require the permittee to give advance notice to the District Engineer each time maintenance dredging is to be performed.

(3) *Effect on wetlands.* (i) Wetlands are those land and water areas subject to regular inundation by tidal, riverine, or lacustrine flowage. Generally included are inland and coastal shallows, marshes, mudflats, estuaries, swamps, and similar areas in coastal and inland navigable waters. Many such areas serve important purposes relating to fish and wildlife, recreation, and other elements of the general public interest. As environmentally vital areas, they constitute a productive and valuable public resource, the unnecessary alteration or destruction of which should be discouraged as contrary to the public interest.

(ii) Wetlands considered to perform functions important to the public interest include:

(a) Wetlands which serve important natural biological functions, including food chain production, general habitat, and nesting, spawning, rearing and resting sites for aquatic or land species;

(b) Wetlands set aside for study of the aquatic environment or as sanctuaries or refuges;

(c) Wetlands contiguous to areas listed in paragraph (g)(3)(ii) (a) and (b) of this section, the destruction or alteration of which would affect detrimentally the natural drainage characteristics, sedimentation patterns, salinity distribution, flushing characteristics, current patterns, or other environmental characteristics of the above areas;

(d) Wetlands which are significant in shielding other areas from wave action, erosion, or storm damage. Such wetlands often include barrier beaches, islands, reefs and bars;

(e) Wetlands which serve as valuable storage areas for storm and flood waters; and

(f) Wetlands which are prime natural recharge areas. Prime recharge areas are locations where surface and ground water are directly interconnected.

(iii) Although a particular alteration of wetlands may constitute a minor change, the cumulative effect of numerous such piecemeal changes often results in a major impairment of the wetland resources. Thus, the particular wetland site for which an application is made will be evaluated with the recognition that it is part of a complete and interrelated wetland area. In addition, the District Engineer may undertake reviews of particular wetland areas, in response to new applications, and in consultation with the appropriate Regional Director of the Bureau of Sport Fisheries and Wildlife, the Regional Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration, the Regional Administrator of the Environmental Protection Agency, the local representative of the Soil Conservation Service of the Department of Agriculture, and the head of the appropriate State agency to assess the cumulative effect of activities in such areas.

(iv) Unless the public interest requires otherwise, no permit shall be granted for work in wetlands identified as important by subparagraph (ii), above, unless the District Engineer concludes, on the basis of the analysis required in paragraph (f) of this section, that the benefits of the proposed alteration outweigh the damage to the wetlands resource and the proposed alteration is necessary to realize those benefits.

(a) In evaluating whether a particular alteration is necessary, the District Engineer shall primarily consider whether the proposed activity is dependent upon the wetland resources and environment and whether feasible alternative sites are available.

(b) The applicant must provide sufficient data on the basis of which the availability of feasible alternative sites can be evaluated.

(v) In accordance with the policy expressed in paragraph (f)(3) of this section, and with the Congressional policy expressed in the Estuary Protection Act, PL 90-454, state regulatory laws or programs for classification and protection of wetlands will be given great weight. (See also paragraph (g)(18) of this section).

(4) *Fish and wildlife.* (i) In accordance with the Fish and Wildlife Coordination Act (see paragraph (c)(5) of this section) Corps of Engineers officials will in all permit cases, consult with the Regional Director, U.S. Fish and Wildlife Service, the Regional Director, National Marine Fisheries Service, and the head of the agency responsible for fish and wildlife for the state in which the work is to be performed, with a view to the conservation of wildlife resources by prevention of their loss and damage due to the work or structures proposed in a permit application (see paragraphs (i)(1)(ii) and (j)(2) of this section). They will give great weight to these views on fish and wildlife considerations in evaluating the application. The applicant will be urged to modify his proposal to eliminate or mitigate any damage to such resources, and in appropriate cases the permit may be conditioned to accomplish this purpose.

(ii) The Division Engineer may issue a permit over an unresolved objection based on fish and wildlife considerations by the regional representative of Federal fish and wildlife agencies unless otherwise directed by the Chief of Engineers; provided, however, that the policies and procedures stated in the Memorandum of Understanding between the Department of the Army and the Department of the Interior (Appendix B) will be followed with respect to all activities involving dredging, excavation, filling and other related work.

(5) *Water quality.* (i) Applications for permits for activities which may affect the quality of navigable waters will be evaluated with a view toward compliance with applicable effluent limitations and water quality standards during both the construction and operation of the proposed activity. Certification of compliance with applicable effluent limitations and water quality standards required under provisions of Section 401 of the

Federal Water Pollution Control Act will be considered conclusive with respect to water quality considerations unless the Regional Administrator, Environmental Protection Agency (EPA), advises of other water quality aspects to be taken into consideration. If the certification provided is to the effect that no effluent limitation and water quality standards have been established as applicable to the proposed activity, or if certification is not required for the proposed activity, the advice of the Regional Administrator, EPA, on water quality aspects will be given great weight in evaluating the permit application. Any permit issued may be conditioned to implement water quality protection measures.

(ii) If the Regional Administrator, EPA, objects to the issuance of a permit on the basis of water quality considerations and the objection is not resolved by the applicant or the District Engineer, and the District Engineer would otherwise issue the permit, the application will be forwarded through channels to the Chief of Engineers for further coordination with the Administrator, EPA, and decision. (See also paragraphs (b)(7) and (b)(8), above, and (g)(17) and (i)(2)(i) of this section.)

(6) *Historic, scenic, and recreational values.* (i) Applications for permits covered by this regulation may involve areas which possess recognized historic, cultural, scenic, conservation, recreational or similar values. Full evaluation of the general public interest requires that due consideration be given to the effect which the proposed structure or activity may have on the enhancement, preservation, or development of such values. Recognition of those values is often reflected by State, regional, or local land use classifications (see paragraph (f)(3) of this section), or by similar Federal controls or policies. In both cases, action on permit applications should, insofar as possible, be consistent with, and avoid adverse effect on, the values or purposes for which those classifications, controls, or policies were established.

(ii) Specific application of the policy in paragraph (g)(6)(i) of this section, applies to:

(*a*) Rivers named in Section 3 of the Wild and Scenic Rivers Act (82 Stat. 906, 16 U.S.C. 1273 et seq.), and those proposed for inclusion as provided by sections 4 and 5 of the Act, or by later legislation.

(*b*) Historic, cultural, or archeological sites or practices as provided in the National Historic Preservation Act of 1966 (83 Stat. 852, 42 U.S.C. 4321 et seq.) (see also Executive Order 11593, May 13, 1971, and Statutes there cited). Particular attention should be directed toward any district, site, building, structure, or object listed in the National Register of Historic Places. Comments regarding such undertakings shall be sought and considered as provided by paragraph (i)(2)(iii) of this section.

(*c*) Sites included in the National Registry of Natural Landmarks which are published periodically in the FEDERAL REGISTER.

(*d*) Any other areas named in Acts of Congress or Presidential Proclamations as National Rivers, National Wilderness Areas, National Seashores, National Recreation Areas, National Lakeshores, National Parks, National Monuments, and such areas as may be established under Federal law for similar and related purposes, such as estuarine and marine sanctuaries.

(7) *Structures for small boats.* As a matter of policy, in the absence of overriding public interest, favorable consideration will be generally be given to applications from riparian proprietors for permits for piers, boat docks, moorings, platforms and similar structures for small boats. Particular attention will be given to the location and general design of such structures to prevent possible obstructions to navigation with respect to both the public's use of the waterway and the neighboring proprietors' access to the waterway. Obstructions can result from both the existence of the structure, particularly in conjunction with other similar facilities in the immediate vicinity, and from its inability to withstand wave action or other forces which can be expected. District Engineers will inform applicants of the hazards involved and encourage safety in location, design and operation. Corps of Engineers officials will also encourage cooperative or group use facilities in lieu of individual proprietor use facilities.

(i) Letters transmitting permits for structures for small boats will, where applicable, include the following language: "Notice is hereby given that a possibility exists that the structure permitted may be subject to damage by wave wash from passing vessels. Your attention is invited to special condition _____ of the permit." The appropriate designation of the permit condition placing responsibility on the permittee and not on the United States for integrity of the structure and safety of boats moored thereto will be inserted.

(ii) Floating structures for small recreational boats or other recreational purposes in lakes owned and operated by the Corps of Engineers under a Resources Manager are normally subject to permit authorities cited in paragraph (b), above when those waters are regarded as navigable waters of the United States. (See 33 CFR 209.260). However, such structures will not be authorized under this regulation but will be regulated under applicable regulations of the Chief of Engineers published in Chapter III, Part 327.19 of Title 36, Code of Federal Regulations if the land surrounding those lakes is under complete Federal ownership. District Engineers will delineate those portions of the navigable waters of the United States where this provision is applicable and post notices of this designation in the vicinity of the lake Resources Manager's office.

(8) *Aids to navigation.* (i) The placing of non-Federal fixed and floating aids to navigation in a navigable water of the United States is within the purview of section 10 of the River and Harbor Act of 1899. Furthermore, these aids are of particular interest to the U.S. Coast Guard because of their control of marking, lighting and standardization of such navigation aids. Applications for permits for installation of aids to navigation will, therefore, be coordinated with the appropriate District Commander, U.S. Coast Guard, and permits for such aids will include a condition to the effect that the permittee will conform to the requirements of the Coast Guard for marking, lighting, etc. Since most fixed and floating aids to navigation will not ordinarily significantly affect environmental values, the usual form of authorization to be used will be a letter of permission.

(ii) Fishing structures and appliances in navigable waters of the United States will be lighted for the safety of navigation as follows: Lights will be displayed between sunset and sunrise. They will be placed at each end of the structure, except where the inner end terminates at such a point where there could be no practicable navigation between it and the high-water line of the adjacent coast. In such case no inner light will be required. The outer light will be white, and the inner light will be red. The size, capacity, and manner of maintenance of the lights will be specified in the Department of the Army permit authorizing the erection of the structure or appliances. When several structures or appliances are placed on one line with no navigable passage between them, they will be considered for lighting purposes as one structure.

(9) *Outer continental shelf.* Artificial islands and fixed structures located on the outer continental shelf are subject to the standard permit procedures of this regulation. Where the islands or structures are to be constructed on lands which are under mineral lease from the Bureau of Land Management, Department of the Interior, that agency, in cooperation with other Federal agencies, fully evaluates the potential effect of the leasing program on the total environment. Accordingly, the decision whether to issue a permit on lands which are under mineral lease from the Department of the Interior will be limited to an evaluation of the impact of the proposed work on navigation and national security. The public notice will so identify the criteria (see paragraph (j)(1)(viii) (*b*) of this section).

(10) *Effect on limits of the territorial sea.* Structures or work affecting coastal waters may modify the coast line or baseline from which the three mile belt is measured for purposes of the Submerged Lands Act and International Law. Generally, the coast line or base line is the line of ordinary low water on the mainland; however, there are exceptions where there are islands or low-tide elevations off shore. (See the Submerged Lands Act, 67 Stat. 29, U.S. Code section 1301(c), and United States v. California, 381 U.S. 139 (1965), 382 U.S. 448 (1966)). All applications for structures or work affecting coastal waters will therefore be reviewed specifically to determine whether the coast line or baseline might be altered. If it is determined that such a change might occur, coordination with

the Attorney General and the Solicitor of the Department of the Interior is required before final action is taken. The District Engineer will submit a description of the proposed work and a copy of the plans to the Solicitor, Department of the Interior, Washington, D.C. 20240, and request his comments concerning the effects of the proposed work on the outer continental rights of the United States. These comments will be included in the file of the application. After completion of standard processing procedures, the file will be forwarded to the Chief of Engineers. The decision in the application will be made by the Secretary of the Army after coordination with the Attorney General.

(11) *Canals and other artificial waterways connected to navigable waters.* (i) A canal or similar artificial waterway is subject to the regulatory authorities discussed in paragraph (b) (2) of this section if it constitutes a navigable water of the United States, or if it is connected to navigable waters of the United States in a manner which affects their course, condition, or capacity. In all cases the connection to navigable waters of the United States requires a permit. Where the canal itself constitutes a navigable water of the United States, evaluation of the permit application and further exercise of regulatory authority will be in accordance with the standard procedures of this regulation. For all other canals the exercise of regulatory authority is restricted to those activities which affect the course, condition, or capacity of the navigable waters of the United States. Examples of the latter may include the length and depth of the canal; the currents circulation, quality and turbidity of its waters, especially as they affect fish and wildlife values; and modifications or extensions of its configuration.

(ii) The proponent of canal work should submit his application for a permit, including a proposed plan of the entire development, and the location and description of anticipated docks, piers and other similar structures which will be placed in the canal, to the District Engineer before commencing any form of work. If the connection to navigable waters of the United States has already been made without a permit, the District Engineer will proceed in accordance with paragraph (g) (12) (i) of this section. Where a connection has not yet occurred, but canal construction is planned or has already begun, the District Engineer will, in writing, advise the proponent of the need for a permit to connect the canals to navigable waters of the United States. He will also ask the proponent if he intends to make such a connection and will request the immediate submission of the plans and permit application if it is so intended. The District Engineer will also advise the proponent that any work is done at the risk that, if a permit is required, it may not be issued, and that the existence of partially-completed excavation work will not be allowed to weigh favorably in evaluation of the permit application.

(12) *Unauthorized activities.* The following procedures will be followed with respect to activities which are performed without proper authorization.

(i) When the District Engineer becomes aware of any unauthorized activity which is still in progress, he shall immediately issue a cease and desist order to all persons responsible for and/or involved in the performance of the activity. In appropriate cases, the District Engineer may also order interim protective measures to be taken in order to protect the public interest. If there is noncompliance with this cease and desist order, the District Engineer shall forward a factual report immediately to the local U.S. Attorney with a request that a temporary restraining order and/or preliminary injunction be obtained against the responsible persons.

(ii) In all cases, the District Engineer shall commence an immediate investigation to ascertain the facts surrounding the unauthorized activity. In making this investigation, the District Engineer shall solicit the views of appropriate Federal, State and local agencies, and shall request the persons involved in the unauthorized activity to provide appropriate information on this activity which will assist him in evaluating the activity and recommending the course of action to be taken. The District Engineer shall evaluate the information and views developed during this investigation in conjunction with the factors and criteria cited in paragraph (f) of this section and shall formulate recommendations as to the appropriate administrative and/or legal action to be taken, subject to the following:

(*a*) Except where the activity was performed in nontidal waters prior to an administrative, judicial or legislative determination that the water is a navigable water of the United States, the District Engineer is not authorized to process or accept for processing any permit application received.

(*1*) The District Engineer shall in all cases other than those covered by paragraph (g) (12) (ii) (*a*) (2) of this section prepare and forward a report to the Chief of Engineers, ATTN: DAEN-GCK, which shall contain an analysis of the data and information obtained during this investigation and recommend appropriate civil and criminal action. In those cases where the analysis of the facts developed during his investigation, when made in conjunction with the factors and criteria in paragraph (f) of this section leads to the preliminary conclusion that removal of the unauthorized activity is in the public interest, the District Engineer shall also recommend restoration of the area to its original condition.

(2) In those cases to which the provisions of paragraph (m) (3), below, apply, the District Engineer may refer the matter directly to the local United States Attorney for appropriate legal action.

(*b*) If criminal and/or civil action is instituted against the responsible person, the District Engineer shall not accept for processing any application until final disposition of all judicial proceedings, including the payment of all prescribed penalties and fines and/or the completion of all work ordered by the court. Thereafter, the District Engineer may accept an application for a permit; Provided, that with respect to any judicial order requiring partial or total restoration of an area, the District Engineer, if so ordered by the court, shall supervise this restoration effort and may allow the responsible persons to apply for a permit for only that portion of the unauthorized activity for which restoration has not been so ordered.

(*c*) In those cases where the District Engineer determines that the unauthorized activity was performed in nontidal waters, prior to an administrative, judicial or legislative determination that the water is a navigable water of the United States, the District Engineer shall instruct the responsible persons to immediately file for a permit, unless he determines on the basis of all the facts and circumstances that immediate legal action is warranted. In such cases, the District Engineer will follow the procedures of paragraph (g) (12) (ii) (*a*) and (*b*) of this section.

(iii) Processing and evaluation of applications for after-the-fact authorizations for activities undertaken without the required Department of the Army authorizations will in all other respects follow the standard procedures of this regulation. Thus, authorizations may still be denied in accordance with the policies and procedures of this regulation.

(iv) Where after-the-fact authorization in accordance with this paragraph is determined to be in the public interest, the standard permit form for the activity will be used, omitting inappropriate conditions, and including whatever special conditions the District Engineer may deem appropriate to mitigate or prevent undesirable effects which have occurred or might occur.

(v) Where after-the-fact authorization is not determined to be in the public interest, the notification of the denial of the permit will prescribe any corrective actions to be taken in connection with the work already accomplished and establish a reasonable period of time for the applicant to complete such actions. The District Engineer, after denial of the permit, will again consider whether civil or criminal action is appropriate.

(vi) If the applicant declines to accept the proposed permit conditions, or fails to take corrective action prescribed in the notification of denial, or if the District Engineer determines, after denying the permit application, that legal action is appropriate, the matter will be referred to the Chief of Engineers, ATTN: DAEN-GCK, with recommendations for appropriate action.

(vii) Applications will generally not be required for work or structures completed before 18 December 1968, nor where potential applicants had received expressions of disclaimer prior to the date of this regulation; *provided, however,* That the procedures of paragraph

(g) (12) (i) of this section shall apply to all work or structures which were commenced or completed on or after 18 December 1968, and may be applied to all specific cases, regardless of date of construction or previous disclaimers, for which the District Engineer determines that the interests of navigation so require.

(13) *Facilities at the borders of the United States.* (i) The construction, operation, maintenance, or connection of facilities at the borders of the United States are subject to Executive control and must be authorized by the President, Secretary of State, or other delegated official.

(*a*) Applications for permits for the construction, operation, maintenance, or connection at the borders of the United States of facilities for the transmission of electric energy between the United States and a foreign country, or for the exportation or importation of natural gas to or from a foreign country, must be made to the Federal Power Commission. (See Executive Order 10485, September 3, 1953, 16 U.S.C. 824(a)(e), 15 U.S.C. 717b, and 18 CFR Parts 32 and 153).

(*b*) Applications for the landing or operation of submarine cables must be made to the Federal Communications Commission. (See Executive Order 10530, May 10, 1954, 47 U.S.C. 34 to 39, and 47 CFR 1.767).

(*c*) The Secretary of State is to receive applications for permits for the construction, connection, operation, or maintenance, at the borders of the United States, of: (*1*) pipelines, conveyors belts, and similar facilities for the exportation or importation of petroleum products, coals, minerals, or other products to or from a foreign country; (2) facilities for the exportation or importation of water or sewage to or from a foreign country; (3) monorails, aerial cable cars, aerial tramways and similar facilities for the transportation of persons or things, or both, to or from a foreign country. (See Executive Order 11423, August 16, 1968).

(ii) A Department of the Army permit under Section 10 of the River and Harbor Act of March 3, 1899 is also required for all of the above facilities which affect the navigable waters of the United States, but in each case in which a permit has been issued as provided above, the decision whether to issue the Department of the Army permit will be based primarily on factors of navigation, since the basic existence and operation of the facility will have been examined and permitted as provided by the Executive Orders. Furthermore, in those cases where the construction, maintenance, or operation at the above facilities involves the discharge of dredged or fill material in navigable waters or the transportation of dredged material for the purpose of dumping it into ocean waters, appropriate Department of the Army authorizations under section 404 of the Federal Water Pollution Control Act or under section 103 of the Marine Protection Research and Sanctuaries Act of 1972 are also required. Evaluation of applications for these authorizations will be in accordance with paragraph (g) (17) of this section.

(14) *Power transmission lines.* (i) Permits under section 10 of the River and Harbor Act of March 3, 1899, (33 U.S.C. 403) are required for power transmission lines crossing navigable waters of the United States unless those lines are part of a water power project subject to the regulatory authorities of the Federal Power Commission under the Federal Water Power Act of 1920 (16 U.S.C. 797). If an application is received for a permit for lines which are part of a water power project, the applicant will be instructed to submit his application to the Federal Power Commission. If the lines are not part of a water power project, the application will be processed in accordance with the procedures prescribed in this regulation.

(ii) The following minimum clearances are required for aerial electric power transmission lines crossing navigable waters of the United States. These clearances are related to the clearances over the navigable channel provided by existing fixed bridges, or the clearances which would be required by the U.S. Coast Guard for new fixed bridges, in the vicinity of the proposed power line crossing. The clearances are based on the low point of the line under conditions which produce the greatest sag, taking into consideration temperature, load, wind, length of span, and type of supports as outlined in the National Electrical Safety Code.

	Minimum additional clearance (ft.) above clearance required for bridges
Nominal system voltage, kV:	
115 and below	20
138	22
161	24
230	26
350	30
500	35
700	42
750–765	45

(15) *Seaplane operations.* Structures in navigable waters of the United States associated with seaplane operations require Department of the Army permits, but close coordination with the Federal Aviation Administration (FAA), Department of Transportation, is required on such applications.

(i) The FAA must be notified by an applicant whenever he proposes to establish or operate a seaplane base. The FAA will study the proposal and advise the applicant, District Engineer, and other interested parties as to the effects of the proposal on the use of airspace. The District Engineer will therefore refer any objections regarding the effect of the proposal on the use of airspace to the FAA, and give due consideration to their recommendations when evaluating the general public interest.

(ii) If the seaplane base will serve air carriers licensed by the Civil Aeronautics Board, the applicant must receive an airport operating certificate from the FAA. That certificate reflects determination and conditions relating to the installation, operation, and maintenance of adequate air navigation facilities and safety equipment. Accordingly, the District Engineer may, in evaluating the general public interest, consider such matters to have been primarily evaluated by the FAA.

(16) *Foreign Trade Zones.* The Foreign Trade Zones Act (48 Stat. 998–1003, 19 U.S.C. sections 81a to 81u, as amended) authorizes the establishment of foreign-trade zones in or adjacent to United States ports of entry under terms of a grant and regulations prescribed by the Foreign-Trade Zones Board. Pertinent regulations are published at Title 15 of the Code of Federal Regulations, Part 400. The Secretary of the Army is a member of the Board, and construction of a zone is under the supervision of the District Engineer. Laws governing the navigable waters of the United States remain applicable to foreign-trade zones, including the general requirements of this regulation. Evaluation by a District Engineer of a permit application may give recognition to the consideration by the Board of the general economic effects of the zone on local and foreign commerce, general location of wharves and facilities, and other factors pertinent to construction, operation, and maintenance of the zone.

(17) *Discharge of dredged or fill material in navigable waters or dumping of dredged material in ocean waters.* (i) Applications for permits for the discharge of dredged or fill material into navigable waters at specific disposal sites will be reviewed in accordance with guidelines promulgated by the Administrator, EPA, under authority of section 404(b) of the Federal Water Pollution Control Act. If the EPA guidelines alone prohibit the designation of a proposed disposal site, the economic impact on navigation and anchorage of the failure to authorize the use of the proposed disposal site in navigable waters will also be considered in evaluating whether or not the proposed discharge is in the public interest.

(ii) Applications for permits for the transporting of dredged material for the purpose of dumping it into ocean waters will be evaluated to determine that the proposed dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. In making the evaluation, Corps of Engineers officials will apply criteria established by the Administrator, EPA, under authority of section 102 (a) of the Marine Protection, Research and Sanctuaries Act of 1972, and will specify the dumping sites, using the recommendations of the Administrator, pursuant to section 102(c) of the Act, to the extent feasible. (See 40 CFR Part 220). In evaluating the need for the dumping as required by paragraph (f) (2) (i) of this section, Corps of Engineers officials will consider the potential effect of a permit denial on navigation, economic and industrial development, and foreign and domestic commerce of the United States.

(iii) Sites previously designated for use as disposal sites for discharge or dumping of dredged material will be specified to the maximum practicable extent in permits for the discharge or dumping of dredged material in navigable waters or ocean waters unless restricted by the Administrator, EPA, in accordance with section 404(c) of the Federal Water Pollution Control Act or section 102(c) of the Marine Protection, Research, and Sanctuaries Act of 1972.

(iv) Prior to actual issuance of permits for the discharge or dumping of dredged or fill material in navigable or ocean waters, Corps of Engineers officials will advise appropriate Regional Administrators, EPA, of the intent to so issue permits. If the Regional Administrator advises, within fifteen days of the advice of the intent to issue, that he objects to the issuance of the permits, the case will be forwarded to the Chief of Engineers in accordance with paragraph (s), below, for further coordination with the Administrator, EPA, and decision. The report forwarding the case will contain an analysis for a determination by the Secretary of the Army that there is no economically feasible method or site available other than that to which the Regional Administrator objects. (See also paragraphs (b)(7) and (b)(8) of this section.)

(18) *Activities in coastal zones and marine sanctuaries.* (i) Applications for Department of the Army authorizations for activities in the coastal zones of those States having a coastal zone management program approved by the Secretary of Commerce will be evaluated with respect to compliance with that program. No permit will be issued until the applicant has certified that his proposed activity complies with the coastal zone management program and the appropriate State agency has concurred with the certification or has waived its right to do so (see paragraph (i)(2)(ii) of this section); however, a permit may be issued if the Secretary of Commerce, on his own initiative or upon appeal by the applicant, finds that the proposed activity is consistent with the objectives of the Coastal Zone Management Act of 1972 or is otherwise necessary in the interest of national security.

(ii) Applications for Department of the Army authorization for activities in a marine sanctuary established by the Secretary of Commerce under authority of section 302 of the Marine Protection, Research, and Sanctuaries Act of 1972 will be evaluated for impact on the marine sanctuary. No permit will be issued until the applicant provides a certification from the Secretary of Commerce that the proposed activity is consistent with the purposes of Title III of the Marine Protection, Research and Sanctuaries Act of 1972 and can be carried out within the regulations promulgated by the Secretary of Commerce to control activities within the marine sanctuary. Authorizations so issued will contain such special conditions as may be required by the Secretary of Commerce in connection with his certification.

(h) *Applications for authorizations.* (1) Any person proposing to undertake any activity requiring Department of the Army authorization as specified in paragraph (e) of this section, must apply for a permit to the District Engineer in charge of the District where the proposed activity is to be performed. Applications for permits must be prepared in accordance with instructions in the pamphlet entitled "Applications for Department of the Army Permits for Activities in Waterways" published by the Corps of Engineers, utilizing the prescribed application form (ENG Form 4345). The form and pamphlet may be obtained from the District Engineer having jurisdiction over the waterway in which the proposed activity will be located. Local variations of the application form for purposes of facilitating coordination with State and local agencies may be proposed by District or Division Engineers. These variations will be submitted for approval to DAEN-CWO-N and for clearance by the Office of Management and Budget.

(2) Generally, the application must include a complete description of the proposed activity, which includes necessary drawings, sketches or plans, the location, purpose and intended use of the proposed activity; scheduling of the activity; the names and addresses of adjoining property owners and the location and dimensions of adjacent structures; and the approvals required by other Federal, interstate, State or local agencies for the work, including all approvals or denials already made.

(i) If the activity involves dredging in navigable waters of the United States, the application must include a description of the type, composition and quantity of the material to be dredged, the method of dredging, and the site and plans for disposal of the dredged material.

(ii) If the activity includes the discharge of dredged or fill material in the navigable waters or the transportation of dredged material for the purpose of dumping it in the ocean waters, the application must include the source of the material, a description of the type, composition and quantity of the material, the method of transportaton and disposal of the material, and the location of the disposal site. Certification under section 401 of the Federal Water Pollution Control Act is required for such discharges into navigable waters. In addition, applicants for permits for these activities are required to pay a fee of $100 per application if the quantity of the material to be discharged in navigable waters or to be dumped in ocean waters exceeds 2500 cubic yards; if the quantity of material is 2500 cubic yards or less, the fee is $10 per application. Agencies or instrumentalities of Federal, State, or local governments will not be required to pay any fee in connection with applications for permits. This fee structure will be reviewed from time to time.

(iii) If the activity includes the construction of a fill or pile or float-supported platform, the project description must include specific structures to be erected on the fill or platform.

(iv) If the activity includes the construction of a structure the normal use of which may result in a discharge of pollutants, other than dredged or fill material, into navigable waters or ocean waters, the application must include either the identification of the application for the discharge permit assigned by the appropriate water pollution control agency or a copy of that application. Certification under Section 401 of the Federal Water Pollution Control Act is required for such discharges into navigable waters.

(v) If the activity will be located within a marine sanctuary established by the Secretary of Commerce, the application must include a copy of the certification from the Secretary of Commerce that the proposed activity is consistent with the purposes of Title III of the Marine Protection, Research and Sanctuaries Act of 1972 and can be carried out within the regulations promulgated by the Secretary of Commerce to control activities within the marine sanctuary.

(vi) If the activity requires the preparation of an environmental impact statement (see paragraphs (i)(1)(iv) and (1) of this section), which necessitates the development of data and information which will result in substantial expense to the United States, the District Engineer may, after obtaining written approval from the Division Engineer, charge the applicant for those extraordinary expenses incurred in the development of this information pursuant to 31 U.S.C. 483(a). All money so collected shall be paid into the Treasury of the United States as miscellaneous receipts. In lieu of this assessment, the District Engineer may require reports, data, and other information for the environmental impact statement (see paragraph (h)(3) of this section), to be compiled by an independent third party under contract with the applicant and furnished directly to the District Engineer; *Provided*, In such cases, the District Engineer shall specify the type of information to be developed; *And provided further*, That the information furnished by this third party contractor may not be used by the District Engineer to assist in his preparation of the environmental impact statement unless he has approved the selection of this third party contractor after consulting with interested Federal, State, and local agencies, public interest groups, and members of the general public, as he deems appropriate, to assure objectivity in this selection. In either case, the District Engineer should advise the applicant in writing that there is no assurance that favorable action will ultimately be taken on his application.

(3) In addition to that information indicated in paragraph (h)(2) of this section, the applicant will be required to furnish such additional information as the District Engineer may deem necessary to assist him in his evaluation of the application. Such additional information may include an environmental assessment, including information on alter-

nate methods and sites, as may be necessary for the preparation of an environmental impact statement (see paragraph (l), below).

(4) The application must be signed by the person who desires to undertake the proposed activity; however, the application may be signed by a duly authorized agent if accompanied by a statement by that person designating the agent and agreeing to furnish, upon request, supplemental information in support of the application. In either case, the signature of the applicant will be understood to be an affirmation that he possesses the authority to undertake the activity proposed in his application, except where the lands are under the control of the Corps of Engineers, in which case the District Engineer will coordinate the transfer of the real estate and the permit action. When the application is submitted by an agent, the application may include the activity of more than one owner provided the character of the activity of each owner is similar and in the same general area.

(i) *Processing applications for permits*—(1) *standard procedures.* (i) When an application for a permit is received, the District Engineer shall immediately assign it a number for identification, acknowledge receipt thereof, and advise the applicant of the number assigned to it. He shall review the application for completeness and obtain from the applicant any additional information he deems necessary for further processing.

(ii) When all required information has been provided, the District Engineer will issue a public notice as described in paragraph (j) of this section unless specifically exempted by other provisions of this regulation. The notice will be distributed for posting in post offices or other appropriate public places in the vicinity of the site of the proposed work and will be sent to the applicant, to appropriate city and county officials, to adjoining property owners, to appropriate State agencies, to concerned Federal agencies, to local, regional and national shipping and other concerned business and conservation organizations, and to any other interested parties. If in the judgment of the District Engineer the proposal may result in substantial public interest, the public notice (without drawings) may be published for five consecutive days in the local newspaper, and the applicant shall reimburse the District Engineer for the costs of publication. Copies of public notices will be sent to all parties who have specifically requested copies of public notices, to the U.S. Senators and Representatives for the area where the work is to be performed, the Field Representative of the Secretary of the Interior, the Regional Director of the Bureau of Sport Fisheries and Wildlife, the Regional Director of the National Park Service, the Regional Administrator of the Environmental Protection Agency (EPA), the Regional Director of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration (NOAA), the head of the State agency responsible for fish and wildlife resources, the District Commander, U.S. Coast Guard, and the Office of the Chief of Engineers, Attention: DAEN-CWO-N.

(iii) The District Engineer shall consider all comments received in response to the public notice in his subsequent actions on the permit application. Receipt of the comments will be acknowledged and they will be made a part of the official file on the application. Comments received as form letters or petitions may be acknowledged as a group to the person or organization responsible for the form letter or petition. If comments relate to matters within the special expertise of another Federal agency, the District Engineer may seek the advice of that agency. The applicant must be given the opportunity to furnish the District Engineer his proposed resolution or rebuttal to all objections from Government agencies and other substantive adverse comments before final decision will be made on the application.

(iv) The District Engineer will consider whether or not an environmental impact statement is necessary (see paragraph (l) of this section) at the earliest time during the processing of an application involving an activity which is not already subject to an environmental impact statement. This will be done when he can make an assessment of the environmental impact of a proposed activity, which in some cases may be upon receipt of the application due to the magnitude of the proposed project or the nature of the area involved. This will be reconsidered as additional information is developed; however, at the earliest time that it appears an environmental impact statement may be required, the District Engineer will require the applicant to furnish additional information and an analysis of the environmental impacts of the proposed action. A preliminary determination as to whether an environmental impact statement will be prepared or a statement that an environmental impact statement has already been prepared on the overall activity by the Corps of Engineers or another Federal agency, will be announced in the Public Notice (see paragraph (j) of this section). If the District Engineer determines that an environmental impact statement will not be prepared for the proposed activity, a finding to that effect will immediately be placed in the permit file and, if the public notice has indicated an intent to prepare a statement, will be announced to the public. This finding shall be dated and signed and shall include a brief statement of the facts and reasons for the decision. If the District Engineer believes that granting the permit may be warranted but that the proposed activity would significantly affect the quality of the human environment, he will prepare an environmental impact statement in accordance with § 209.410. In such cases and if a public hearing is to be held (see subparagraph (v), below), the proposed final environmental impact statement must be completed prior to the hearing. If a public meeting is held, however, the draft environmental impact statement will be filed with the Council on Environmental Quality (CEQ) at least 15 days prior to the meeting.

(v) If the proposed activity includes the discharge of dredged or fill material into navigable waters or the transportation of dredged material for the purpose of dumping it in ocean waters and a person or persons having an interest which may be affected by the issuance of a permit requests a hearing, or if a second State objects to issuance of a permit on the basis of water quality and requests a hearing, or if otherwise required by law or directed by the Chief of Engineers, the District Engineer will arrange a public hearing in accordance with applicable Corps of Engineers regulations (§ 209.133). If no public hearing is to be held and the District Engineer determines that public interest warrants and additional information necessary to the proper evaluation of the application would probably be obtained thereby, the District Engineer will hold a public meeting (see paragraph (k) of this section).

(vi) After all above actions have been completed, the District Engineer will determine in accordance with the record and applicable regulations whether or not the permit should be issued. If a permit is warranted, he will determine the conditions and duration which should be incorporated into the permit (see paragraphs (m) and (n) of this section). In accordance with the authorities specified in paragraph (p) of this section the District Engineer will take final action or forward the application with all pertinent comments, records, and studies, including the final environmental impact statement if prepared, and a statement of findings to support his recommendation, through channels to the official authorized to make the final decision. The report forwarding the application for decision will be in the format prescribed in paragraph (s) of this section. Notice that the application has been forwarded to higher headquarters will be furnished the applicant. When the final decision is made, the statement of findings to support that decision will be placed in the permit file. If an environmental impact statement was filed with CEQ, a copy of the statement of findings will be submitted to DAEN-CWO-N for filing with CEQ. In those cases where an environmental impact statement has not been prepared but the application is forwarded for decision in the format prescribed in paragraph(s) of this section, the report will serve as the Statement of Findings.

(vii) If the final decision is to deny the permit, the applicant will be advised in writing of the reason for denial. If the final decision is to issue the permit, the issuing official will forward two copies of the draft permit to the applicant for signature accepting the conditions of the permit. The applicant will return both signed copies to the issuing officials who then signs and dates the permit. The permit is not valid until signed by the issuing official. Final action on the permit application is the signature on the letter

notifying the applicant of the denial of his application or signature of the issuing official on the authorizing document.

(viii) The District Engineer will publish monthly a list of permits issued or denied during the previous month. The list will identify each action by public notice number, name of applicant, and brief description of activity involved. This list will be distributed to all persons who received any of the public notices listed.

(ix) If the applicant fails to respond within six months to any request or inquiry of the District Engineer, the District Engineer may advise the applicant by registered letter that his application will be considered as having been withdrawn unless the applicant responds thereto within thirty days of the date of the letter.

(2) *Procedures for particular types of permit situations.* (i) Activities requiring water quality certification:

(*a*) If water quality certification for the proposed activity is necessary under the provisions of the Federal Water Pollution Control Act, the District Engineer shall so notify the applicant and obtain from him either the appropriate certification or a copy of his application for such certification. The District Engineer shall forward one copy of the permit application to the appropriate certifying agency and two copies to the Regional Administrator of the Environmental Protection Agency (EPA). The District Engineer may issue the public notice of the application jointly with the certifying agency if arrangements for such joint notices have been approved by the Division Engineer. When the cerification is received a copy of the certification will be forwarded to the Regional Administrator of EPA who shall determine if the proposed activity may affect the quality of the waters of any State or States other than the State in which the work is to be performed. If he needs supplemental information in order to make this determination, the Regional Administrator may request it from the District Engineer who shall obtain it from the applicant and forward it to the Regional Administrator. The Regional Administrator shall, within thirty days of receipt of the application, certification and supplemental information, notify the affected State, the District Engineer, and the applicant in the event such a second State may be affected. The second State then has sixty days to advise the District Engineer that it objects to the issuance of the permit on the basis of the effect on the quality of its waters and to request a hearing.

(*b*) No authorization will be granted until required certification has been obtained or has been waived. Waiver is deemed to occur if the certifying agency fails or refuses to act on a request for certification within a reasonable period of time after receipt of such request. The request for certification must be made in accordance with the regulations of the certifying agency. In determining whether or not a waiver period has commenced, the District Engineer will verify that the certifying agency has received a valid request for certification. Three months shall generally be considered to be a reasonable period of time. If, however, special circumstances identified by the District Engineer require that action on an application be taken within a more limited period of time, the District Engineer shall determine a reasonable lesser period of time, advise the certifying agency of the need for action by a particular date and that, if certification is not received by that date, it will be considered that the requirement for certification has been waived. Similarly if it appears that circumstances may reasonably require a period of time longer than three months, the District Engineer may afford the certifying agency up to one year to provide the required certification before determining that a waiver has occurred. District Engineers shall check with the cetifying agency at the end of the allotted period of time before determining that a waiver has occurred.

(ii) If the proposed activity will be located in the coastal zone of a State, the District Engineer shall obtain from the applicant a certification that the activity conforms to the coastal zone management program of the State. Upon receipt of the certification, the District Engineer will forward a copy of the permit application and certification to the State agency responsible for implementing the coastal zone management program and request its concurrence or objection. The District Engineer can issue the public notice of the application jointly with the State agency if arrangements for such joint notices have been approved by the Division Engineer. A copy of the certification will also be sent, along with the public notice of the application to the Director, Office of Coastal Zone Management, NOAA, Department of Commerce, Rockville, Maryland 20852. If the State agency fails to concur or object to the certification within six months of receipt of the request, it will be presumed to waive its right to so act and the certification will be presumed to be valid. Before determining that a waiver has occurred, the District Engineer will check with the State agency to verify that it has failed to act. If the State agency objects to the proposed activity, the District Engineer will so advise the Director, Office of Coastal Zone Management, NOAA, and request advice within thirty days whether or not the Secretary of Commerce will review the objection. If the objection will not be reviewed, the permit will be denied. If, however, the Secretary of Commerce indicates he will review the objection, further action on the application will be held in abeyance pending notification of the results of the review. If the objection is sustained, the permit will be denied. If the objection is overruled by the Secretary's finding, however, the processing will be continued.

(iii) If the proposed activity involves any property listed in the National Register of Historic Places (which is published in its entirety in the FEDERAL REGISTER annually in February with addenda published each month), the District Engineer will determine if any aspect of the activity causes or may cause any change in the quality of the historical, architectural, archeological, or cultural character that qualified the property for listing in the National Register. Generally adverse effects occur under conditions which include but are not limited to destruction or alteration of all or part of the property; isolation from or alteration of its surrounding environment; and introduction of visual, audible, or atmospheric elements that are out of character with the property and its setting. If the District Engineer determines that the activity will have no effect on the property, he will proceed with the standard procedures for processing the application. If, however, the District Engineer determines that the activity will have an effect on the property, he will proceed in accordance with the procedures specified in the FEDERAL REGISTER, Volume 37, Number 220, November 14, 1972, pages 24146 to 24148.

(iv) If the proposed activity consists of the dredging of an access channel and/or berthing facility associated with an authorized Federal navigation project, the activity will be included in the planning and coordination of the construction or maintenance of the Federal project to the maximum extent feasible. Separate notice, meeting or hearing, and environmental impact statement will not be required for activities so included and coordinated; and the public notice issued by the District Engineer for these Federal and associated non-Federal activities will be the notice of intent to issue permits for those included non-Federal dredging activities required by paragraph (g) (17) (iv) of this section. The decision whether to issue or deny such a permit will be consistent with the decision on the Federal project unless special considerations applicable to the proposed activity are identified.

(v) In addition to the general distribution of public notices cited in paragraph (i) (1) (iv) of this section, notices will be sent to other addressees in appropriate cases as follows:

(*a*) If the activity involves structures or dredging along the shores of the sea or Great Lakes, to the Coastal Engineering Research Center, Washington, D.C. 20016.

(*b*) If the activity involves construction of fixed structures or artificial islands on the outer continental shelf or in the territorial seas, to the Deputy Assistant Secretary of Defense (Installations and Housing) Washington, D.C. 20310, the Director, Defense Mapping Agency, Hydrographic Center, Washington, D.C. 20390, Attention, Code N512, and the Director, National Ocean Survey, NOAA, Department of Commerce, Rockville, Maryland 20852.

(*c*) If the activity involves the construction of structures to enhance fish propagation along the Atlantic and Gulf coasts, to the Atlantic Estuarine Fisheries Center, National Marine Fisheries Service, NOAA, Department of Commerce, Beaufort, North Carolina 28416.

(*d*) If the activity involves the construction of structures which may affect

aircraft operations or for purposes associated with seaplane operations, to the Regional Director of the Federal Aviation Administration.

(e) If the activity is in connection with a foreign-trade zone, to the Executive Secretary, Foreign-Trade Zones Board, Department of Commerce, Washington, D.C. 20230, and to the appropriate District Director of Customs as Resident Representative, Foreign-Trade Zones Board.

(vi) Copies of permits will be furnished to other agencies in appropriate cases as follows:

(a) If the activity involves the construction of structures or artificial islands on the outer continental shelf, to the Director, Defense Mapping Agency, Hydrographic Center, Washington, D.C. 20390. Attention, Code N512 and to the Director, National Ocean Survey, NOAA, Department of Commerce, Rockville, Maryland 20852.

(b) If the activity involves the construction of structures to enhance fish propagation (fish havens) along the coasts of the United States, to Defense Mapping Agency, Hydrographic Center and National Ocean Survey as in paragraph (i)(2)(vi)(a) of this section and to the Atlantic Estuarine Fisheries Center, National Marine Fisheries Service, NOAA, Department of Commerce, Beaufort, North Carolina 28416.

(c) If the activity involves the erection of an aerial transmission line across a navigable water of the United States, to the Director, National Ocean Survey, NOAA, Department of Commerce, Rockville, Maryland 20852, reference C322.

(d) If the activity is listed in paragraph (i)(2)(vi) (a), (b), or (c) of this section or involves the transportation of dredged material for the purpose of dumping it in ocean waters, to the appropriate District Commander, U.S. Coast Guard.

(vii) If the District Engineer determines that a letter or permission (see paragraph (m) of this section) is the appropriate form of authorization to be issued, he may omit the publishing of a public notice; however, he will coordinate the proposal with all concerned fish and wildlife agencies, Federal and State, as required by the Fish and Wildlife Coordination Act. A copy of the letter of permission will be sent to the Regional Director, Bureau of Sport Fisheries and Wildlife.

(viii) If the circumstances surrounding a permit application require emergency action and the District Engineer considers that the public interest requires that the standard procedures must be abbreviated in the particular case, he will explain the circumstances and recommend special procedures to the Chief of Engineers, ATTN: DAEN-CWO-N by teletype. The Chief of Engineers, upon consultation with the Secretary of the Army or his authorized representative and other affected agencies, will instruct the District Engineer as to further processing of the application.

(ix) *General Permits.* The District Engineer may, after compliance with the other procedures of this regulation, issue general permits for certain clearly described categories of structures or work, including discharges of dredged or fill material, requiring Department of the Army permits. After a general permit has been issued, individual activities falling within those categories that are authorized by such general permits do not have to be further authorized by the procedures of this regulation unless the District Engineer determines, on a case-by-case basis, that the public interest requires.

(a) District Engineers will include only those activities that are substantially similar in nature, that cause only minimal adverse environmental impact when performed separately, and that will have only a minimal adverse cumulative effect on the environment as categories which are candidates for general permits.

(b) In addition to the conditions prescribed in Appendix C of this Regulation, any general permit issued by the District Engineer shall prescribe the following conditions:

(1) The maximum quantity of material that is authorized for discharge by the general permit in a single or incidental operation (if applicable);

(2) A description of the category or categories of activites included in the general permit; and

(3) The type of water(s) into which the activity may occur.

(c) The District Engineer shall require reporting procedures where the general permit fails to designate a specific water body or water bodies. He may require such procedures in other situations.

(d) A general permit may be revoked if it is determined that the cumulative effects of the activities by it will have an adverse impact on the public interest provided the procedures of paragraph (o) of this regulation are followed. Following revocation, any future activities in areas covered by the general permit shall be processed as individual permits under this regulation.

(3) *Timing of processing of applications.* In view of the extensive coordination with other agencies and the public and the study of all aspects of proposed activities required by the above procedures, applicants must allow adequate time for the processing of their applications. The District Engineer will be guided by the following time limits for the indicated steps in processing permit applications:

(i) Public notice should be issued within fifteen days of receipt of all required information from the applicant, unless joint notice with State agencies is to be used.

(ii) The receipt of comments as a result of the public notice should not extend beyond seventy-five days from the date of the notice.

(iii) The record of a public meeting should be closed not later than fifteen days after the meeting.

(iv) The District Engineer should either send notice of denial to the applicant, or issue the draft permit to the applicant for acceptance and signature, or forward the application to higher headquarters within thirty days of one of the following whichever is latest: receipt of notice of withdrawal of objections; completion of coordination following receipt of applicant's rebuttal of objections; receipt of the record of a public hearing; closing of the record of a public meeting; or expiration of the waiting period following the filing of the final environmental impact statement with CEQ.

(j) *Public notice and coordination with interested parties.* (1) The Public Notice is the primary method of advising all interested parties of the proposed activity for which a permit is sought and of soliciting comments and information necessary to evaluate the probable impact on the public interest. The notice must, therefore, include sufficient information to give a clear understanding of the nature of the activity to generate meaningful comments. The notice should include the following items of information:

(i) The name and address of the applicant;

(ii) The location of the proposed activity;

(iii) A brief description of the proposed activity, its purpose and intended use, including a description of the type of structures, if any, to be erected on fills, or pile or float-supported platforms, and a description of the type, composition and quantity of materials to be discharged or dumped and means of conveyance;

(iv) A plan and elevation drawing showing the general and specific site location and character of all proposed activities, including the size relationship of the proposed structures to the size of the impacted waterway and depth of water in the area;

(v) A list of other government authorizations obtained or requested, including required certifications relative to water quality, coastal zone management, or marine sanctuaries;

(vi) A statement concerning a preliminary determination of the need for and/or availability of an environmental impact statement;

(vii) Any other available information which may assist interested parties in evaluating the likely impact of the proposed activity, if any, on factors affecting the public interest, including environmental values;

(viii) A reasonable period of time, normally thirty days but not less than fifteen days from date of mailing, within which interested parties may express their views concerning the permit application; and

(ix) A paragraph describing the various factors on which decisions are based during evaluation of a permit application.

(a) Except as provided in paragraph (j)(1)(ix)(b) of this section the following will be included:

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the

public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetic, general environmental concerns, historic values, fish and wildlife values, flood damage prevention, land use classification, navigation, recreation, water supply, water quality and, in general, the needs and welfare of the people. No permit will be granted unless its issuance is found to be in the public interest.

(*l*) If a Federal agency other than the Corps of Engineers has primary responsibility for licensing an activity and for environmental review as contemplated by the provisions of the National Environmental Policy Act, (see paragraph (e)(3) of this section), the public notice shall, in lieu of the general paragraph above, describe the actions and reviews pending before those agencies, recite the fact that District Engineers will consult with, and give due consideration to the findings of, those agencies and provide the following paragraph: "The decision whether to issue a permit will based on a consideration of the effect which the proposed activity will have on the navigable capacity of the waterway." (See particularly paragraphs (g)(13), (g)(15), and (g)(16) of this section.)

(2) If the activity involves the discharge of dredged or fill material into the navigable waters or the transportation of dredged material for the purpose of dumping it in ocean waters, the public notice shall also indicate that the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, EPA, under authority of section 404(b) of the Federal Water Pollution Control Act or of the criteria established under authority of section 102(a) of the Marine Protection, Research and Sanctuaries Act of 1972 as appropriate.

(*b*) In cases involving construction of fixed structures or artificial islands on outer continental shelf lands which are under mineral lease from the Department of the Interior, the notice will contain the following statement: "The decision as to whether a permit will be issued will be based on an evaluation of the impact of the proposed work on navigation and national security."

(x) If the activity includes the discharge of dredged or fill material in the navigable waters or the transportation of dredged material for the purpose of dumping it in ocean waters, the following statement will also be included in the public notice:

Any person who has an interest which may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer within thirty days of the date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

(2) It is presumed that all interested parties and agencies will wish to respond to public notices; therefore, a lack of response will be interpreted as meaning that there is no objection to the application. A copy of the public notice with the list of the addresses to whom the notice was sent will be included in the record. If a question develops with respect to an activity for which another agency has responsibility and that other agency has not responded to the public notice, the District Engineer may request their comments. Whenever a response to a public notice has been received from a member of Congress, either in behalf of a constituent or himself, the District Engineer will inform the member of Congress of the final decision.

(3) Notices sent to several agencies within the same State may result in conflicting comments from those agencies. While many States have designated a single State agency or individual to provide a single and coordinated State position regarding pending permit applications, where a State has not so designated a single source, District Engineers will elicit from the Governor an expression of his views and desires concerning the application. Where coordination is required by the Fish and Wildlife Coordination Act (see paragraph (c)(5) of this section), District Engineers will address a letter to the designated single Sate agency or Governor, as appropriate, inviting attention to the coordination requirements of the Fish and Wildlife Coordination Act and requesting that a report from the head of the State agency responsible for fish and wildlife resources be appended to the coordinated State report.

(k) *Public meetings.* (1) It is the policy of the Corps of Engineers to conduct the civil works program in an atmosphere of public understanding, trust, mutual cooperation, and in a manner responsive to the public interest. The views of all concerned persons are initially sought by means of public notices in connection with applications for permits. Where response to a notice indicates further opportunity for public expressions of interest may be warranted, and a public hearing is not required by law or directed by the Chief of Engineers, the District Engineer may hold a public meeting.

(2) A public meeting is a forum at which all concerned persons are given an opportunity to present additional information relevant to a proper evaluation of an application for a permit for an activity. If a public meeting is held, notice announcing the meeting will be published at least thirty days in advance of the meeting. A summary of environmental considerations will be included in the notice. The applicant will be given an opportunity to present his proposal and explain why he thinks it is in the public interest. Officials of other Federal agencies or of State and local governments will be given opportunity to express their views, as well all other persons. The conduct of the meeting will be in accordance with § 209.405 and a transcript of the meeting will be part of the record.

(l) *Environmental impact statement.* (1) Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) requires all Federal agencies, with respect to major Federal actions significantly affecting the quality of the human environment, to submit to CEQ a detailed statement on:

(i) The environmental impact of the proposed action;

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity;

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

(2) As indicated in paragraph (l)(1)(iv) of this section the District Engineer must determine whether an environmental impact statement is required in connection with a permit application. If the District Engineer believes that granting the permit may be warranted but that the proposed activity would have a significant environmental impact, an environmental impact statement will be prepared, coordinated and filed in accordance with provisions of § 209.410 prior to final action on the application. If another agency is the lead agency as defined by section 5b of the CEQ guidelines contained in § 209.410, the District Engineer will coordinate with that agency to insure that the resulting environmental impact statement adequately describes the impact of the activity which is subject to Corps permit authority.

(3) The scope of the considerations to be discussed in an environmental impact statement depends heavily on continuing court interpretation of NEPA and on the nature of the activity for which authorization is requested.

(i) All the direct effects of the activity must be evaluated, as must any indirect effects which have a clear or proximate relationship to the activity. Other effects, however, may be too speculative or remote to merit detailed consideration. Thus an environmental impact statement which examines the probable environmental impact of an activity should evaluate all known effects which have a direct or proximate but indirect relationship to the proposal and should cite other remote or speculative effects.

(ii) The scope of the environmental impact statement is often somewhat different from that of the laws under which the activity may be authorized. Thus, an authorization may be only for a part of a much larger and more complex operation or development over which few regulatory controls exist. In such cases, the range of factors to be discussed in the environmental impact statement may

of necessity be expanded to include factors which are beyond the normal scope of the law on which the authorization depends.

(m) *Forms of authorization.* (1) The basic form for authorizing activities in navigable waters or ocean waters is ENG Form 1721, Department of the Army Permit (Appendix C). This form will be used to authorize activities under provisions of:

(i) Section 10 of the River and Harbor Act of March 3, 1899, in all cases where a letter of permission is not appropriate (see paragraph m(3) of this section.)

(ii) Section 404 of the Federal Water Pollution Control Act.

(iii) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1973.

(2) While the general conditions included in ENG Form 1721 are normally applicable to all permits, some may not apply to certain authorizations (e.g. after-the-fact situations where work is completed, or situations in which the permittee is a Federal agency) and may be deleted by the issuing officer. Special conditions applicable to the specific activity will be included in the permit as necessary to protect the public interest in the navigable waters or ocean waters.

(3) In those cases subject to section 10 of the River and Harbor Act of March 3, 1899, in which, in the opinion of the District Engineer, the proposed work is minor, will not have significant impact on environmental values, and should encounter no opposition, the District Engineer may use the abbreviated processing procedures of paragraph (l)(2)(vii) of this section and authorize the work by a letter of permission. The letter of permission will not be used to authorize the discharge of dredged or fill material into navigable waters or the transportation of dredged material for purpose of dumping it in ocean waters. The letter of permission will be in letter form and will identify the permittee, the authorized work and location of the work, the statutory authority (i.e., 33 U.S.C. 403), any limitations on the work, a construction time limit and a requirement for a report of completed work. A copy of the general conditions from ENG form 1721 will be attached and will be incorporated by reference into the letter of permission.

(4) Permits for structures under section 9 of the Act of March 3, 1899, will be drafted during review procedures at Department of the Army level.

(n) *Duration of authorizations.* (1) Authorizations for activities in or affecting navigable waters or ocean waters may authorize both the work and the resulting structure. Authorizations continue in effect until they automatically expire, or are modified, suspended, or revoked.

(2) Authorization for the existence of a structure or other form of alteration of the waterway is usually for an indefinite duration with no expiration date cited. However, where a temporary structure is authorized, or where restoration of a waterway is contemplated, the authorzation will be of limited duration with a definite expiration date. Except as provided in paragraph (r)(5) of this section permits for the discharge of dredged material in the navigable waters or for the transportation of dredged material for the purpose of dumping it in ocean waters will be of limited duration with a definite expiration date.

(3) Authorizations for construction work or other activity will specify time limits for accomplishing the work or activity. The time limits will specify a date by which the work must be started, normally one year from the date of issuance, and a date by which the work must be completed. The dates will be established by the issuing official and will provide reasonable times based on the scope and nature of the work involved. An authorization for work or other activity will automatically expire if the permittee fails to request an extension or revalidation.

(4) Extensions of time may be granted by the District Engineer for authorizations of limited duration, or for the time limitations imposed for starting or completing the work or activity. The permittee must request the extension and explain the basis of the request, which will be granted only if the District Engineer determines that an extension is in the general public interest. Requests for extensions will be procesed in acordance with the regular procedures of paragraph (i) of this section including issuance of a public notice, except that such processing is not required where the District Engineer determines that there have been no significant changes in the attendant circumstances since the authorization was issued and that the work is proceeding essentially in accordance with the approved plans and conditions.

(5) If the authorized work includes periodic maintenance dredging (see paragraph (g)(2) of this section), an expiration date for the authorization of that maintenance dredging will be included in the permit. The expiration date, which in no event is to exceed ten years from the date of issuance of the permit, will be established by the issuing official after his evaluation of the proposed method of dredging and disposal of the dredged material. If the permittee desires to continue maintenance dredging beyond the expiration date, he must request a revalidation of that portion of his permit which authorized the maintenance dredging. The request must be made to the District Engineer six months prior to the expiration date, and include full description of the proposed methods of dredging and disposal of dredged materials. The District Engineer will process the request for revalidation in accordance with the standard procedures in paragraph (h) of this section including the issuance of a public notice describing the authorized work to be maintained and the proposed methods of maintenance.

(o). *Modification, suspension or revocation of authorizations.* (1) The District Engineer may evaluate the circumstance and conditions of a permit either on his own motion or as the result of periodic progress inspections, and initiate action to modify, suspend, or revoke a permit as may be made necessary by considerations of the general public interest. Among the factors to be considered are the extent of the permittee's compliance with the terms and conditions of the permit; whether or not circumstances relating to the activity authorized have changed since the permit was issued, extended or revalidated, and the continuing adequacy of the permit conditions; any significant objections to the activity authorized by the permit which were not earlier considered; and the extent to which modification, suspension, or other action would adversely affect plans, investments and actions the permittee has reasonably made or taken in reliance on the permit. Significant increases in scope of a permitted activity will be processed as new applications for permits in accordance with paragraph (i) of this section, and not as modifications under this paragraph.

(2) The District Engineer, as a result of revaluation of the circumstances and conditions of a permit, may determine that protection of the general public interest requires a modification of the terms or conditions of the permit. In such cases, the District Engineer will hold informal consultations with the permittee to ascertain whether the terms and conditions can be modified by mutual agreement. If a mutual agreement is reached on modification of the terms and conditions of the permit, the District Engineer will give the permittee written notice of the modification, which will then become effective on such date as the District Engineer may establish, which in no event shall be less than ten days from its date of issuance. In the event a mutual agreement cannot be reached by the District Engineer and the permittee, the District Engineer will proceed in accordance with paragraph (o)(3) of this section if immediate suspension is warranted. In cases where immediate suspension is not warranted but the District Engineer determines that the permit should be modified, he will notify the permittee of the proposed modification and reasons therefor, and that he may request a hearing. The modification will become effective on the date set by the District Engineer which shall be at least ten days after receipt of the notice unless a hearing is requested within that period in accordance with § 209.133. If the permittee fails or refuses to comply with the modification the District Engineer will immediately refer the case for enforcement to DAEN-GCK.

(3) The District Engineer may, after telephonic consultation with the Division Engineer, suspend a permit after preparing a written determination and finding that immediate suspension would be in the general public interest. The District Engineer will notify the permittee in writing by the most expeditious means available that the permit has been suspended with the reasons therefor, and order the permittee to stop all previously authorized activities. The permittee will also be advised that following this suspension a decision will be made to either reinstate, modify, or revoke the permit,

and that he may request a hearing within 10 days of receipt of notice of the suspension to present information in this matter. If a hearing is requested the procedures prescribed in § 209.133 will be followed. After the completion of the hearing (or within a reasonable period of time after issuance of the notice to the permittee that the permit has been suspended if no hearing is requested) the District Engineer will take action to reinstate the permit, modify the permit, or recommend revocation of the permit in accordance with paragraph (o)(4) of this section.

(4) Following completion of the suspension procedures in paragraph (o)(3) of this section, if revocation of the permit is recommended, the District Engineer will prepare a report of the circumstances and forward it together with the record of the suspension proceedings to DAEN-CWO-N. The Chief of Engineers may, prior to deciding whether or not to revoke the permit, afford the permittee the opportunity to present any additional information not made available to the District Engineer at the time he made the recommendation to revoke the permit including, where appropriate, the means by which he intends to comply with the terms and conditions of the permit. The permittee will be advised in writing of the final decision.

(p) *Authority to issue or deny authorizations.* Except as otherwise provided in this regulation, the Secretary of the Army subject to such conditions as he or his authorized representative may from time to time impose, has authorized the Chief of Engineers and his authorized representatives to issue or deny authorizations for construction or other work in or affecting navigable waters of the United States pursuant to sections 10 and 14 of the Act of March 3, 1899, and section 1 of the Act of June 13, 1902. He also has authorized the Chief of Engineers and his authorized representatives to issue or deny authorizations for the discharge of dredged or fill material in the navigable waters pursuant to section 404 of the Federal Water Pollution Control Act or for the transportation of dredged material for the purpose of dumping it into ocean waters pursuant to section 103 of Marine Protection, Research and Sanctuaries Act of 1972. The authority to issue or deny permits pursuant to section 9 of the River and Harbor Act of March 3, 1899 has not been delegated to the Chief of Engineers or his authorized representatives.

(1) District Engineers are authorized to issue in accordance with this regulation permits and letters of permission which are subject to such special conditions as are necessary to protect the public interest in the navigable waters or ocean waters pursuant to sections 10 and 14 of the River and Harbor Act of March 3, 1899, section 1 of the River and Harbor Act of June 13, 1902, section 404 of the Federal Water Pollution Control Act, and section 103 of the Marine Protection, Research and Sanctuaries Act of 1972, in all cases in which there are no known substantive objections to the proposed work or activity or in which objections have been resolved to the satisfaction of the District Engineer. It is essential to the legality of a permit that it contain the name of the District Engineer as the issuing officer. However, the permit need not be signed by the District Engineer, in person; but may be signed for and in behalf of him by whomever he designates. District Engineers are authorized to deny permits when required State or local authorization and/or certification has been denied (see paragraph (f)(3)(i) of this section), when a State has objected to a required certification of compliance with its coastal zone management program and the Secretary of Commerce has not reviewed the action and reached a contrary finding (see paragraph (g)(18) and (i)(2)(ii) of this section) or when the proposed work will unduly interfere with navigation. All other permit applications including those cases in paragraph (p)(2)(i) through (vii) of this section will be referred to Division Engineers. District Engineers are also authorized to add, modify, or delete special conditions in permits, except for those conditions which have been imposed by higher authority, and to suspend permits according to the procedures of paragraph (o)(3) of this section.

(2) Division Engineers will review, attempt to resolve outstanding matters, and evaluate all permit applications referred by District Engineers. Division Engineers may authorize the issuance or denial of permits pursuant to sections 10 and 14 of the River and Harbor Act of March 3, 1899, section 1 of the River and Harbor Act of June 13, 1902, section 404 of the Federal Water Pollution Control Act, and section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 and the inclusion of conditions to those permits as may be necessary to protect the public interest in the navigable waters or ocean waters in accordance with the policies cited in this regulation.

(i) Except as provided in paragraph (p)(2)(ii) of this section if the Division Engineer determines that issuance of a permit with or without conditions is in the public interest, but there is continuing objection to the issuance of the permit by another Federal agency, he shall advise the regional representative of that Federal agency of his intent to issue the permit. The Division Engineer shall not proceed with the issuance of a permit if, within 15 days after the date of this notice of intent to issue a permit, an authorized representative of that Federal Agency indicates to the Division Engineer in writing that he wishes to bring his concerns to Departmental level. In such cases, the proposed permit may be issued at the expiration of 30 days from the date of receipt of the letter from such representative unless, prior to that time, as a result of consultations at Departmental level, it is directed that the matter be forwarded to higher authority for resolution. Thereafter, a permit will be issued only pursuant to and in accordance with instructions from such higher authority. Every effort should be made to resolve differences at the Division Engineer level before referring the matter to higher authority.

(ii) Division Engineers will refer to the Chief of Engineers the following cases:

(*a*) When it is proposed to issue a permit and there are unresolved objections from another Federal agency which must be handled under special procedures specified in statutes or Memoranda of Understanding which thereby preclude final resolution by the Division Engineer (see paragraphs (g)(4), (5) and (17) of this section);

(*b*) When the recommended decision is contrary to the stated position of the Governor of the affected State or of a member of Congress;

(*c*) When there is substantial doubt as to authority, law, regulations, or policies applicable to the proposed activity;

(*d*) When higher authority requests the case be forwarded for decision;

(*e*) Where the case is recognized to be highly controversial, or litigation is anticipated;

(*f*) When the proposed activity would affect the baseline used for determination of the limits of the territorial sea.

Division Engineers may also authorize the modification or suspension of permits in accordance with the procedures of this regulation, and may recommend revocation of permits to the Chief of Engineers.

(q) *Supervision and enforcement.* (1) District Engineers will supervise all authorized activities and will require that the activity be conducted and executed in conformance with the approved plans and other conditions of the permit. Inspections must be made on timely occasions during performance of the activity and appropriate notices and instructions will be given permittees to insure that they do not depart from the approved plans. Revaluation of permits to assure complaince with its purposes and conditions will be carried out as provided in paragraph (o) of this section. If there are approved material departures from the authorized plans, the District Engineer will require the permittee to furnish corrected plans showing the activity as actually performed.

(2) Where the District Engineer determines that there has been noncompliance with the terms or conditions of a permit, he should first contact the permittee and attempt to resolve the problem. If a mutually agreeable resolution cannot be reached, a written demand for compliance will be made. If the permittee has not agreed to comply within 5 days of receipt of the demand, the District Engineer will issue an immediately effective notice of suspension in accordance with paragraph (o)(3) of this section above, and consider initiation of appropriate legal action.

(3) For purposes of supervision of permitted activities and for surveillance of the navigable waters for enforcement of the permit authorities cited in paragraph (b) of this section, the District Engineer will use all means at his disposal. One method of surveillance for unauthorized activities which should be used where

appropriate is aerial photographic reconnaissance. In addition, all Corps of Engineers employees will be instructed to observe and report all activities in navigable waters which would require permits. The assistance of members of the public and personnel of other interested Federal, State and local agencies to observe and report such activities will be encouraged. To facilitate this surveillance, the District Engineer will require a copy of ENG Form 4336 to be posted conspicuously at the site of all authorized activities and will make available to all interested persons information on the scope of authorized activities and the conditions prescribed in the authorizations. Furthermore, significant actions taken under paragraph (o), above, will be brought to the attention of those Federal, State and local agencies and other persons who express particular interest in the affected activity. Surveillance in ocean waters will be accomplished primarily by the Coast Guard pursuant to section 107(c) of the Marine Protection, Research and Sanctuaries Act of 1973. Enforcement actions relative to the permit authorities cited in paragraph (b) of this section, including enforcement actions resulting from noncompliance with permit conditions, will be in accordance with regulations published at § 209.170 (ER 1145-2-301).

(4) The expenses incurred in connection with the inspection of permitted activity in navigable waters normally will be paid by the Federal Government in accordance with the provisions of Section 6 of the River and Harbor Act of 3 March 1905 (33 U.S.C. 417) unless daily supervision or other unusual expenses are involved. In such unusual cases, and after approval by the Division Engineer, the permittee will be required to bear the expense of inspections in accordance with the conditions of his permit; however, the permittee will not be required or permitted to pay the United States inspector either directly or through the District Engineer. The inspector will be paid on regular payrolls or service vouchers. The District Engineer will collect the cost from the permittee in accordance with the following:

(i) At the end of each month the amount chargeable for the cost of inspection pertaining to the permit will be collected from the permittee and will be taken up on the statement of accountability and deposited in a designated depository to the credit of the Treasurer of the United States, on account of reimbursement of the appropriation from which the expenses of the inspection were paid.

(ii) If the District Engineer considers such a procedure necessary to insure the United States against loss through possible failure of the permittee to supply the necessary funds in accordance with paragraph (q)(4)(i) of this section, he may require the permittee to keep on deposit with the District Engineer at all times an amount equal to the estimated cost of inspection and supervision for the ensuing month, such deposit preferably being in the form of a certified check, payable to the order of Treasurer of the United States. Certified checks so deposited will be carried in a special deposit account (guaranty for inspection expenses) and upon completion of the work under the permit the funds will be returned to the permittee provided he has paid the actual cost of inspection.

(iii) On completion of work under a permit, and the payment of expenses by the permittee without protest, the account will be closed, and outstanding deposits returned to the permittee. If the account is protested by the permittee, it will be referred to the Division Engineer for approval before it is closed and before any deposits are returned to the permittee.

(5) If the permitted activity includes restoration of the waterway to its original condition, or if the issuing official has reason to consider that the permittee might be prevented from completing work which is necessary to protect the public interest in the waterway, he may require the permittee to post a bond of sufficient amount to indemnify the government against any loss as a result of corrective action it might take.

(r) *Publicity.* District Engineer will establish and maintain a program to assure that potential applicants for permits are informed of the requirements of this regulation and of the steps required to obtain permits for activities in navigable waters or ocean waters. Whenever the District Engineer becomes aware of plans being developed by either private or public entities who might require permits in order to implement the plans, he will advise the potential applicant in writing of the statutory requirements and the provisions of this regulation. Similarly when the District Engineer is aware of changes in Corps of Engineers regulatory jurisdiction he will issue appropriate public notices.

(s) *Reports.* The report of a District Engineer on an application for a permit requiring action by the Division Engineer or by the Chief of Engineers will be in a letter form with the application and all pertinent comments, records and studies including the final environmental impact statement if prepared, as inclosures. The following items will be included or discussed in the report:

(1) Name of applicant.

(2) Location, Character and purpose of proposed activity.

(3) Applicable statutory authorities and administrative determinations conferring Corps of Engineers regulatory jurisdiction.

(4) Other Federal, State, and local authorizations obtained or required and pending.

(5) Date of public notice and public meeting or public hearings, if held, and summary of objections offered with comments of the District Engineer thereon. The comments should explain the objections and not merely refer to inclosed letters.

(6) Views of State and local authorities.

(7) Views of District Engineer concerning probable effect of the proposed work on:

(i) Navigation, present and prospective.

(ii) Harbor lines, if established.

(iii) Flood heights, drift and flood damage protection.

(iv) Beach erosion or accretion.

(v) Conservation.

(vi) Fish and Wildlife.

(vii) Water Quality.

(viii) Aesthetics.

(ix) Ecology (General Environmental Concerns).

(x) Historic values.

(xi) Recreation.

(xii) Economy.

(xiii) Water supply.

(xiv) Land use classification and coastal zone management plans.

(xv) Public Interest (Needs and Welfare of the People).

(8) Other pertinent remarks, including:

(i) Extent of public and private need;

(ii) Desirability of using appropriate alternatives;

(iii) Extent and permanence of beneficial and/or detrimental effects; and

(iv) Probable impact in relation to cumulative effects created by other activities.

(9) A copy of the environmental assessment and summary of the environmental impact statement if prepared.

(10) A Statement of Findings as an inclosure.

(11) Conclusions.

(12) Recommendations including any proposed special conditions.

APPENDIX A—U.S. COAST GUARD/CHIEF OF ENGINEERS MEMORANDUM OF AGREEMENT

1. *Purpose and Authority:* A. The Department of Transportation Act, the Act of October 15, 1966, P.L. 89-670, transferred to and vested in the Secretary of Transportation certain functions, powers and duties previously vested in the Secretary of the Army and the Chief of Engineers. By delegation of authority from the Secretary of Transportation (49 CFR 1.46(c)) the Commandant, U.S. Coast Guard, has been authorized to exercise certain of these functions, powers and duties relating to bridges and causeways conferred by:

(1) the following provision of law relating generally to drawbridge operating regulations: Section 5 of the Act of August 18, 1894, as amended (28 Stat. 362; 33 U.S.C. 499);

(2) the following law relating generally to obstructive bridges: The Act of June 21, 1940, as amended (The Truman-Hobbs Act) (54 Stat. 497; 33 U.S.C. 511 et seq.);

(3) the following laws and provisions of law to the extent that they relate generally to the location and clearances of bridges and causeways in the navigable waters of the United States:

(a) Section 9 of the Act of March 3, 1899, as amended (30 Stat. 1151; 33 U.S.C. 401);

(b) The Act of March 23, 1906, as amended (34 Stat. 84; 33 U.S.C. 491 et seq.); and

(c) The General Bridge Act of 1946, as amended (60 Stat. 847; 33 U.S.C. 525 et seq.) except Sections 502(c) and 503.

B. The Secretary of the Army and The Chief of Engineers continue to be vested with broad and important authorities and responsibilities with respect to navigable waters of the United States, including, but not limited to, jurisdiction over excavation and filling, design flood flows and construction of certain structures in such waters, and the prosecution of waterway improvement projects.

C. The purposes of this agreement are: (1) To recognize the common and mutual interest of the Chief of Engineers and the Commandant, U.S. Coast Guard, in the orderly and efficient administration of their respective responsibilities under certain Federal statutes to regulate certain activities in navigable waters of the United States;

(2) To clarify the areas of jurisdiction and the responsibilities of the Corps of Engineers and the Coast Guard with respect to:

(a) the alteration of bridges

(1) in connection with Corps of Engineers waterway improvement projects, and

(2) under the Truman-Hobbs Act;

(b) the construction, operation and maintenance of bridges and causeways as distinguished from other types of structures over or in navigable waters of the United States;

(c) the closure of waterways and the restriction of passage through or under bridges in connection with their construction, operation, maintenance and removal; and

(d) the selection of an appropriate design flood flow for flood hazard analysis of any proposed water opening.

(3) To provide for coordination and consultation on projects and activities in or affecting the navigable waters of the United States.

In furtherance of the above purposes the undersigned do agree upon the definitions, policies and procedures set forth below.

2. *Alteration of bridges in or across navigable waters within Corps of Engineers projects:* A. The Chief of Engineers agrees to advise and consult with the Commandant on navigation projects contemplated by the Corps of Engineers which require the alteration of bridges across the waterways involved in such projects. The Chief of Engineers also agrees to include in such project proposals the costs of alterations, exclusive of betterments, of all bridges within the limits of the designated project which after consultation with the Commandant he determines to require alteration to meet the needs of existing and prospective navigation. Under this concept the federal costs would be furnished under the project.

B. The Commandant of the Coast Guard agrees to undertake all actions and assumes all responsibilities essential to the determination of navigational requirements for horizontal and vertical clearances of bridges across navigable waters necessary in connection with any navigation project by the Chief of Engineers. Further, the Commandant agrees to conduct all public proceedings necessary thereto and establish guide clearance criteria where needed for the project objectives.

3. *Alteration of bridges under the Truman-Hobbs Act:* The Commandant of the Coast Guard acknowledges and affirms the responsibility of the Coast Guard, under the Truman-Hobbs Act, to program and fund for the alteration of bridges which, as distinct from project related alterations described in paragraph 2 herein, become unreasonable obstructions to navigation as a result of factors or changes in the character of navigation and this agreement shall in no way affect, impair or modify the powers or duties conferred by that Act.

4. *Approval alteration and removal of other bridges and causeways:* A. *General definitions.* For purposes of this Agreement and the administration of the statutes cited in 1.A.(3) above, a "bridge" is any structure over, on or in the navigable waters of the United States which (1) is used for the passage or conveyance of persons, vehicles, commodities and other physical matter and (2) is constructed in such a manner that either the horizontal or vertical clearance, or both, may affect the passage of vessels or boats through or under the structure. This definition includes, but is not limited to, highway bridges, railroad bridges, foot bridges, aqueducts, aerial tramways and conveyors, overhead pipelines and similar structures of like function together with their approaches, fenders, pier protection systems, appurtenances and foundations. This definition does not include aerial power transmission lines, tunnels, submerged pipelines and cables, dams, dikes, dredging and filling in, wharves, piers, breakwaters, bulkheads, jetties and similar structures and works (except as they may be integral features of a bridge and used in its construction, maintenance, operation or removal; or except when they are affixed to the bridge and will have an effect on the clearances provided by the bridge) over which jurisdiction remains with the Department of the Army and the Corps of Engineers under Sections 9 and 10 of the Act of March 3, 1899, as amended (33 U.S.C. 401 and 403). A "causeway" is a raised road across water or marshy land, with the water or marshy land on both sides of the road, and which is constructed in or affects navigation, navigable waters and design flood flows.

B. *Combined structures and appurtenances.* For purposes of the Act cited in 1.A.(3) above, a structure serving more than one purpose and having characateristics of either a bridge or causeway, as defined in 4.A., and some other structure, shall be considered as a bridge or causeway when the structure in its entirety, including its appurtenances and incidental features, has or retains the predominant characteristics and purpose of a bridge or causeway. A structure shall not be considered a bridge or causeway when its primary and predominant characteristics and purpose are other than those set forth above and it meets the general definitions above only in a narrow technical sense as a result of incidental features. This interpretation is intended to minimize the number of instances which will require an applicant for a single project to secure a permit or series of permits from both the Department of Transportation and the Department of the Army for each separate feature or detail of the project when it serves, incidentally to its primary purpose, more than one purpose and has features of either a bridge or causeway and features of some other structure. However, if parts of the project are separable and can be fairly and reasonably characterized or classified in an engineering sense as separate structures, each such structure will be so treated and considered for approval by the agency having jurisdiction thereover.

C. *Alteration of the character of bridges and causeways.* The jurisdiction of the Secretary of Transportation and the Coast Guard over bridges and causeways includes authority to approve the removal of such structures when the owners thereof desire to discontinue their use. If the owner of a bridge or causeway discontinues its use and wishes to remove or alter any part thereof in such a manner that it will lose its character as a bridge or causeway, the Coast Guard will normally require removal of the structure from the waterway in its entirety. However, if the owner of a bridge or a causeway wishes to retain it in whole or in part for use other than for operation and maintenance as a bridge or causeway, the proposed structure will be considered as coming within the jurisdiction of the Corps of Engineers. The Coast Guard will refer requests for such uses to the Corps of Engineers for consideration. The Corps of Engineers agrees to advise the Commandant of the receipt of an application for approval of the conversion of a bridge or causeway to another structure and to provide opportunity for comment thereon. If the Corps of Engineers approves the conversion of a bridge or causeway to another structure, no residual jurisdiction over the structure will remain with the Coast Guard. However, if the Corps of Engineers does not approve the proposed conversion, then the structure remains a bridge subject to the jurisdiction of the Coast Guard.

5. *Closure of waterways and restriction of passage through or under bridges:* Under the statutes cited in Section 1 of this Memorandum of Agreement, the Commandant must approve the clearances to be made available for navigation through or under bridges. It is understood that this duty and authority extends to and may be exercised in connection with the construction, alteration, operation, maintenance and removal of bridges, and includes the power to authorize the temporary restriction of passage through or under a bridge by use of falsework, piling, floating equipment, closure of draws, or any works or activities which temporarily reduce the navigation clearances and design flood flows, including closure of any or all spans of the bridge. Moreover, under the Ports and Waterways Safety Act of 1972, Public Law 92-340, 86 Stat. 424, the Commandant exercises broad powers in waterways to control vessel traffic in areas he determines to be especially hazardous and to establish safety zones or other measures for limited controls or conditional access and activity when necessary to prevent damage to or the destruction or loss of, any vessel, bridge, or other structure on or in the navigable waters of the United States. Accordingly, in the event that work in connection with the construction, alteration or repair of a bridge or causeway is of such a nature that for the protection of life and property navigation through or in the vicinity of the bridge or causeway must be temporarily prohibited, the Coast Guard may close that part of the affected waterway while such work is being performed. However, it is also clear that the Secretary of the Army and the Chief of Engineers have the authority, under Section 4 of the Act of August 18, 1894, as amended, (33 U.S.C. 1) to prescribe rules for the use, administration and navigation of the navigable waters of the United States. In recognition of that authority, and pursuant to Section 102 (c) of the Ports and Waterways Safety Act, the Coast Guard will consult with the Corps of Engineers when any significant restriction of passage through or under a bridge is contemplated to be authorized or a waterway is to be temporarily closed.

6. *Coordination and cooperation procedures.* A. District Commanders, Coast Guard Districts, shall send notices of applications for permits for bridge or causeway construction, modification, or removal to the Corps of Engineers Divisions and Districts in which the bridge or causeway is located.

B. District Engineers, Corps of Engineers, shall send notices of applications for permits for other structures or dredge and fill work to local Coast Guard District Commanders.

C. In cases where proposed structures or modifications of structures do not clearly fall within one of the classifications set forth in paragraph 4.A. above, the application will be forwarded with recommendations of the reviewing officers through channels to the Chief of Engineers and the Commandant of the Coast Guard who shall, after mutual consultation, attempt to resolve the question.

D. If the above procedures fail to produce agreement, the application will be forwarded to the Secretary of the Army and Secretary of Transportation for their determination.

E. The Chief of Engineers and the Commandant, Coast Guard, pledge themselves to mutual cooperation and consultation in making available timely information and data, seeking uniformity and consistency among field offices, and providing timely and

adequate review of all matters arising in connection with the administration of their responsibilities governed by the Acts cited herein.

Dated: March 21, 1973.

C. R. BENDER.

Dated: April 18, 1973.

F. J. CLARKE.

APPENDIX B—MEMORANDUM OF UNDERSTANDING BETWEEN THE SECRETARY OF THE INTERIOR AND THE SECRETARY OF THE ARMY

In recognition of the responsibilities of the Secretary of the Army under sections 10 and 13 of the Act of March 3, 1899 (33 U.S.C. 403 and 407), relating to the control of dredging, filling, and excavation in the navigable waters of the United States, and the control of refuse in such waters, and the interrelationship of those responsibilities with the responsibilities of the Secretary of the Interior under the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), the Fish and Wildlife Coordination Act, as amended (16 U.S.C. 661–666c), and the Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a et seq.), relating to the control and prevention of water pollution in such waters and the conservation of the Nation's natural resources and related environment, including fish and wildlife and recreational values therein; in recognition of our joint responsibilities under Executive Order No. 11288 to improve water quality through the prevention, control, and abatement of water pollution from Federal and federally licensed activities; and in recognition of other provisions of law and policy, we, the two Secretaries, adopt the following policies and procedures:

POLICIES

1. It is the policy of the two Secretaries that there shall be full coordination and cooperation between their respective Departments on the above responsibilities at all organizational levels, and it is their view that maximum efforts in the discharge of those responsibilities, including the resolution of differing views, must be undertaken at the earliest practicable time and at the field organizational unit most directly concerned. Accordingly, District Engineers of the U.S. Army Corps of Engineers shall coordinate with the Regional Directors of the Secretary of the Interior on fish and wildlife, recreation, and pollution problems associated with dredging, filling, and excavation operations to be conducted under permits issued under the 1899 Act in the navigable waters of the United States, and they shall avail themselves of the technical advice and assistance which such Directors may provide.

2. The Secretary of the Army will seek the advice and counsel of the Secretary of the Interior on difficult cases. If the Secretary of the Interior advises that proposed operations will unreasonably impair natural resources or the related environment, including the fish and wildlife and recreational values thereof, or will reduce the quality of such waters in violation of applicable water quality standards, the Secretary of the Army in acting on the request for a permit will carefully evaluate the advantages and benefits of the operations in relation to the resultant loss or damage, including all data presented by the Secretary of the Interior, and will either deny the permit or include such conditions in the permit as he determines to be in the public interest, including provisions that will assure compliance with water quality standards established in accordance with law.

PROCEDURES FOR CARRYING OUT THESE POLICIES

1. Upon receipt of an application for a permit for dredging, filling, excavation, or other related work in navigable waters of the United States, the District Engineers shall send notices to all interested parties, including the appropriate Regional Directors of the Federal Water Pollution Control Administration, the United States Fish and Wildlife Service, and the National Park Service of the Department of the Interior, and the appropriate State conservation, resources, and water pollution agencies.

2. Such Regional Directors of the Secretary of the Interior shall immediately make such studies and investigations as they deem necessary or desirable, consult with the appropriate State agencies, and advise the District Engineers whether the work proposed by the permit applicant, including the deposit of any material in or near the navigable waters of the United States, will reduce the quality of such waters in violation of applicable water quality standards or unreasonably impair natural resources or the related environment.

3. The District Engineer will hold public hearings on permit applications whenever response to a public notice indicates that hearings are desirable to afford all interested parties full opportunity to be heard on objections raised.

4. The District Engineer, in deciding whether a permit should be issued, shall weigh all relevant factors in reaching his decision. In any case where Directors of the Secretary of the Interior advise the District Engineers that proposed work will impair the water quality in violation of applicable water quality standards or unreasonably impair the natural resources or the related environment, he shall, within the limits of his responsibility, encourage the applicant to take steps that will resolve the objections to the work. Failing in this respect, the District Engineer shall forward the case for the consideration of the Chief of Engineers and the appropriate Regional Director of the Secretary of the Interior shall submit his views and recommendations to his agency's Washington Headquarters.

5. The Chief of Engineers shall refer to the Under Secretary of the Interior all those cases referred to him containing unresolved substantive differences of views and he shall include his analysis thereof, for the purpose of obtaining the Department of Interior's comments prior to final determination of the issues.

6. In those cases where the Chief of Engineers and the Under Secretary are unable to resolve the remaining issues, the cases will be referred to the Secretary of the Army for decision in consultation with the Secretary of the Interior.

7. If in the course of operations within this understanding, either Secretary finds its terms in need of modification, he may notify the other of the nature of the desired changes. In that event the Secretaries shall within 90 days negotiate such amendment as is considered desirable or may agree upon termination of this understanding at the end of the period.

Dated: July 13, 1967.

STEWART L. UDALL,
Secretary of the Interior.

Dated: July 13, 1967.

STANLEY RESOR,
Secretary of the Army.

APPENDIX C

Application No.----------
Name of Applicant----------
Effective Date----------
Expiration Date (If applicable)----------

DEPARTMENT OF THE ARMY

PERMIT

Referring to written request dated ---------- for a permit to:

( ) Perform work in or affecting navigable waters of the United States, upon the recommendation of the Chief of Engineers, pursuant to Section 10 of the Rivers and Harbors Act of March 3, 1899 (33 U.S.C. 403);

( ) Discharge dredged or fill material into navigable waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 404 of the Federal Water Pollution Control Act (86 Stat. 816, P.L. 92–500);

( ) Transport dredged material for the purpose of dumping it into ocean waters upon the issuance of a permit from the Secretary of the Army acting through the Chief of Engineers pursuant to Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (86 Stat. 1052; P.L. 92–532);

(Here insert the full name and address of the permittee)

is hereby authorized by the Secretary of the Army: to----------

---

(Here describe the proposed structure or activity, and its intended use. In the case of an application for a fill permit, describe the structures, if any, proposed to be erected on the fill. In the case of an application for the discharge of dredged or fill material into navigable waters or the transportation for discharge in ocean waters of dredged material, describe the type and quantity of material to be discharged.)

in ----------

(Here to be named the ocean, river, harbor, or waterway concerned.)

at ----------

(Here to be named the nearest well-known locality—preferably a town or city—and the distance in miles and tenths from some definite point in the same, stating whether above or below or giving direction by points of compass.)

in accordance with the plans and drawings attached hereto which are incorporated in and made a part of this permit (on drawings: give file number or other definite identification marks.) Subject to the following conditions:

I. *General conditions*: a. That all activities identified and authorized herein shall be consistent with the terms and conditions of this permit; and that any activities not specifically identified and authorized herein shall constitute a violation of the terms and conditions of this permit which may result in the modification, suspension or revocation of this permit, in whole or in part, as set forth more specifically in General Conditions j or k hereto, and in the institution of such legal proceedings as the United States Government may consider appropriate, whether or not this permit has been previously modified, suspended or revoked in whole or in part.

b. That all activities authorized herein shall, if they involve a discharge or deposit into navigable waters or ocean waters, be at all times consistent with applicable water quality standards, effluent limitations and standards of performance, prohibitions, and pretreatment standards established pursuant to Sections 301, 302, 306 and 307 of the Federal Water Pollution Control Act of 1972 (P.L. 92–500; 86 Stat. 816), or pursuant to applicable State and local law.

c. That when the activity authorized herein involves a discharge or deposit of dredged or fill material into navigable waters, the authorized activity shall, if applicable water quality standards are revised or modified during the term of this permit, be modified, if necessary, to conform with such revised or

modified water quality standards within 6 months of the effective date of any revision or modification of water quality standards, or as directed by an implementation plan contained in such revised or modified standards, or within such longer period of time as the District Engineer, in consultation with the Regional Administrator of the Environmental Protection Agency, may determine to be reasonable under the circumstances.

d. That the permittee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

e. That the permittee agrees that it will prosecute the construction or work authorized herein in a manner so as to minimize any degradation of water quality.

f. That the permittee shall permit the District Engineer or his authorized representative(s) or designee(s) to make periodic inspections at any time deemed necessary in order to assure that the activity being performed under authority of this permit is in accordance with the terms and conditions prescribed herein.

g. That the permittee shall maintain the structure or work authorized herein in good condition and in accordance with the plans and drawings attached hereto.

h. That this permit does not convey any property rights, either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations, nor does it obviate the requirement to obtain State or local assent required by law for the activity authorized herein.

i. That this permit does not authorize the interference with any existing or proposed Federal project and that the permittee shall not be entitled to compensation for damage or injury to the structures or work authorized herein which may be caused by or result from existing or future operations undertaken by the United States in the public interest.

j. That this permit may be summarily suspended, in whole or in part, upon a finding by the District Engineer that immediate suspension of the activity authorized herein would be in the general public interest. Such suspension shall be effective upon receipt by the permittee of a written notice thereof which shall indicate (1) the extent of the suspension, (2) the reasons for this action, and (3) any corrective or preventative measures to be taken by the permittee which are deemed necessary by the District Engineer to abate imminent hazards to the general public interest. The permittee shall take immediate action to comply with the provisions of this notice. Within ten days following receipt of this notice of suspension, the permittee may request a hearing in order to present information relevant to a decision as to whether his permit should be reinstated, modified or revoked. If a hearing is requested, it shall be conducted pursuant to procedures prescribed by the Chief of Engineers. After completion of the hearing, or within a reasonable time after issuance of the suspension notice to the permittee if no hearing is requested, the permit will either be reinstated, modified or revoked.

k. That this permit may be either modified, suspended or revoked in whole or in part if the Secretary of the Army or his authorized representative determines that there has been a violation of any of the terms or conditions of this permit or that such action would otherwise be in the public interest. Any such modification, suspension, or revocation shall become effective 30 days after receipt by the permittee of written notice of such action which shall specify the facts or conduct warranting same unless (1) within the 30-day period the permittee is able to satisfactorily demonstrate that (a) the alleged violation of the terms and the conditions of this permit did not, in fact, occur or (b) the alleged violation was accidental, and the permittee has been operating in compliance with the terms and conditions of the permit and is able to provide satisfactory assurances that future operations shall be in full compliance with the terms and conditions of this permit; or (2) within the aforesaid 30-day period, the permittee requests that a public hearing be held to present oral and written evidence concerning the proposed modification, suspension or revocation. The conduct of this hearing and the procedures for making a final decision either to modify, suspend or revoke this pemit in whole or in part shall be pursuant to procedures prescribed by the Chief of Engineers.

l. That in issuing this permit, the Government has relied on the information and data which the permittee has provided in connection with his permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete or inaccurate, this permit may be modified, suspended or revoked, in whole or in part, and/or the Government may, in addition, institute appropriate legal proceedings.

m. That any modification, suspension, or revocation of this permit shall not be the basis for any claim for damages against the United States.

n. That the permittee shall notify the District Engineer at what time the activity authorized herein will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of any suspension of work, if for a period of more than one week, resumption of work and its completion.

o. That if the activity authorized herein is not started on or before _____ day of _____, 19__, (one year from the date of issuance of this permit unless otherwise specified) and is not completed on or before _____ day of _____, 19__, (three years from the date of issuance of this permit unless otherwise specified) this permit, if not previously revoked or specifically extended, shall automatically expire.

p. That no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized by this permit.

q. That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

r. That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require authorization by the Congress or other agencies of the Federal Government.

s. That if and when the permittee desires to abandon the activity authorized herein, unless such abandonment is part of a transfer procedure by which the permittee is transferring his interests herein to a third party pursuant to General Condition v hereof, he must restore the area to a condition satisfactory to the District Engineer.

t. That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Register of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

u. That there shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein.

v. That this permit may not be transferred to a third party without prior written notice to the District Engineer, either by the transferee's written agreement to comply with all terms and conditions of this permit or by the transferee subscribing to this permit in the space provided below and thereby agreeing to comply with all terms and conditions of this permit. In addition, if the permittee transfers the interests authorized herein by conveyance of realty, the deed shall reference this permit and the terms and conditions specified herein and this permit shall be recorded along with the deed with the Register of Deeds or other appropriate official.

II. *Special Conditions:* Here list conditions relating specifically to the proposed structure or work authorized by this permit. The following Special Conditions will be applicable when appropriate:

STRUCTURES FOR SMALL BOATS: That permittee hereby recognizes the possibility that the structure permitted herein may be subject to damage by wave wash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structure permitted herein and the safety of boats moored thereto from damage by wave wash and the permittee shall not hold the United States liable for any such damage.

DISCHARGE OF DREDGED MATERIAL INTO OCEAN WATERS: That the permittee shall place a copy of this permit in a conspicuous place in the vessel to be used for the transportation and/or dumping of the dredged material as authorized herein.

ERECTION OF STRUCTURE IN OR OVER NAVIGABLE WATERS: That the permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the authorized structure or work, shall, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the waterway to its former conditions. If the permittee fails to comply with the direction of the Secretary of the Army or his authorized representative, the Secretary or his designee may restore the waterway to its former condition, by contract or otherwise, and recover the cost thereof from the permittee.

MAINTENANCE DREDGING: (1) That when the work authorized herein includes periodic maintenance dredging, it may be performed under this permit for ____ years from the date of issuance of this permit (ten years unless otherwise indicated); and (2) That the permittee will advise the District Engineer in writing at least two weeks before he intends to undertake any maintenance dredging.

This permit shall become effective on the date of the District Engineer's signature.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

_____
Permittee

_____
Date

By authority of the Secretary of the Army:

_____
District Engineer

_____
Date

Transferee hereby agrees to comply with the terms and conditions of this permit.

_____
Transferee

_____
Date

APPENDIX D—DELEGATION OF AUTHORITY TO ISSUE OR DENY PERMITS FOR CONSTRUCTION OR OTHER WORK AFFECTING NAVIGABLE WATERS OF THE UNITED STATES

MAY 24, 1971.

Pursuant to the authority vested in me by the Act of March 3, 1899, c. 425, Sections 10 and 14, 30 Stat. 1151, 1152, 33 U.S.C. Sections 403 and 408, and the Act of June 13, 1902, c. 1079, Section 1, 32 Stat. 371, 33 U.S.C. Section 565, I hereby authorize the Chief of Engineers and his authorized representatives to issue or deny permits for construction or other work affecting navigable waters of the United States. Except in cases involving applications for permits for artificial islands or fixed structures on Outer Continental Shelf lands under mineral lease from the Department of the Interior, the Chief of Engineers shall, in exercising such authority, evaluate the impact of the proposed work on the public interest. In cases involving applications for permits for artificial islands or fixed structures on Outer Continental Shelf lands under mineral lease from the Department of the Interior, the Chief of Engineers shall, in exercising such authority, evaluate the impact of the proposed work on navigation and national security. The permits so granted may be made subject to such special conditions as the Chief of Engineers or his authorized representatives may consider necessary in order to effect the purposes of the above Acts.

The Chief of Engineers and his authorized representatives shall exercise the authority hereby delegated subject to such conditions as I or my authorized representative may from time to time impose.

STANLEY R. RESOR,
Secretary of the Army.

APPENDIX E—DELEGATION OF AUTHORITY TO ISSUE OR DENY PERMITS FOR THE DISCHARGE OF DREDGED OR FILL MATERIAL INTO NAVIGABLE WATERS

MARCH 12, 1973.

Pursuant to the authority vested in me by Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 816, P.L. 92-500, I hereby authorize the Chief of Engineers and his authorized representatives to issue or deny permits, after notice and opportunity for public hearings, for the discharge of dredged or fill material into navigable waters at specified disposal sites. The Chief of Engineers shall, in exercising such authority, evaluate the impact of the proposed discharge on the public interest. All permits issued shall specify a disposal site for the discharge of the dredged or fill material through the application of guidelines developed by the Administrator of the Environmental Protection Agency and myself. In those cases where these guidelines would prohibit the specification of a disposal site, the Chief of Engineers, in his evaluation of whether the proposed discharge is in the public interest, is authorized also to consider the economic impact on navigation and anchorage which would occur by failing to authorize the use of a proposed disposal site. The permits so granted may be made subject to such special conditions as the Chief of Engineers or his authorized representatives may consider necessary in order to effect the purposes of the above Act, other pertinent laws and any applicable memoranda of understanding between the Secretary of the Army and heads of other governmental agencies.

The Chief of Engineers and his authorized representative shall exercise the authority hereby delegated subject to such conditions as I or my authorized representative may from time to time impose.

KENNETH E. BELIEU,
Acting Secretary of the Army.

MARCH 12, 1973.

APPENDIX F—DELEGATION OF AUTHORITY TO ISSUE OR DENY PERMITS FOR THE TRANSPORTATION OF DREDGED MATERIAL FOR THE PURPOSE OF DUMPING IT INTO OCEAN WATERS

Pursuant to the authority vested in me by Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972, 86 Stat. 1052, PL 92-532, I hereby authorize the Chief of Engineers and his authorized representatives to issue or deny permits, after notice and opportunity for public hearings, for the transportation of dredged material for the purpose of dumping it in ocean waters. The Chief of Engineers and his authorized representatives shall, in exercising such authority, evaluate the impact of the proposed dumping on the public interest. No permit shall be issued unless a determination is made that the proposed dumping will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities. In making this determination, those criteria for ocean dumping established by the Administrator of the Environmental Protection Agency pursuant to Section 102(a) of the above Act which relate to the effects of the proposed dumping shall be applied. In addition, based upon an evaluation of the potential effect which a permit denial will have on navigation, economic and industrial development, and foreign and domestic commerce of the United States, the Chief of Engineers or his authorized representative, in evaluating the permit application, shall make an independent determination as to the need for the dumping, other possible methods of disposal, and appropriate locations for the dumping. In considering appropriate disposal sites, recommended sites designated by the Administrator of the Environmental Protection Agency pursuant to Section 102(c) of the above Act will be utilized to the extent feasible. Prior to issuing any permit, the Chief of Engineers or his authorized representative shall first notify the Administrator of the Environmental Protection Agency or his authorized representative of his intention to do so. In any case in which the Administrator or his authorized representative disagrees with the determination of the Chief of Engineers or his authorized representative as to compliance with the criteria established pursuant to Section 102(a) of the above Act relating to the effects of the dumping or with the restrictions established pursuant to Section 102(c) of the above Act relating to critical areas, the determination of the Administrator or his authorized representative shall prevail. If, in any such case, the Chief of Engineers or his Director of Civil Works finds that, in the disposition of dredged material, there is no economically feasible method or site available other than a dumping site the utilization of which would result in noncompliance with such criteria or restrictions, he shall so certify and request that I seek a waiver from the Administrator of the Environmental Protection Agency of the specific requirements involved. Unless the Administrator of the Environmental Protection Agency grants a waiver, the Chief of Engineers or his authorized representative shall not issue a permit which does not comply with such criteria and restrictions. The permits so granted may be made subject to such special conditions as the Chief of Engineers or his authorized representatives may consider necessary in order to effect the purposes of the above Act, other pertinent laws, and any applicable memoranda of understanding between the Secretary of the Army and the heads of other governmental agencies.

The Chief of Engineers and his authorized representative shall exercise the authority hereby delegated subject to such conditions as I or my authorized representative may from time to time impose.

KENNETH E. BELIEU,
Acting Secretary of the Army.

APPENDIX G—TABLE OF CONTENTS AND LIST OF APPENDICES TO § 209.120

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[FR Doc.75-19455 Filed 7-24-75;8:45 am]

federal register

FRIDAY, JULY 25, 1975

WASHINGTON, D.C.

Volume 40 ■ Number 144

PART V

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 Pre-determination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Connecticut:	
CT75—2065; CT75–2066	Apr. 25, 1975
Florida:	
FL75–1018	Feb. 7, 1975
Illinois:	
AR–3072	Aug. 9, 1974
IL75–2035	Feb. 7, 1975
IL75–2044	Mar. 7, 1975
IL75–2050	Mar. 14, 1975
IL75–2052	Apr. 4, 1975
IL75–2078	May 30, 1975
IL75–2079	June 13, 1975
IL75–2082	June 20, 1975
IL75–2086; IL75–2092	July 3, 1975
Kentucky:	
AR–4018	Aug. 9, 1974
AR–4023	Sept. 6, 1974
AR–4025	Aug. 30, 1974
AR–4047	Nov. 1, 1975
KY75–1064	June 20, 1975
Mississippi:	
MS75–1067	July 3, 1975
Oklahoma:	
OK75–4050	Feb. 7, 1975
OK75–4069	Mar. 28, 1975
OK75–4080	Apr. 18, 1975
Pennsylvania:	
AR–2045; AR–2046	Oct. 18, 1974
AR–2098	Dec. 27, 1974
PA75–3026	Mar. 28, 1975
PA75–3028; PA75–3029	Apr. 4, 1975
PA75–3051	Apr. 18, 1975
PA75–3057	May 30, 1975
PA75–3054; PA75–3058; PA75–5059	July 3, 1975
Rhode Island:	
RI75–2090	July 3, 1975
Tennessee:	
TN75–1052	May 30, 1975
TN75–1053	June 6, 1975
Texas:	
TX75–4096	May 16, 1975
TX75–4099; TX75–4103; TX75–4104; TX75–4106; TX75–4108	May 23, 1975
TX75–4110	May 30, 1975
TX75–4114	June 20, 1975
TX75–4117; TX75–4118	July 11, 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.

Arkansas:	
AR75–4058 (AR75–4134)	Feb. 28, 1975
California:	
CA75–5022 (CA75–5087); CA75–5023 (CA75–5088)	Do.
CA75–5052 (CA75–5085); CA75–5053 (CA75–5087)	Apr. 18, 1975
Montana:	
MT75–5059 (MT75–5091)	May 23, 1975
MT75–5060 (MT75–5092); MT75–5062 (MT75–5094); MT75–5063 (MT75–5093)	May 30, 1975
Oklahoma:	
AR–85 (OK75–4133)	Dec. 6, 1974
Oregon:	
OR75–5055 (OR75–5089)	May 2, 1975
Tennessee:	
TN75–1059 (TN75–1072)	June 13, 1975
Texas:	
TX75–4105 (TX75–4135)	May 23, 1975
Washington:	
WA75–5070 (WA75–5090)	June 13, 1975

Signed at Washington, D.C., this 18th day of July 1975.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

MODIFICATIONS P. 1

DECISION NO. CT75-2065 - Mod. #3
(40 FR 16288 - April 25, 1975)
Fairfield, Litchfield, New London, & Windham Counties, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers:					
Litchfield County: Canaan, Colebrook, Norfolk, North Canaan, & Salisbury; Windham County: Woodstock	$9.60	.54	.75		.01
Electricians:					
New London County: Bozrah, Colchester, Franklin, Griswold, Lebanon, Ledyard, Lisbon, Montville, North Stonington, Norwich, Preston, Salem, Sprague, Stonington, & Voluntown; Windham County Building construction	10.55	.75	1%+.45		½ of 1%
Ironworkers:					
Ornamental; Reinforcing; Structural; & Precast concrete erection	10.80	.55	.74	j	.04
Painters:					
Fairfield County: Bridgeport, Easton, Fairfield, Southport, Stratford, & Trumbull					
Brush	8.60	.35	.55	p	
Spray	10.60	.35	.55	p	
Taper	8.99	.35	.55	p	
Windham County: Willimantic & Windham					
Brush; Tapers	9.45	.50	.30		
Paperhangers	9.95	.50	.30		
Riding steel, steamcleaning, sandblasting, tanks, towers, & hazardous work	10.03	.50	.30		
Spray	12.45	.50	.30		
Plumbers; Steamfitters:					
Fairfield County: Darien, New Canaan, & Stamford	10.05	.55	.50	4%	.02

MODIFICATIONS P. 2

DECISION NO. CT75-2065 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Litchfield County: Bethlehem, New Preston, Plymouth, Roxbury, Terryville, Thomaston, Washington, Watertown, & Woodbury	9.32	.63	.50	.48+c	.08
Roofers:					
Fairfield County: That portion of Fairfield County bounded on the east by the eastern boundary of Greenwich					
Slate & Tile	9.20	.50	1.40	1.40	
Helpers	7.50	.50	1.00	1.00	
Sprinkler fitters	10.53	.50	.80		.08
Omit:					
Painters:					
Fairfield County: Monroe, & Shelton					
Brush	8.50	.35	.55	q	.01
High & Tank	9.00	.35	.55	q	.01
Structural steel	9.50	.35	.55	q	.01
Spray	12.00	.35	.55	q	.01
Laborers' schedule					
Truck drivers' schedule					
Add:					
Painters:					
Fairfield County: Monroe, & Shelton					
Brush	8.75	.35	.80	q	.01
Hand rollers; Paperhangers	9.25	.35	.80	q	.01
Structural steel	9.75	.35	.80	q	.01
Spray	12.25	.35	.80	q	.01
Laborers' schedule					
Truck drivers' schedule					

DECISION NO. CT75-2065 (Cont'd)

LABORERS (Building, Heavy, & Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Building Construction):					
Laborers; Carpenters' tenders; & wrecking laborers	$ 6.90	.50	.40		.05
Jackhammer operators; Mason tenders; Mortar mixers; Pipe layers; Plasterers' tenders; & Power buggy	7.15	.50	.40		.05
Air track operators; Sandblasters; & Wagon drill operators	7.40	.50	.40		.05
Open Air Caisson, Cylindrical Work and Boring Crew:					
Top man	6.90	.50	.40		.05
Bottom man	7.40	.50	.40		.05
LABORERS (Heavy and Highway Construction):					
Laborers	7.00	.50	.45		.05
Acetylene burners; Asphalt raker; Chain saw operator; Concrete & power buggy operators; Concrete saw operator; fence & guard rail erectors; Form setters; Hand operated concrete vibrator operators; Hand operated vibratory compactor operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic Gas & Electric drill operators; Powdermen & wagon drill operators	7.25	.50	.45		.05
Air track operators; Block pavers; Curb setters	7.50	.50	.45		.05
Blasters	7.75	.50	.45		.05

DECISION NO. CT75-2065 (Cont'd)

TRUCK DRIVERS (Building, Heavy, and Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Class 1	$6.99	a	b	c	
Class 2	7.09	a	b	c	
Class 3	7.19	a	b	c	
Class 4	7.14	a	b	c	
Class 5	7.24	a	b	c	
Class 6	7.29	a	b	c	

CLASSIFICATIONS:

Class 1: Two axle trucks; Helpers
Class 2: Three axle trucks; Two axle ready mix
Class 3: Four axle trucks; Heavy duty trailer-up to 40 tons
Class 4: Three axle ready-mix
Class 5: Four axle ready-mix; Specialized earth moving equipment other than conventional type on-the-road trucks and semi-trailers (including Euclids)
Class 6: Heavy duty trailer-40 tons and over

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. $20.20 per week for employees employed over 16 hours and $.42 per hour for employees employed less than 16 hours during the week
b. $23.00 per week for employees employed over 16 hours and $.575 per hour for employees employed less than 16 hours during the week
c. 7 paid holidays: A through F, and Good Friday provided the employee has 31 calendar days' service and is available for work the day preceding and following the holiday

DECISION NO. CT75-2066 - Mod. #2
(40 FR 18296 - April 25, 1975)
Hartford, Middlesex, New Haven, & Tolland Counties, Connecticut

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Asbestos workers:					
Hartford County: East Granby, Enfield, Granby, Hartland, Suffield, & Windsor Locks; Tolland County: Somers, Stafford, & Union	$9.60	.54	.75		.01
Electricians:					
Hartford County: Remainder of County; Middlesex County: Cromwell, Middlefield, Middletown, & Portland; Tolland County	10.55	.75	1%+.45		½ of 1%
Ironworkers:					
Ornamental; Reinforcing; Structural; & Precast concrete erection	10.80	.55	.74	1	.04
Painters:					
New Haven County: Milford (Up to Gulf Street)					
Brush	8.60	.35	.55	o	
Taping	8.99	.35	.55	o	
Spray	10.60	.35	.55	o	
Hartford County: Avon, Bloomfield, Broad Brook, Canton, East Granby, East Hartford, East Windsor, Enfield, Farmington, Glastonbury, Granby, Hartford, Manchester, Marlborough, Rocky Hill, Poquonock, Simsbury, South Windsor, Suffield, South Manchester, West Hartford, West Simsbury, Wethersfield, Windsor, & Windsor Locks; Tolland County: Andover, Ashford, Bolton, Columbia, Coventry, Ellington, Hebron, Mansfield, Rockville, Stafford, Somers, Tolland, Union, Vernon, & Willington					
Brush; Tapers	9.45	.50	.30		
Paperhangers	9.95	.50	.30		
Riding steel, steamcleaning, sandblasting, tank, towers, & hazardous work	10.03	.50	.30		
Spray	12.45	.50	.30		

DECISION NO. CT75-2066 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers; Steamfitters:					
New Haven County: Middlebury, Southbury, South Britain, Waterbury, & Wolcott	$9.32	.63	.50	.48+v	.08
Sprinkler fitters	10.53	.50	.80		.08
Omit:					
Painters:					
New Haven County: Ansonia, Beacon Falls, Derby, Oxford, & Seymour					
Brush	8.50	.35	.55	p	.01
High; Tank	9.00	.35	.55	p	.01
Structural steel	9.50	.35	.55	p	.01
Spray	12.00	.35	.55	p	.01
Laborers' schedule					
Truck drivers' schedule					
Add:					
Painters:					
New Haven County: Ansonia, Beacon Falls, Derby, Oxford, & Seymour					
Brush	8.75	.35	.80	p	.01
Hand roller; Paperhangers	9.25	.35	.80	p	.01
Structural steel	9.75	.35	.80	p	.01
Spray	12.25	.35	.80	p	.01
Laborers' schedule					
Truck drivers' schedule					

MODIFICATIONS P. 7

DECISION NO. CT75-2066 (Cont'd)

LABORERS (Building, Heavy, & Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Building Construction):					
Laborers; Carpenters' tenders; & wrecking laborers	$ 6.90	.50	.40		.05
Jackhammer operators; Mason tenders; Mortar mixers; Pipe layers; Plasterers' tenders; & Power buggy	7.15	.50	.40		.05
Air track operators; Sandblasters; & Wagon drill operators	7.40	.50	.40		.05
Open Air Caisson, Cylindrical Work and Boring Crew:					
Top man	6.90	.50	.40		.05
Bottom man	7.40	.50	.40		.05
LABORERS (Heavy and Highway Construction):					
Laborers	7.00	.50	.45		.05
Acetylene burners; Asphalt raker; Chain saw operator; Concrete & power buggy operators; Concrete saw operator; fence & guard rail erectors; Form setters; Hand operated concrete vibrator operators; Hand operated vibratory compactor operators; Mason tenders; Pipelayers; Pneumatic drill operators; Pneumatic Gas & Electric drill operators; Powdermen & wagon drill operators	7.25	.50	.45		.05
Air track operators; Block pavers; Curb setters	7.50	.50	.45		.05
Blasters	7.75	.50	.45		.05

MODIFICATIONS P. 8

DECISION NO. CT75-2066 (Cont'd)

TRUCK DRIVERS (Building, Heavy, and Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Class 1	$6.99	a	b	c	
Class 2	7.09	a	b	c	
Class 3	7.19	a	b	c	
Class 4	7.14	a	b	c	
Class 5	7.24	a	b	c	
Class 6	7.29	a	b	c	

CLASSIFICATIONS:

Class 1: Two axle trucks; Helpers
Class 2: Three axle trucks; Two axle ready mix
Class 3: Four axle trucks; Heavy duty trailer-up to 40 tons
Class 4: Three axle ready-mix
Class 5: Four axle ready-mix; Specialized earth moving equipment other than conventional type on-the-road trucks and semi-trailers (including Euclids)
Class 6: Heavy duty trailer-40 tons and over

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day

FOOTNOTES:

a. $20.20 per week for employees employed over 16 hours and $.42 per hour for employees employed less than 16 hours during the week
b. $23.00 per week for employees employed over 16 hours and $.575 per hour for employees employed less than 16 hours during the week
c. 7 paid holidays: A through F, and Good Friday provided the employee has 31 calendar days' service and is available for work the day preceding and following the holiday

DECISION # FL75-1018 - Mod. #4
(40 FR 6018 - February 7, 1975
Dade County, Florida

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers:					
Bricklayers and Stonemasons	9.70	.60	.54		.04
Cement masons	9.70	.60	.54		.04
Marble masons	9.70	.60	.54		.04
Plasterers	9.70	.60	.54		.04
Terrazzo workers	9.70	.60	.54		.04
Tile setters	9.70	.60	.54		.04
Painters:					
Brush	8.75	.45	.40		.02
Scaffold work	9.15	.45	.40		.02
Spray	9.25	.45	.40		.02
Taper & paperhanger	9.00	.45	.40		.02
Extension ladder & erected scaffold over 28'	9.00	.45	.40		.02
Structural steel	9.00	.45	.40		.02
Sandblaster	9.25	.45	.40		.02

DECISION #A3-3072 - Mod. #4
(39 FR 28822 - August 9, 1974)
Sangamon County, Illinois

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers & Stonemasons	$8.90	.40	.50		.02
Marble-Terrazzo & Tile Setters	8.90	.40	.50		.02
Carpenters-Building:					
Carpenters & Soft Floor Layers	9.20	.45	.45		.06
Millwrights & Piledrivermen	9.70	.45	.45		.06
Electricians	9.47	.40	1%+.30		.2%

DECISION #IL75-2035 - Mod. #6
(40 FR 5961 - February 7, 1975)
Bureau, LaSalle, Livingston, Marshall, Putnam & Woodford Counties, Illinois

Change:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Electricians:					
Vicinity of LaSalle-S.U. part of County; Remainder of Putnam Co; Arlington, Concord, Fairfield, Gold, Greenville, Hall, Indiantown, Leepertown, Macon, Manilla, Milo, Mineral, Neponset, Princeton, Selby, Wheatland & Wyanet Twps. in Bureau County	$10.25	.40	1%+.30		.25%
Power Equipment Operators:					
Bureau (East of Rt. #26); LaSalle; Livingston; Putnam (east of Illinois River) Counties:					
Class I	10.55	.65	.85	.40	.05
Class II	9.25	.65	.85	.40	.05
Class III	8.10	.65	.85	.40	.05
Class IV	6.85	.65	.85	.40	.05
Truck Drivers:					
Group I	8.85	.50	a14.00		
Group II	9.25	.50	a14.00		
Group III	9.45	.50	a14.00		

MODIFICATIONS P. 11

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #IL75-2044 - Mod. #1 (40 FR 10092 - March 7, 1975) Boone, Carroll, DeKalb, JoDaviess, Lee, Ogle, Stephenson, Whiteside & Winnebago Counties, Illinois					
CHANGE:					
Bricklayers & Stonemasons: Boone, Ogle & Winnebago Cos.	99.85	.30	.40	.45	
Carpenters: Boone & Winnebago Counties: Carpenters, Pile driverman & Soft Floor Layers	9.70	.25	.35		
Cement Masons: Boone & Winnebago Counties	9.35	.25	.45		
Electricians: Boone, DeKalb, Winnebago, Stephenson, Ogle, Lee, JoDaviess(Warren, Rush, Nora, Stockton, Wards Grove, Pleasant Valley, Berrenman) Co; Carroll(Cherry Grove, Shannon, Rock Creek, Lima, Wysox, Elkhorn Grove Twps.) Co; Whiteside(Genesee, Jordan, Hopkins, Sterling, Hume, Montgomery, Tampico, Mahomen Twps.) Co.	10.20	.40	1%+.20		3%
Power Equipment Operators: Boone, Carroll, DeKalb, JoDaviess, Lee, Ogle, Stephenson, Winnebago & the eastern ½ of Whiteside County:					
Class I	10.55	.65	.85	.40	.05
Class II	9.25	.65	.85	.40	.05
Class III	8.10	.65	.85	.40	.05
Class IV	6.85	.65	.85	.40	.05
Truck Drivers: JoDaviess(W. of Rt. #78, Incl. City of Stockton) Co; Remainder of Carroll, Whiteside, Ogle & Lee Counties:					
Group I	8.85	.50	a14.00		
Group II	9.25	.50	a14.00		
Group III	9.45	.50	a14.00		

MODIFICATIONS P. 12

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #IL75-2050 - Mod. #4 (40 FR 12029 - March 14, 1975) DuPage, Grundy, Kane, Kendall, Lake, McHenry & Will Counties, Illinois					
CHANGE:					
Electricians: McHenry Co; No. ½ of Kane Co.	$11.64	5%	7%		.5 of 1%
Lake County	11.39	.50	1%+.30		.1%
Power Equipment Operators:					
Class I	10.55	.65	.85	.40	.05
Class II	9.25	.65	.85	.40	.05
Class III	8.10	.65	.85	.40	.05
Class IV	6.85	.65	.85	.40	.05
DECISION #IL75-2052 - Mod. #4 (40 FR 15261 - April 4, 1975) Ford, Iroquois & Kankakee Counties, Illinois					
CHANGE:					
Electricians: Kankakee Co., & Remainder of Ford & Iroquois Counties	$9.65	.40	1%+.20	5%	3/10 of 1%
Power Equipment Operators: Kankakee County					
Class I	10.55	.65	.85	.40	.05
Class II	9.25	.65	.85	.40	.05
Class III	8.10	.65	.85	.40	.05
Class IV	6.85	.65	.85	.40	.05
Truck Drivers: S. E. Corner of Iroquois Co; Southern ½ of Ford County:					
Group I	8.85	.50	a14.00		
Group II	9.25	.50	a14.00		
Group III	9.45	.50	a14.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
DECISION #IL75-2078 - Mod. #3 (40 FR 22637 - May 30, 1975) Boone, DeKalb, DuPage, Kane, Kendall, Lake, McHenry, & Will Counties, Illinois					
CHANGE:					
Electricians:					
McHenry Co; Kane Co. (that portion north of St. Charles, Geneva & Blackberry Twps.) Excluding St. Charles School for Boys; Twps. of Hampshire, Rutland, Dundee, Burlington, Plato, Elgin, Virgil & Campton	$11.64	5%	7%		.5of1%
Lake County	11.39	.50	1%+.30		.1%
DECISION #IL75-2079 - Mod. #3 (40 FR 25382 - June 13, 1975) Bureau, Carroll, Henry, Lee, JoDaviess, Ogle, Rock Island, Stephenson, Whiteside & Winnebago Counties, Illinois					
CHANGE:					
Electricians:					
Winnebago, Ogle, Lee & Stephenson Cos; Twps. of Warren, Rush, Nora, Stockton, Wards Grove, Pleasant Valley & Berrenman in JoDaviess Co; Twps. of Cherry Grove, Shannon, Rock Creek, Lima, Wyeox & Elkhorn Grove in Carroll Co; Twps. of Genesee, Jordan, Hopkins, Sterling, Hume, Montgomery, Tampico & Hahneman in Whiteside County	$10.70	.40	1%+.20		½%
Power Equipment Operators:					
Remainder of Counties					
Class I	10.20	.65	.85	.40	.05
Class II	9.65	.65	.85	.40	.05
Class III	8.90	.65	.85	.40	.05
Class IV	7.80	.65	.85	.40	.05
Class V	6.80	.65	.85	.40	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
DECISION #IL75-2082 - Mod. #2 (40 FR 26190 - June 20, 1975) Adams, Brown, Cass, Christian, Logan, Mason, Menard, Morgan, Pike, Sangamon, Schuyler & Scott Counties, Illinois					
CHANGE:					
Electricians:					
Sangamon, Logan, Menard, Cass, Morgan & Scott Counties; Twps. of Ipachburg, Bath, Kilbourne, Crane, Creek, Salt Creek & Mason in Mason County -	$9.67	.40	1%+.30		.2%
Linemen:					
City of Springfield & Remainder of Counties:					
Lineman	9.66	.35	1%		½ of 1%
Groundman Equip. Opr.-Class I	9.01	.35	1%		½ of 1%
Groundman Truck Driver:					
W/Winch	6.74	.35	1%		½ of 1%
WO/Winch	6.42	.35	1%		½ of 1%
Groundman Class "A"	6.13	.35	1%		½ of 1%
DECISION #IL75-2086 - Mod. #2 (40 FR 28333 - July 3, 1975) Ford, Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall, Putnam & Woodford Counties, Illinois					
CHANGE:					
Electricians					
Kankakee Co; Remainder of Ford & Iroquois Counties Vicinity of LaSalle-S.W. part of County; Remainder of Putnam Co; Arispe, Concord, Fairfield, Gold, Greenville, Hall Indiantown, Leepertown, Macon, Manlius, Milo, Mineral, Nepon-set, Princeton, Selby, Wheatland & Wyanet Twps. in Bureau County	9.65	.40	1%+.20	5%	3/8of1%
	10.25	.40	1%+.30		.25%

DECISION #IL75-7086 - Mod. #2 (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Electricians (Cont'd)					
Livingston County; Vic. of Streator-S.F., part of County South of Dwn in LaSalle Co; Magnolia Twp. in Putnam Co; Area East of Cayuga & Potomac Twps., incl.-Linn, Clayton, Black, Pamsha, Green & Pamela Twps. in Woodford County; Remainder of Marshall County	$10.00	.40	1% .20		.4%
Power Equipment Operators: LaSalle, Grundy, Kankakee, Livingston Cos; East of Ill. River in Putnam County:					
Class I	10.20	.65	.85	.40	.05
Class II	9.65	.65	.85	.40	.05
Class III	8.90	.65	.85	.40	.05
Class IV	7.80	.65	.85	.40	.05
DECISION #IL75-2092- Mod. #1 (40 FR 28343 - July 3, 1975) Cook County, Illinois					
CHANGE:					
Power Equipment Operators:					
Building & Residential Const.					
Class I	10.55	.65	.85	.40	.05
Class II	9.25	.65	.85	.40	.05
Class III	8.10	.65	.85	.40	.05
Class IV	6.85	.65	.85	.40	.05
Heavy, Sewer & Highway Const.					
Class I	10.20	.65	.85	.40	.05
Class II	9.65	.65	.85	.40	.05
Class III	7.80	.65	.85	.40	.05
Class IV	6.80	.65	.85	.40	.05
ADD:					
Plasterers	9.50	.50	.76		.045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # AR-4018 - Mod. #4. (39 FR-28836 - August 9, 1974) Fayette County, Kentucky					
Change:					
Cement masons	9.15				
Electricians	9.70	.40	1%+.50	.50	¼ of 1%
Glaziers	7.80				
Laborers:					
Group I	5.85	.25	.25		
Group II	6.05	.25	.25		
Group III	6.20	.25	.25		
Group IV	6.25	.25	.25		
Group V	6.35	.25	.25		
Group VI	6.45	.25	.25		
Group VII	7.05	.25	.25		
Group VIII	7.35	.25	.25		
Roofers	6.20	.35			
DECISION # AR-4023 - Mod. #2 (39 FR 32449 - September 6, 1974) Warren County, Kentucky					
Change:					
Asbestos workers	9.55	.35	.35		
Carpenters	9.25	.30	.30		
Electricians	8.80		1%		¼ of 1%
Glaziers	7.70	.45	.35		.02
Lathers	7.55		.20		.01
Line Construction:					
Linemen	9.10		1%		¼ of 1%
Line truck, hole digger and cable splicer	9.10		1%		¼ of 1%
Groundmen	7.60		1%		¼ of 1%
Piledrivermen	9.25	.30	.30		
Plumbers	9.77	.36	.75	.77	.07
Soft floor layers	9.25	.30	.30		
Steam fitters	9.99	.45	.60	.60	.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # AR-4025 - Mod. #2 (39 FR 31796 - August 30, 1974) Henderson County, Kentucky					
Change:					
Bricklayers	9.57				
Carpenters	8.29	.30	.30		
Glaziers	8.875	.41	.20	.25	
Laborers:					
Group A	6.40	.35	.35		.09
Group B	6.60	.35	.35		.09
Group C	6.70	.35	.35		.09
Group D	7.40	.35	.35		.09
DECISION # AR-4047 - Mod. #3 (39 FR-38324 - November 1, 1974) Boyd County, Kentucky					
Change:					
Bricklayers and Stonemasons	9.86				
Carpenters:					
Carpenters	8.91	.40	.50		.03
Piledrivermen	9.20	.40	.50		.03
Ironworkers:					
Structural, ornamental and reinforcing	10.26	.65	.70		.01
Laborers:					
Group I	6.57	.25	.25		
Group II	6.72	.25	.25		
Group III	6.74	.25	.25		
Group IV	6.77	.25	.25		
Group V	6.82	.25	.25		
Group VI	7.07	.25	.25		
Group VII	7.27	.25	.25		
Group VIII	7.77	.25	.25		
Plumbers and Steamfitters:					
Within a 5 mile radius of 17th Street and Winchester Ave., Ashland	8.91	.50	.85	c+1.00	.10
Over 5 miles & within 15 miles	9.11	.50	.85	c+1.00	.10
Over 15 miles & within 30 miles	9.31	.50	.85	c+1.00	.10
Over 30 miles	9.41	.50	.85	c+1.00	.10

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION # KY75-1064 - Mod. #1 (40 FR-26198 - June 20, 1975) Hardin, Jefferson and Meade Counties, Kentucky					
Change:					
Cement masons	9.28	.40			
Glaziers	8.50	.35	.40		
Ironworkers:					
Conveyormen, machinery movers	9.95	.65	.70		.05
Structural, ornamental & Reinforcing	9.95	.65	.70		.05
Riggers, fence erectors, sheeters	9.95	.65	.70		.05
Millwrights	10.20	.30	.30		.02
Piledrivermen	9.25	.30	.30		
Plasterers	9.30				
Roofers:					
Roofers	7.00	.50	.20		
Slate, tile & precast concrete slab	7.40	.50	.20		
Helpers	4.80	.50	.20		
Soft floor layers	9.25	.30	.30		
DECISION # MS75-1067 - Mod #1 (40 FR 28354 - July 3, 1975) Statewide, Mississippi, (except Hancock, Harrison, Jackson and Pearl River)					
Change:					
Laborers:					
Zone I	2.10				
Zone II	2.10				
Zone III	2.10				
Zone IV	2.10				
Zone V	2.10				
Zone VI	2.10				
Joint Filler:					
Zone II	2.10				

MODIFICATIONS P. 19

DECISION NO. OK75-4050 - Mod. #5
(40 FR 6115 - February 7, 1975)
Tulsa and Creek Counties, Okla.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers - Stonemasons	$8.59	.30	.40	.33	.06
Carpenters	8.08	.25	.40		.05
Millwrights	8.38	.25	.40		.05
Piledrivermen	8.38	.25	.40		.05
Ironworkers	8.90	.30	.35		.08
Terrazzo workers	8.49		.20		
Terrazzo workers & Tile layers helpers	6.93		.20		
Terrazzo worker. helpers floor machine operator	7.03				
Terrazzo worker helpers base machine operator	7.23				
Tile setters	8.49		.20		
Sprinkler fitters	10.10	.50	.80		.08
Electricians:					
Electricians	8.40	.46	1%+.40	.30	.07
Cable splicers	8.65	.46	1%+.40	.30	.07

MODIFICATIONS P. 20

DECISION NO. OK75-4069 - Mod. #4
(40 FR 14257 - March 28, 1975)
Muskogee, Adair & Cherokee Counties, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Ironworkers	$8.90	.30	.35		.08
Bricklayers - Stonemasons	8.36	.30	.40		.04
Carpenters:					
Carpenters	7.95	.25			.01
Millwrights - Piledrivermen	8.45	.25.			.01
Cement masons:					
Cement masons	7.55				
Power Tool operator	7.80				
Terrazzo workers	8.49		.20		
Terrazzo worker helper floor operator	7.03				
Terrazzo worker helper base machine operator	7.23				
Terrazzo Worker helper	6.93				
Tile layers	8.49		.20		
Sprinkler fitters	10.10	.50	.80		.08
Painters:					
Commerical brush & roller	5.85		.25	.20	.02
Spray; glove or dipping; sandblasters, spray or sand pot tender (maximum two pots, guns or nozzles), power rollers, power rollers, power equipment operators, bituminastic and like materials, applicators and kettle tenders	7.10		.25	.20	.02
Spray or sand pot tender (maximum one pot, one nozzle or gun	6.20		.25	.20	.02
Hazardous work	9.30		.25	.20	.02
Plumbers-Steamfitters	9.75		.40	.80	.10

DECISION NO. OK75-4080 - Mod. #4
(40 FR 17530 - April 18, 1975)
Oklahoma, Cleveland, Caddo, Canadian, Grady, Kingfisher, Logan, Lincoln, McClain, Pottawatomie and Seminole Cos.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters - Zone III:					
Carpenters	$7.75	.30			.04
Millwrights	8.00	.30			.04
Piledrivermen	8.00	.30			.04
Ironworkers	8.90	.30	.35		.08
ADD:					
LINE CONSTRUCTION:					
Groundman	5.34		1%		1/2%

DECISION #AR-2045 - Mod. #4
(39 FR 37345 - October 18, 1974)
Lawrence County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters	$ 9.23	5%	8%+f		.4 of 1%
Laborers:					
Laborers, carryable pumps, west brick buggy or similar, vibrator operators, walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting and stopping)	7.50	.40	.50		
West brick buggy ir sunuker (self-propelled), power wheelbarrows and buggies, walk behind forklift or similar, (self-propelled) wagon driller helper, drill runner, drill runners' helper, including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammer man-concrete buster	7.625	.40	.50		
Rod carrier, scaffold builder, bell and bottom men on furnaces and stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting and stopping) grout machine feeder and pump operator and concrete saw operator	7.75	.40	.50		
Gunnite Nozzlemen	8.00	.40	.50		
Blaster, wagon drill operator	8.20	.40	.50		

DECISION #AR-2045 - Mod. #4
(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change: (Cont'd)					
Millwrights	$ 8.79	5%	3%+.25	19%	½%
Painters:					
Commercial					
Brush & Roller	8.20	.45	.60		
Spray	9.20	.45	.60		
Industrial					
Brush & Roller	8.90	.45	.60		
Spray	9.90	.45	.60		
Sheet Metal Workers	9.58	.75	.90		.03
Soft Floor Layers	8.96	5%	6%+d		.50%
Tile Setters' Helpers	8.09	.45	.70		
Truck Drivers					
(See Schedule Attached)					

MODIFICATIONS P. 23

DECISION #AR-2046 - Mod. #4
(39 FR 37349 - October 18, 1974)
Mercer County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Cement Masons	$ 9.35	6%	16%		
Laborers:					
Laborers, carryable pumps west brick buggy or similar, vibrator ops., walk behind forklift or similar (non self-propelled) stripper and mover of forms, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of power used, including starting & stopping)	7.50	.40	.50		
West brick buggy or similar (self-propelled), power wheelbarrows & buggies, walk behind, forklift or similar, (self-propelled) wagon drill runner, drill runners' helper, (Including drill mounted on truck, track or similar), blaster's helper, all operators of compacting equipment, pipe layer, burner, jackhammermen-concrete buster	7.625	.40	.50		
Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, including feeder & pump operator	7.75	.40	.50		
Concrete saw operators	7.75	:40	.50		
Gunnite nozzlemen	8.00	.40	.50		
Blaster, wagon drill operator	8.20	.40	.50		

MODIFICATIONS P. 24

DECISION #AR-2046 - Mod. #4
(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change: (Cont'd)					
Painters:					
Commercial:					
Brush & Roller	$ 8.20	.45	.60		
Spray	9.20	.45	.60		
Industrial:					
Brush & Roller	8.90	.45	.60		
Spray	9.90	.45	.60		
Plumbers & Steamfitters	10.26	.40	.40		.02
Truck Drivers					
(See Schedule Attached)					

DECISIONS NOS. (AR-2045 - Mod. #4, Cont'd),
(AR-2046 - Mod. #.4, Cont'd),

PA-2-TD-1-G

TRUCK DRIVERS Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Class 1	$6.96	6.5%	5.6%	a	
Class 2	7.01	6.5%	5.6%	a	
Class 3	7.03	6.5%	5.6%	a	
Class 4	7.12	6.5%	5.6%	a	
Class 5	7.05	6.5%	5.6%	a	
Class 6	7.32	6.5%	5.6%	a	
Class 7	7.14	6.5%	5.6%	a	
Class 8	7.30	6.5%	5.6%	a	

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

CLASSIFICTIONS DEFINITIONS

Class 1: Warehouseman , Chauffeur, and Ambulance Driver, Service Truck (pickup, Jeep, Busses, Station Wagon, Panel truck, Escort Vehicle, including Fuel and Water Trucks)

Class 2: Dump and Flat Top (including Fuel and Water Trucks, Fork Lift in Warehouse or job site storage area and single-Axle Trucks with power tailgate); Distributor Truck over 33,000 lbs. gross weight (Oil, Tar Asphalt products Two man operation, Both men)

Class 3: Transit Mix, Single Axle

Class 4: Transit Mix, Tandem

Class 5: Heavy Duty Tractor and Trailer with High Bed, 4 wheels

Class 6: Heavy Duty Tractor and Trailer with Low Bed, 6 to 16 Wheels and Pole Trailer and Wide Load

Class 7: Distributor Truck up to 33,000 lbs. gross weight (Oil, Tar Asphalt products) One Mon Operation; Truck with Dolly and Scissor Truck; Truck with Dump Trailer or Tandem, including Fuel and Water, Tandem Axle Truck with power Tailgate and Scissor Truck; Euclids or Equivalent, Tri-axle including Mixer, drivers towing equipment

Class 8: Winch Truck and Form Truck

DECISION #AR-2098 - Mod. #3
(39 FR 44928 - December 27, 1974)
Crawford County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:,					
Carpenters & Soft Floor Layers:					
Titusville	$10.15				
Electricians	10.80	.40	1%		½ of 1%
Laborers:					
Common labores	7.72	.40	.50		
Mason tender, hod carriers, mortar mixers, scaffold builders	7.92	.40	.50		
Pipelayers (concrete & clay)	8.17	.40	.50		
Blaster, mechanical tampers, powered wheel-barrow, wagon drill operators	8.37	.40	.50		
Material buggy handler, blaster helper, all tool operators, wagon drill helpers & drill runner	8.02	.40	.50		
Burners	8.42	.40	.50		
When working in piers, trenches, open coffer dams & caissons at depths more than ten (10) feet below the lowest adjacent grade:					
Bottom man	8.02	.40	.50		
All power operators	8.27	.40	.50		
Drill men	8.27	.40	.50		
Millwrights	8.79	5%	3%+25	19%	½%
Painters:					
Commercial:					
Brush & Roller	8.20	.45	.60		
Spray	9.20	.45	.60		
Industrial:					
Brush & Roller	8.90	.45	.60		
Spray	9.90	.45	.60		
Piledrivermen	10.07	5%	8%		.50 of 1%

MODIFICATIONS P. 27

DECISION #AR-2098 - Mod. #3
(Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change: (Cont'd)					
Plumbers & Steamfitters:					
Crawford County in its entirety Contracts under $10,000	$ 8.74	.50	.65		.08
Contracts over $10,000	9.25	.50	.65		.08
Omit:					
Plumber & Steamfitters:					
Cambridge Spring & Sparta	9.94	.30	.28		.04

MODIFICATIONS P. 28

DECISION #PA75-3026 - Mod. #2
(40 FR 14266 March 28, 1975)
Allegheny and Beaver Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Cement Masons	$8.345	.50	.835+.50		
Filedrivermen	9.50	5%	8%		
Truck Drivers:					
(See Attached Schedule)					

DECISION NO. PA-75-3026 - Mod. # 2, PA-2-TD-2-3-A
Cont'd.

Heavy and Highwy Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Class 1	$7.47	7.3%	4.2%		
Class 2	7.22	7.3%	4.2%		
Class 3	7.31	7.3%	4.2%		
Class 4	7.40	7.3%	4.2%		
Class 5	7.26	7.3%	4.2%		
Class 6	7.17	7.3%	4.2%		
Class 7	7.49	7.3%	4.2%		

CLASSIFICATIONS DEFINITIONS

Class 1: Heavy Duty Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Trucks, Bucket-Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks.

Class 2: Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.); Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), Flat bottom, Scissors, and combination fuel and grease)

Class 4: Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Tar and Asphalt Trailer Trucks; Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons, and similar equipment when not self-loaded) Rated under forty-five tons, Tri Axle trucks

Class 5: Trucks with Dolley or Trailer

Class 6: Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman.)

Class 7: Heavy off-the-road equipment (rated at forty-five tons or over); Bottom or Belly-dump Trucks

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #PA75-3028 - Mod. #2 (40 FR 15313 - April 4, 1975) Bedford, Jefferson, Clinton, Elk, Franklin, Fulton, Huntingdon, Mifflin and Potter Counties, Pennsylvania					
Change:					
Cement Masons	$8.345	.50	.835+.50		
Piledrivermen	9.50	5%	- 8%		
Truck Drivers: (See Attached Schedule)					

MODIFICATIONS P. 31

DECISION NO. PA-75-3028 - Mod. # 2, PA-2-TD-2-3-A
Jefferson County, Cont'd.

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Class 1	$7.47	7.3%	4.2%		
Class 2	7.22	7.3%	4.2%		
Class 3	7.31	7.3%	4.2%		
Class 4	7.40	7.3%	4.2%		
Class 5	7.26	7.3%	4.2%		
Class 6	7.17	7.3%	4.2%		
Class 7	7.49	7.3%	4.2%		

CLASSIFICATIONS DEFINITIONS

Class 1: Heavy Duty Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks.

Class 2: Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.); Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), Flat bottom, Scissors, and combination fuel and grease)

Class 4: Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Tar and Asphalt Trailer Trucks; Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons, and similar equipment when not self-loaded) Rated under forty-five tons, Tri Axle trucks

Class 5: Trucks with Dolley or Trailer

Class 6: Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman.)

Class 7: Heavy off-the-road equipment (rated at forty-five tons or over); Bottom or Belly-dump Trucks

MODIFICATIONS P. 32

Decision #PA-75-3028 - Mod. #2,
Remaining Counties, Cont'd.

PA-5-TD-2-3-A

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Class 1	$7.27	7.3%	4.2%		
Class 2	6.96	7.3%	4.2%		
Class 3	7.06	7.3%	4.2%		
Class 4	7.22	7.3%	4.2%		
Class 5	7.11	7.3%	4.2%		
Class 6	7.07	7.3%	4.2%		
Class 7	6.92	7.3%	4.2%		
Class 8	7.31	7.3%	4.2%		

CLASSIFICATIONS DEFINITIONS

Class 1: Heavy Duth Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks

Class 2: Single-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 4: Tri-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Tar and Asphalt Trailer Trucks; Tri-axle Trucks); Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons, and similar equipment when not self-loaded) Rated under forty-five tons

Decision #PA-75-3028 - Mod. #2,
Remaining Counties, Cont'd.

TRUCK DRIVERS (Cont'd)
Heavy and Highway Construction

Class 5: Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.); Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease);

Class 6: Trucks with Dolley or Trailer

Class 7: Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman.)

Class 8: Heavy off-the-road Equipment (rated at forty-five tons and over); Bottom or Belly dump trucks

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Apr. Tr.
DECISION #PA75-3029 - Mod. #3 (40 FR 15318 - April 4, 1975) Armstrong, Blair, Cameron, Centre, Clarion, Clearfield, Crawford, Forest, Greene, Indiana, McKean, Venango and Warren Counties, Pennsylvania					
Change:					
Cement Masons	$8.345	.50	.835+.50		
Piledrivermen	9.50	5%	8%		
Truck Drivers: (See Attached Schedule)					

MODIFICATIONS P. 35

DECISION NO. PA-75-3029 - Mod. #3, Cont'd) Remaining Counties

PA-2-TD-2-3-A

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Class 1	$7.47	7.3%	4.2%		
Class 2	7.22	7.3%	4.2%		
Class 3	7.31	7.3%	4.2%		
Class 4	7.40	7.3%	4.2%		
Class 5	7.26	7.3%	4.2%		
Class 6	7.17	7.3%	4.2%		
Class 7	7.49	7.3%	4.2%		

CLASSIFICATIONS DEFINITIONS

Class 1: Heavy Duty Trealler, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks.

Class 2: Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.); Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), Flat bottom, Scissors, and combination fuel and grease)

Class 4: Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Tar and Asphalt Trailer Trucks; Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons, and similar equipment when not self-loaded) Rated under forty-five tons, Tri Axle trucks

Class 5: Trucks with Dolley or Trafler

Class 6: Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman.)

Class 7: Heavy off-the-road equipment (rated at forty-five tons or over); Bottom or Belly-dump Trucks

MODIFICATIONS P. 36

Decision # PA-75-3029 (Mod. # 3, Cameron, Clarion & Forest Counties, Pennsylvania Cont'd)

PA-5-TD-2-3-A

Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Class 1	$7.27	7.3%	4.2%		
Class 2	6.96	7.3%	4.2%		
Class 3	7.06	7.3%	4.2%		
Class 4	7.22	7.3%	4.2%		
Class 5	7.11	7.3%	4.2%		
Class 6	7.07	7.3%	4.2%		
Class 7	6.92	7.3%	4.2%		
Class 8	7.31	7.3%	4.2%		

CLASSIFICATIONS DEFINITIONS

Class 1: Heavy Duth Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks

Class 2: Single-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 4: Tri-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Tar and Asphalt Trailer Trucks; Tri-axle Trucks); Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons, and similar equipment when not self-loaded) Rated under forty-five tons

Decision # PA-75-3029 (Mod. # 3,
Cameron, Clarion & Forest
Counties, Pennsylvan TRUCK DRIVERS (Cont'd)
Cont'd) Heavy and Highway Construction

Class 5: Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.); Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), flat bottom, scissors, and combination fuel and grease);

Class 6: Trucks with Dolley or Trailer

Class 7: Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman.)

Class 8: Heavy off-the-road Equipment (rated at forty-five tons and over); Bottom or Belly dump trucks

DECISION #PA75-3051 - Mod. #1
(40 FR 17533 - April 18, 1975)
Butler, Cambria, Erie, Fayette, Mercer, Washington, Westmoreland, Lawrence, Mercer and Somerset Counties, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Cement Masons	$8.345	.50	.835+.50		
Piledrivermen	9.50	5%	8%		
Truck Drivers: (See Attached Schedule)					

DECISION #PA75-3058 - Mod. #1
(40 FR 28358 - July 3, 1975)
Elk County, Pennsylvania

Change:					
Laborers:					
Class 1	$7.42	.40	.50		
Class 2	7.67	.40	.50		
Class 3	8.22	.40	.50		

DECISION NO. PA-75-3051 - Mod. #1, PA-2-TD-2-3-A
Cont'd

Heavy and Highwy Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Class 1	$7.47	7.3%	4.2%		
Class 2	7.22	7.3%	4.2%		
Class 3	7.31	7.3%	4.2%		
Class 4	7.40	7.3%	4.2%		
Class 5	7.26	7.3%	4.2%		
Class 6	7.17	7.3%	4.2%		
Class 7	7.49	7.3%	4.2%		

CLASSIFICATIONS DEFINITIONS

Class 1: Heavy Duty Trailer, such as Low-Boy, Hi-Boy, Dump Trailer, Pole Trailer, A-Frames (when used for transporting materials), Dumpsters, Ross Carriers, Form Trucks, Dual-purpose Trucks (when load has been loaded or unloaded with truck winch, loading, hauling and unloading), Mechanical Tailgate Trucks, Bucket Self-loading Trucks, Farm Tractors (when pulling and hauling), Fork Lift Trucks (in storage areas and warehouses), Tar and Asphalt Distributing Trucks.

Class 2: Single-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.)

Class 3: Tandem-axle Ready-mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Liquid Tank Trucks - Straight and Semi (including water, sprinkler, oil trucks, etc.); Trucks over 33,000 lbs. gross load category (including all types of trucks such as fuel, dump (tandem), Flat bottom, Scissors, and combination fuel and grease)

Class 4: Tri-axle Ready-Mixed Concrete Trucks (such as agitators, barrel, redi-mix concrete trucks, etc.); Tar and Asphalt Trailer Trucks; Heavy equipment whose capacity exceeds that for which state licenses are issued - specifically refers to units in excess of 8 feet width (such as Euclids, Athey Wagon, Payloader, Tournawagons, and similar equipment when not self-loaded) Rated under forty-five tons, Tri Axle trucks

Class 5: Trucks with Dolley or Trailer

Class 6: Trucks under 33,000 lbs. gross load category (including all types of trucks such as fuel, dump, flat bottom, pickup and similar equipment. Also parts man and warehouseman.)

Class 7: Heavy off-the-road equipment (rated at forty-five tons or over); Bottom or Belly-dump Trucks

DECISION #PA-75-3054 - Mod. #1 (40 FR 28355 - July 3, 1975) Erie County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers	$10.41	.30	.40		
Electricians	10.20	3%	3%+1%		½ of 1%

DECISION #PA-75-3057 - Mod. #1 (40 FR 23686 - May 30, 1975) Blair County, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Lathers	8.97	.50	.35		.01
Laborers:					
Building laborers	6.78	.40	.50		
Plasterers tenders	6.83	.40	.50		
Blasters	7.38	.40	.50		
Ditch, trench or sumpwork exceeding 10' in depth incl. caisson	7.13	.40	.50		
Air track man, demolition of chimneys & erection of towers, antennas, cooling towers (on power plants), or other similar work in excess of 10' in height, suspension of workmen in swinging cages, suspension scaffolds swings, bosun's chair	7.28	.40	.50		
Millwrights	8.79	5%	3%+25	19%	¼%
Piledrivermen	10.07	5%	8%		.50 of 1%
Roofers	9.76	.62	1.50		.06
Sheet Metal Workers	9.58	.75	.90		.03

DECISION #PA-75-5059 - Mod. #1
(40 FR 28361 - July 3, 1975)
Cambria County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Ironworkers:					
Structural, ornamental & reinforcing	$ 9.545	.785	.905		.03
Laborers:					
Laborers	6.78	.40	.50		
Plasterers tenders	6.83	.40	.50		
Blasters	7.38	.40	.50		
Lathers	8.97	.50	.35		.01
Millwrights	8.79	5%	3%+25	19%	½%
Piledrivermen	10.07	5%	8%		.50 of 1%
Sheet Metal Workers	9.58	.75	.90		.03

DECISION NO. 75-2090- Mod #1
(40 FR 28365- July 3, 1975)
Newport County, Rhode Island

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Roofers:					
Composition, waterproofers	$9.20	.45	.25		
Slate, tile, precast concrete	9.40	.45	.25		
Helpers, Class A	8.35	.45	.25		
Helpers, Class B	7.80	.45	.25		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TN75-1052 - Mod. #1 (40 FR 23688 - May 30, 1975) Knox County, Tennessee					
CHANGE:					
Electricians & Line Construction:					
Electricians and Linemen	$ 8.25	.40	1%		.5%
Cable splicers	8.65	.40	1%		.5%
Painters:					
Commercial	7.20		.35		.03
Industrial	7.55		.35		.03
Truck drivers:					
3 tons, & inc., 4 yds., dump truck	5.10	.25	e		
3 to 5 tons, & inc. 6 yds., dump truck	5.34	.25	e		
5 tons, & over inc. dump truck over 6 yds., ready mix conc. truck, tank trucks, floats, & lowboys, winch truck & semi-trailer any type trucks pulling or towing equipment	5.54	.25	e		
FOOTNOTE:					
e. $6.00 per week for each employee.					
DECISION #TN75-1053 - Mod. #1 (40 FR 24464 - June 6, 1975) Anderson & Roane Counties, Tennessee (Oak Ridge, Energy Research Development Administration Only)					
CHANGE:					
Electricians:					
Electricians; Linemen	$8.31	.40	1%		.5%
Cable Splicers	8.81	.40	1%		.5%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4096 - Mod. #4 (40 FR 21689 - May 16, 1975) Galveston & Harris Counties, Texas					
Change:					
Cement masons:					
Galveston County	$8.32	.49	.42		
Sheet metal workers:					
Harris County	8.985	.225	.475	.20	.025
Truck drivers:					
Group 1	7.13				
Group 2	7.48				
Group 3	7.68				
Group 4	7.83				
Group 5	7.36				
Group 6	8.31				
DECISION #TX75-4099 - Mod. #3 (40 FR 22787 - May 23, 1975) Kleberg & Nueces Counties, Texas					
Change:					
Plasterers	8.20				.01
Omit:					
Ironworkers:					
Structural; Ornamental	5.89	.40	.40		.04
Reinforcing	5.84	.40	.40		.04
Add:					
Ironworkers	6.09	.55	.40		.04
DECISION #TX75-4103 - Mod. #2 (40 FR 22795 - May 23, 1975) Harrison County, Texas					
Change:					
Electricians:					
Electricians	7.60		1%		1/4%
Cable splicers	7.95		1%		1/4%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4104 - Mod. #2 (40 FR 22796 - May 23, 1975) Bowie County, Texas					
Change:					
Carpenters:					
Carpenters	$6.95				.01
Millwrights	8.85				.04
Piledrivermen	7.55				.01
Plumbers & pipefitters	9.00		.50		.05
Soft floor layers	6.95				.01
DECISION #TX75-4106 - Mod. #3 (40 FR 22799 - May 23, 1975) Brazos County, Texas					
Change:					
Sheet metal workers	8.985	.225	.475	.20	.025
DECISION #TX75-4108 - Mod. #4 (40 FR 22803 - May 23, 1975) Wichita County, Texas					
Change:					
Bricklayers & stonemasons	8.74		.30		.05
Cement masons	7.15				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4110 - Mod. #4 (40 FR 23692 - May 30, 1975) Bell, Bosque, Coryell, Falls, Hill & McLennan Counties, Texas					
Change:					
Building Construction:					
Bricklayers	$8.10		.55		.03
Lathers	7.30	.30		.50	.05
Roofers:					
Slate, tile, asbestos, roofing & siding	5.95				.03
Composition, built-up, damp & waterproofing	5.80				.03
DECISION #TX75-4114 - Mod. #3 (40 FR 26240 - June 20, 1975) El Paso County, Texas					
Change:					
Laborers:					
Pipelayer, main sewer & drainage	4.33	.34	.25		
DECISION #TX75-4117 - Mod. #1 (40 FR 29527 - July 11, 1975) Jefferson & Orange Counties, Texas					
Change:					
Sprinkler fitters	10.10	.50	.80		.08

MODIFICATIONS P. 47

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #TX75-4118 - Mod. #1 (40 FR 29529 - July 11, 1975) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Dooley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas					
Change:					
Plumbers	$8.18	.25	.55	.30	

STATE: Arkansas COUNTY: Pulaski
DECISION NO.: AR75-4134 DATE: Date of Publication
Supersedes Decision No. AR75-4058 dated February 28, 1975 in 40 FR 8704
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.95	.25	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS - STONEMASONS	7.15	.30	.25		.02
CARPENTERS:					
Carpenters	6.80	.35	.25		.04
Millwrights & Piledrivermen	7.05	.35	.25		.04
CEMENT MASONS	7.72	.25			.03
ELECTRICIANS:					
Electricians	8.775	.30	1%		½%
Cable splicers	8.90	.30	1%		½%
ELEVATOR CONSTRUCTORS:					
Journeymen	7.22	.445	.29	3%+a+b	.02
Helpers	70%JR	.445	.29	3%+a+b	.02
Helpers - Probationary	50%JR				
GLAZIERS	6.65				.01
IRONWORKERS	8.31	.45	.35		.04
LABORERS:					
Group I	5.37	.15	.20		.04
Group II	5.62	.15	.20		.04
Group III	5.72	.15	.20		.04
Group IV	5.77	.15	.20		.04
Group V	5.87	.15	.20		.04
Group VI	6.02	.15	.20		.04

LABORERS CLASSIFICATION DEFINITIONS

Group I - Construction laborers, concrete laborers, wrecking laborers, mechanic laborers, excavating laborers

Group II - Semi-skilled laborers, pipelayers, concrete and clay and mechanical tool, cement mixer, wet or dry, finishers and plasterers, mason tender, mortar mixer, asphalt raker and shovelers, creosote wood handlers, and chuck tenders

Group III - Air jack operators, shorers, bracers and cribbers (wood or steel) spademan, kemper and other pneumatic concrete placer operator

Group IV - Steel form setters, curb and gutters, grout and cement muckers

Group V - Swinging scaffold, wagon drill operator, burners

Group VI - Nozzleman (Gunite Grout, Cement & Sandblaster)

DECISION NO. AR75-4134

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$7.90				.02
LINE CONSTRUCTION:					
Linemen	9.075		1%		½%
Cable splicers	9.20		1%		½%
Operator	9.075		1%		½%
Groundmen (advanced)	65%JR		1%		½%
Groundmen (1st 6 months)	49%JR		1%		½%
Winch equipment	73%JR		1%		½%
MARBLE, TILE & TERRAZZO WORKERS	6.95				
PAINTERS:					
Painters, paperhangers and steam cleaners, sheet rock finishers and wall cover hangers	6.60		.30		
Spray gun operators and sand blasterers	7.20		.30		
All skelton steel and all work on stages, structural steel over 30 feet high	6.85		.30		
PLASTERERS	7.80				.02
PLUMBERS & PIPEFITTERS:					
Within 10 mile radius of Pulaski County Courthouse	8.50	.30	.55		.02
Over 10 miles from Pulaski County Courthouse	8.80	.30	.55		.02
POWER EQUIPMENT OPERATORS:					
Group I	8.70	.25	.25		
Group II	7.86	.25	.25		
Group III	7.48	.25	.25		
Group IV	6.29	.25	.25		
Group V	5.90	.25	.25		

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - Cranes, draglines, and shovels equipped with 100 foot boom including jib or over, or a lifting capacity of 100 tons or over, and/or attachments five (5) cubic yards or over, as rates by the manufacturer, and operators of all tower, climbing cranes, and derricks required to work 25 feet or over from the ground

Group II - Cranes, draglines, and shovels equipped with less than 100 foot of boom including jib, or a lifting capacity less than 100 tons, and/or attachments less than 5 cu. yds., as rated by the manufacturer, all backhoes capable of a 360 degree swing, all derricks, floating, tractor or truck types, all piledrivers, land or floating, all overhead & traveling cranes, all cable ways, cherry pickers or tractors with swinging boom attachments, whirley, paving mixers with boom, gradealls, scrapers or pulls in tandem, all above equipment irrespective of motive power, leaverman (engineer), hydraulic and bucket dredges, irrespective or size, mechanics and/or welders, blacksmith

DECISION NO. AR75-4134

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS (CONTD)

Group III - Heavy Equipment Operators: All bulldozers, all front end loaders, all sidebooms, all push tractors, all single unit pull scrapers, all motor graders, all hydraulic backhoes not capable of 360 degree swing, all trenching machines, wheel bucket, chain, or conveyor types regardless of size or motive power, all backfillers, all central mixing plants, mixers 10S & larger and concrete spreaders, all boiler firemen high or low pressure, all asphalt spreaders, rollers and finishing machines, hydro truck crane, multiple drum hoist, irrespective of motive power, all rotary, cable, tool, core drill or churn drill, water well and foundation drilling machines, regardless of size, regardless of motive power, first assistant engineer (dredge) boat and dredge tender operator

Group IV - Semi-Heavy Equipment Operators: Oiler driver motor crane, single drum hoists, winches and air tuggers, irrespective or motive power, winch or A-frame trucks, forklifts, skytracks, dirt rollers of all types and pull tractors, regardless of size, elevator op. inside and outside when used for carrying workmen from floor to floor and handling building material, Lad-A-Vator, conveyor, batch plant, concrete mixers below 10S pumpcrete, spray machine and pressure grout machine, air compressors, regardless of size. All light equipment, in multiple units four or more, all dewatering pumps when used in connection with well point systems, second assistant and engineer (dredge)

Group V - Light Equipment Operators: All welding machines, light plants, pumps, space heaters, in units less than four, irrespective of size, irrespective of motive power, equipment, greaser, oiler, mechanic helper, drilling machine helper, asphalt distributor, chip spreader, form grader, end dump Euclid and like equipment, third assistant engineer (dredge), safety boat operator, oiler on dredge

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	6.55		.05		
SHEET METAL WORKERS	7.80	.35	.30		.02
SPRINKLER FITTERS	9.15	.50	.80		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

FOOTNOTES:

a - 1st 6 mos. - none; 6 mos. to 5 years - 2%; over 5 years - 4% of basic hourly rate.

b - Paid Holidays - A through F

c - Apprenticeship Fund shall be $0.50 per month per journeyman and apprentice employed.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

SUPERSEDEAS DECISION

Page 2

STATE: California

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Plumas, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA75-5085

DATE: Date of Publication

Supersedes Decision No. CA75-5052 dated April 18, 1975, in 40 FR 17476

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 10.90	.90	.87	1.07	.06
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	10.02	.90	.58	1.00	
Alameda and Contra Costa Counties	10.15	.85	.95		.15
Fresno, Kings, Madera, Mariposa and Merced Counties	9.77	.48	1.00		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	10.65	.73	.92		.22
Monterey and Santa Cruz Counties	10.75	.93	1.10	.75	
San Benito and Santa Clara Cos.	10.15	.85	.95		.15
Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	9.20	.55	.60	1.00	
Tulare County	9.30	.70	1.00		.07
BRICK TENDERS:					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	8.80	.80	1.40		
Alameda and Contra Costa Counties	7.70	.55	.95		
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	8.61	.70	.90		
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.65	.65	1.35	.80	
Stanislaus and Tuolumne Counties	5.75	.65	1.35	.80	
San Francisco and San Mateo Cos.	10.00	.65	.80		
Fresno, Kings, Madera and Tulare Counties	8.20	.80	1.40		

DECISION NO. CA75-5085

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Carpenters	$ 10.00	.72	1.23	.75	.04
Hardwood floor layers; Power saw operator; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	10.15	.72	1.23	.75	.04
Millwrights	10.50	.72	1.23	.75	.04
Piledrivermen, bridge, wharf and Dock builders	10.13	.72	1.23	.75	.04
CEMENT MASONS:					
Cement Masons	8.46	.90	1.25	1.25	.05
Mastic; Magnesite; All comp. masons	8.71	.90	1.25	1.25	.05
Men working from swinging or slip form scaffolds	8.71	.90	1.25	1.25	.05
DRYWALL INSTALLERS	10.27	.72	1.23	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	10.412	.70	1% + .50		.03
Cable Splicers	11.712	.70	1% + .50		.03
Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Main Sierra Mountain Watershed					
Electricians	9.94	.60	1% + .65		.045
Cable Splicers	10.93	.60	1% + .65		.045
Tunnel:					
Electricians	10.07	.60	1% + .65		.045
Cable Splicers	11.08	.60	1% + .65		.045
Lake Tahoe Area					
Electricians	10.34	.53	1% + .55		.03
Cable Splicers	11.37	.53	1% + .55		.03
Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama, and Trinity Counties					
Electricians	9.84	.60	1% + .40		.005
Cable Splicers	10.82	.60	1% + .40		.005

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DECISION NO. CA75-5085

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS (Cont'd)					
Tunnel:					
Electricians; Cable Splicers' helpers	$ 10.33	.60	1% + .40		.005
Cable Splicers	11.37	.60	1% + .40		.005
Calaveras and San Joaquin Cos.					
Electricians; Technicians	9.00	.49	1%		.01
Cable Splicers	10.13	.49	1%		.01
Contra Costa County					
Electricians	9.80	.60	1% + .50		.02
Cable Splicers	11.05	.60	1% + .50		.02
Del Norte and Humboldt Counties					
Electricians	9.50	.47	1% + 1.35		.02
Cable Splicers	10.26	.47	1% + 1.35		.02
Fresno, Kings, Madera and Tulare Counties					
Electricians	9.86	.50	1% + .70		.05
Cable Splicers	10.26	.50	1% + .70		.05
Lake, Marin, Mendocino and Sonoma Counties					
Electricians	11.25	.61	1% + .30		.02
Cable Splicers	12.38	.61	1% + .30		.02
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Electricians	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Electricians	11.15	.55	1%		.01
Cable Splicers	12.32	.55	1%		.01
Napa and Solano Counties					
Electricians	9.67	.58	1% + .60		.04
Cable Splicers	10.17	.58	1% + .60		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	10.70	.52	1% + .60		.02
Cable Splicers	12.04	.52	1% + .60		.02
San Francisco County					
Electricians	10.67	.705	1% + .50		.04
Cable Splicers	12.00	.705	1% + .50		.04
San Mateo County					
Electricians	10.55	.69	1% + .35		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS	$ 10.70	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Alpine, Amador, Butte, Calaveras, El Dorado, Mariposa, Modoc, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston) Counties	7.77	.25	.55		
Alameda, Contra Costa, Lake, Marin, Mendocino (Southern half of County from North of Ft. Bragg), Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E. to Fairfield) and Sonoma Counties	9.135	.60	.83		.01
Merced (Remainder of County), Fresno, Kings, Madera and Tulare Counties	7.68	.41	.55	.66	.05
IRONWORKERS:					
Fence Erectors	8.89	.88	1.375	1.03	.03
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03
LATHERS:					
Alameda and Contra Costa Counties	9.81	.74	.715		.025
Butte, Colusa, Glenn, Humboldt, Lake, (That portion of County from Lakeport up to County Line) Nevada, Placer, Plumas, Shasta, Sierra, Tehama and Trinity Cos.	9.10	.48	.50		.01
Calaveras and San Joaquin Cos.	9.90	.58	.55		.01
Lake (from City of Lakeport down to County line), Marin, Mendocino and Sonoma Counties	8.14	.40	.45	1.00	1/8%
Monterey and Santa Cruz Counties	10.37	.58	.50	.95	.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS: (Cont'd)					
Napa and Solano Counties	$ 8.88	.65	.40		.01
San Francisco and N. 1/2 of San Mateo County	10.08	.46	.65	1.00	.01
San Benito and Santa Clara Cos.	10.14	.73	.75		
Fresno County	9.83	.35	.45		
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.50				.01
Amador, El Dorado, Sacramento and Yolo Counties	8.15	.395	.75	1.00	
Southern Half of San Mateo County	10.03	.32	1.00		
LINE CONSTRUCTION:					
Contra Costa County					
Groundmen	7.35	.60	1% + .50		.03
Line Equipment Operators	8.82	.60	1% + .50		.03
Linemen	9.80	.60	1% + .50		.03
Cable Splicers	11.05	.60	1% + .50		.03
Del Norte, Modoc and Siskiyou Counties					
Tree trimmer helper; Groundman	7.12	.35	1%	.10	1/2%
Head groundman; Headgroundman (Chipper); Powdermen; Jack-hammermen	7.56	.35	1%	.10	1/2%
Line equipment men	8.65	.35	1%	.10	1/2%
Linemen Polesprayer; Heavy line equipment men; Certified lineman; Welder	10.04	.35	1%	.10	1/2%
Tree trimmer	9.06	.35	1%	.10	1/2%
Cable splicer; Leadman; Pole sprayer	11.12	.35	1%	.10	1/2%
Fresno, Kings, Madera and Tulare Counties					
Line equipment operators	9.86	.50	1% + .70		.05
Linemen	9.86	.50	1% + .70		.05
Cable splicers	10.26	.50	1% + .70		.05
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Linemen	9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Groundmen	8.37	.55	1%		.01
Linemen; Technicians	11.16	.55	1%		.01
Cable splicers	12.33	.55	1%		.01
Napa and Solano Counties					
Linemen	9.67	.58	1% + .60		.03
Cable Splicers	10.17	.58	1% + .60		.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Cont'd)					
Humboldt County					
Groundmen	$ 7.60	.47	1% + 1.35		.01
Linemen	9.50	.47	1% + 1.35		.01
Cable Splicers	10.26	.47	1% + 1.35		.01
MARBLE SETTERS	9.26	.81	.51	1.03	
PAINTERS:					
Butte, Colusa, Glenn, Lassen (except extreme S. E. corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Brush; Roller	5.40	.35	.25	1.05	
Spray; Sandblasters; Structural steel; Swingstages; Tapers	5.65	.35	.25	1.05	
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	8.97	.65	1.45	.80	
Spray; Sheetrock taper; Swing-stage; Scaffold, sandblaster; Structural steel	9.37	.65	1.45	.80	
Fresno, Kings, Madera, and Tulare Counties					
Brush; Tapers	10.22	.40	.20		
Spray; Structural steel	10.47	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.40	.79	.90	.80	.03
Spray	10.65	.79	.90	.80	.03
Tapers	10.95	.79	.90	.80	.03
Lake Tahoe Area					
Brush	8.30	.50	.20		
Spray; Structural steel; Tapers	8.55	.50	.20		
Lake, Marin, Mendocino, San Francisco and Sonoma Counties					
Brush	10.15	.79	.90	.80	.03
Spray	10.40	.79	.90	.80	.03
Tapers	11.10	.79	.90	.80	.03
Del Norte, Humboldt Counties					
Brush	6.90	.35	.20		
Paperhangers; Spray; Steel; Tapers	7.15	.35	.20		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Lassen County (that portion that lies Eastward of Hwy. #395, Northward to and including Honey Lake)					
Brush	$ 10.50	.70	.20		
Spray; Structural steel; Tapers	10.75	.70	.20		
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.30	.79	.90	.80	.03
Spray	10.55	.79	.90	.80	.03
Tapers	11.10	.79	.90	.80	.03
Mariposa, Merced, Stanislaus and Tuolumne Counties					
Brush	6.30	.35		.75	.02
Paperhangers; Spray; Tapers	6.55	.35		.75	.02
PAINTERS:					
Parking Lot Striping Work and/or Highway Markers:					
Fresno, Kings and Tulare Cos.					
Traffic delineating device applicator	6.82	.40	.20	b	
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	6.43	.40	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer, traffic surface protective coating applicator, striper)	5.43	.40	.20	b	
Remaining Counties					
Traffic delineating device applicator; Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster	6.82	.35	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer, protective coating applicator)	6.32	.35	.20	b	
Striper	7.92	.35	.20	b	
Striper, helper	6.82	.35	.20	b	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
Alameda and Contra Costa Counties	$ 8.94	.645	.58		.03
Butte, Colusa, Glenn, Lassen (South eastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Counties	7.85	.395	.50	1.00	.02
Monterey County	9.60	.71	.35		.01
Fresno, Kings, Madera and Tulare Counties	7.59	.56	.50		
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.09	.455	.75		
San Benito and Santa Clara Cos.	7.63	.59	.50	.80	.01
San Francisco County	11.42	.63	1.00		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Lassen, (North western half of Lassen County), Marin, Modoc, Napa, Shasta, Siskiyou, Solano, Sonoma, Tehama and Trinity Cos.	7.55	.53	.35	1.00	.01
Mariposa, Merced, Stanislaus and Tuolumne Counties	7.50	.65	1.05	1.00	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.87	.60	1.10		
Fresno, Kings and Madera Counties	8.25	.80	1.40		
Marin County	6.66	.65	.65	1.00	
Napa County	7.95	.80		.90	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	7.455	.455	1.40	.80	
San Francisco and San Mateo Cos.	7.30	.50	.65	1.00	
San Benito, Santa Clara and Santa Cruz Counties	10.35	.70	1.15		
Lassen, Modoc, Shasta, Siskiyou, Tehama and Trinity Counties	5.65	.65	1.35	.80	
Stanislaus and Tuolumne Counties	5.65	.65	1.35	.80	
Monterey County	7.55	.80	1.40		
PLUMBERS:					
Alameda County	10.80	.78	1.40		.12
Contra Costa County	11.57	.88	1.50		.16
Del Norte and Humboldt Counties	10.83	.61	1.12	1.06	.05
PLUMBERS; Steamfitters:					
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties, (excluding Lake Tahoe Area)	11.28	.77	1.30		.11

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters: (Cont'd)					
Lake Tahoe Area	$ 9.89	.58	.60	1.95	.10
Marin, Mendocino, San Francisco, and Sonoma Counties	10.14	1.58	1.00	.985	.10
San Benito and Santa Clara Cos.	11.40	.61	1.39		.14
San Mateo County	10.49	.79	1.39	1.20	.25
Alpine, Amador (Southern portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties	12.10	1.15	1.44		.06
Lake, Napa and Solano Counties	11.85	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Counties					
Roofers	9.23	.77	.75	.35	.01
Mastic workers; Kettlemen (2 Kettles w/o pumps)	9.48	.77	.75	.35	.01
Bitumastic; Enamelers; Pipe-wrappers; Coal tar built up	10.23	.77	.75	.35	.01
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus, and Tuolumne Counties					
Roofers (slate, tile Composition and built up)	9.14	.65	.55		
Felt machine operator	9.29	.65	.55		
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties					
Roofers	8.54	.65	.40		
Fresno, Kings, Madera and Tulare Counties					
Roofers	8.45	.50	.50		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
Lake, Marin, Mendocino, Napa Solano and Sonoma Counties					
Roofers	$ 8.64	.45	.75	1.25	.04
Mastic workers; Kettlemen (2 Kettles w/o pumps)	8.89	.45	.75	1.25	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	9.64	.45	.75	1.25	.04
Del Norte and Humboldt Counties					
Roofers	8.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	8.20	.45	.60	1.00	
San Francisco and San Mateo Cos.					
Roofers	8.92	.50	.75	.90	.04
Mastic workers and kettlemen (2 kettles) without pumps	9.17	.50	.75	.90	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	9.92	.50	.75	.90	.04
Amador, Sacramento and Yolo Cos.					
Roofers (slate, tile and composition)	8.31	.64	.60		.02
Enameler and pitch	9.31	.64	.60		.02
San Benito and Santa Clara Cos.					
Roofers; Kettlemen (1 kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties	9.75	.48	1.40	12%	.02
Alpine, Calaveras and San Joaquin Counties	7.62	.36	.95	1.40	
Amador, Butte, Colusa, El Dorado, Glenn, Lassen, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	8.46	.48	1.20	12%	.08
Del Norte, Humboldt and Trinity Counties	8.18	.38	.83		
Fresno, Kings, Madera and Tulare Counties	8.05	.38	.69	.80	.07
Mariposa, Merced, Stanislaus and Tuolumne Counties	8.83	.36	.60		.03
Monterey, San Benito, Santa Clara and Santa Cruz Counties	9.45	.48	1.555	.945	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS: (Cont'd)					
San Francisco County	$ 8.48	.38	.55		10%
San Mateo County	11.10	.49	1.10		.12
Modoc and Siskiyou Counties	8.67	.42	.34		.005
SOFT FLOOR LAYERS:					
Alameda, Contra Costa, Napa and Solano Counties	7.50	.36	.30	.29c	.05
Alpine, Amador, Butte, Calaveras, Colusa, Glenn, Lassen (excluding Honey Lake Area), Merced, (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	8.86	.64	1.00	1.00	.07
Honey Lake Area and Lake Tahoe Area	9.25	.50	.20		
Fresno, Kings, Madera, Tulare Counties	8.80	.20			
Lake, Marin, Mendocino, San Francisco, San Mateo and Sonoma Counties	7.80	.60	.55	d	.05
Monterey, San Benito, Santa Clara and Santa Cruz Counties	7.39	.35	.30	.89	.05
Del Norte and Humboldt Counties	7.20	.40	.50	8%	
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	13.41	.50	.70		.09
Remaining Counties	13.72	.50	.80		.08
STEAMFITTERS:					
Alameda and Contra Costa Counties	10.065	.75	1.25		.12
Del Norte and Humboldt Counties	11.13	.61	1.12	1.06	.05
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Counties	8.78	.85	.58	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS: (Cont'd)					
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	$ 10.65	.73	.92		.22
TERRAZZO WORKERS' HELPERS:					
Terrazzo workers' helper	7.205	.505	.30		
Base machine operator	7.605	.505	.30		
TILE SETTERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Siskiyou, Solano, Sonoma and Trinity Counties	8.05	.70	.80	.90	.025
Alpine, Amador, Calaveras, San Joaquin, and Tuolumne Counties	8.07	.55	.30	1.00	
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015
Fresno, Kings, Madera and Tulare Counties	8.97	.40	.35		
Monterey and Santa Cruz Counties	9.35	.795	.73		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service, and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund in 1st year of employment; $.30 per hour after 1 year, but less than 5 years' service; $.40 per hour after 5 years, but less than 10 years' service and $.50 per hour after 10 years' service.

c. 1st year employment employer contributes $.14 per hour to Vacation; 2nd thru 5th year $.30 per hour; 6th year and thereafter $.40 per hour.

d. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation and Holiday Fund.

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POWER EQUIPMENT OPERATORS: DREDGING SCHEDULE I CLAMSHELL AND DIPPER DREDGING (New Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1					
Bargeman; Deckhand; Fireman; Oiler					
Area 1	$7.76	.85*	1.37	.60	.14
Area 2	8.42	.85*	1.37	.60	.14
Area 3	8.67	.85*	1.37	.60	.14
Area 4	8.92	.85*	1.37	.60	.14
Group 2					
Deck Engineers; Deck Mate					
Area 1	9.23	.85*	1.37	.60	.14
Area 2	9.89	.85*	1.37	.60	.14
Area 3	10.14	.85*	1.37	.60	.14
Area 4	10.39	.85*	1.37	.60	.14
Group 3					
Welder; Mechanic Welder; Watch Engineer					
Area 1	9.59	.85*	1.37	.60	.14
Area 2	10.25	.85*	1.37	.60	.14
Area 3	10.50	.85*	1.37	.60	.14
Area 4	10.75	.85*	1.37	.60	.14
Group 4					
Clamshell Operator (up to and including 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	10.23	.85*	1.37	.60	.14
Area 2	10.89	.85*	1.37	.60	.14
Area 3	11.14	.85*	1.37	.60	.14
Area 4	11.39	.85*	1.37	.60	.14
Group 4-A					
Clamshell Operator (Over 7 cu. yds. m.r.c.) (Long Boom Pay)					
Area 1	11.20	.85*	1.37	.60	.14
Area 2	11.86	.85*	1.37	.60	.14
Area 3	12.11	.85*	1.37	.60	.14
Area 4	12.36	.85*	1.37	.60	.14

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POWER EQUIPMENT OPERATORS (Cont'd) DREDGING SCHEDULE II HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group A-1					
Bargeman; Deckhand; Leveehand; Fireman; Oiler					
Area 1	$7.74	.85*	1.37	.60	.14
Area 2	8.40	.85*	1.37	.60	.14
Area 3	8.65	.85*	1.37	.60	.14
Area 4	8.90	.85*	1.37	.60	.14
Group A-2					
Winchman (stern winch on dredge); Deckmate; Deck Engineer					
Area 1	8.59	.85*	1.37	.60	.14
Area 2	9.25	.85*	1.37	.60	.14
Area 3	9.50	.85*	1.37	.60	.14
Area 4	9.75	.85*	1.37	.60	.14
Group A-3					
Watch Engineer; Welder; Welder Mechanic					
Area 1	9.18	.85*	1.37	.60	.14
Area 2	9.84	.85*	1.37	.60	.14
Area 3	10.09	.85*	1.37	.60	.14
Area 4	10.34	.85*	1.37	.60	.14
Group A-4					
Leverman; Clamshell Operator					
Area 1	9.94	.85*	1.37	.60	.14
Area 2	10.60	.85*	1.37	.60	.14
Area 3	10.85	.85*	1.37	.60	.14
Area 4	11.10	.85*	1.37	.60	.14

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Tow Boats (Dredging): Work on self-propelled vessels (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies					
Deckhand/Mechanic					
Area 1	$8.13	.64	1.24	1.00	
Area 2	8.63	.64	1.24	1.00	
Area 3	8.88	.64	1.24	1.00	
Area 4	9.13	.64	1.24	1.00	
Deckhand/Mechanic (Continuous Service Vessels)					
Area 1	8.13	.64	1.24	1.00	
Area 2	8.63	.64	1.24	1.00	
Area 3	8.88	.64	1.24	1.00	
Area 4	9.13	.64	1.24	1.00	
Operator/Mechanic; Watch Engineer					
Area 1	9.03	.57	1.36	1.00	
Area 2	9.53	.57	1.36	1.00	
Area 3	9.78	.57	1.36	1.00	
Area 4	10.03	.57	1.36	1.00	
Operator/Mechanic; Watch Engineer (Continuous Service Vessels)					
Area 1	9.03	.57	1.36	1.00	
Area 2	9.53	.57	1.36	1.00	
Area 3	9.78	.57	1.36	1.00	
Area 4	10.03	.57	1.36	1.00	

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building and Heavy Construction Tow Boats (Dredging): Work on self-propelled vessels (except skiffs powered by outboard motors) engaged in towing and shifting of barges, vessels and water borne craft or in the transportation by water of personnel, materials, equipment and supplies					
Deckhands					
Area 1	$ 7.15	.52	.84	1.00	
Area 2	7.68	.52	.84	1.00	
Area 3	7.93	.52	.84	1.00	
Area 4	8.18	.52	.84	1.00	
Boat Operators	8.00	.45	.93	1.00	

FOOTNOTES:

Four Centers designated: City Halls of Oakland, San Francisco, Sacramento and Stockton, California.

Area 1 - Up to 20 road miles from said Centers.
Area 2 - More than 20 road miles to and including 30 road miles from said Centers.
Area 3 - Outside of 30 road miles from said Centers.
Area 4 - An area extending 25 road miles from shoreline of Lake Tahoe.

*Includes $.13 to Pensioned Health and Welfare Fund.

DECISION NO. CA75-5085

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Flat rack manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply). Dump (under 4 yds. water level), Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Hipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers, Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers, Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 5 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

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TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	$ 7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER and SIMILAR STRADDLE CARRIER	$8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (goosemeck lowbed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 15 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level)	8.37	1.195	.65	1.00	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-puls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

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TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level);					

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TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
GROUP 1 :	$ 7.785	.80	1.40	.90	.10
GROUP 1(a):	8.01	.80	1.40	.90	.10
GROUP 1(b):	7.835	.80	1.40	.90	.10
GROUP 1(c):	8.335	.80	1.40	.90	.10
GROUP 1(d):	7.985	.80	1.40	.90	.10
GROUP 2 :	7.635	.80	1.40	.90	.10
GROUP 3 :	7.535	.80	1.40	.90	.10
LABORERS (Gunnite)					
GROUP 1: Nozzleman (incl. Gunman; Potman); Rodman; Groundman	8.245	.80	1.40	.90	.10
GROUP 2: Reboundman	7.655	.80	1.40	.90	.10
GROUP 3: General Laborer	7.535	.80	1.40	.90	.10
LABORERS (Tunnel & Shaft Work)					
GROUP 1:	8.195	.80	1.40	.90	.10
GROUP 2:	7.915	.80	1.40	.90	.10
GROUP 3:	7.745	.80	1.40	.90	.10
GROUP 4:	7.635	.80	1.40	.90	.10
LABORERS (Wrecking Work)					
GROUP 1:	7.785	.80	1.40	.90	.10
GROUP 2:	7.635	.80	1.40	.90	.10
GROUP 3:	7.535	.80	1.40	.90	.10
POWER EQUIPMENT OPERATORS (Piledriving)					
GROUP 1 :	8.33	.87*	1.78	.80	.24
GROUP 1(a):	8.63	.87*	1.78	.80	.24
GROUP 1(b):	8.77	.87*	1.78	.80	.24
GROUP 2 :	9.34	.87*	1.78	.80	.24
GROUP 2(a):	9.53	.87*	1.78	.80	.24
GROUP 3 :	9.80	.87*	1.78	.80	.24
GROUP 3(a):	10.15	.87*	1.78	.80	.24
GROUP 4 :	10.65	.87*	1.78	.80	.24
GROUP 5 :	10.78	.87*	1.78	.80	.24

*Includes $.15 per hour to Pensioned Health & Welfare Fund.

LABORERS

1: Asphalt ironers and rakers; Barko, wacker and similar type ..., Buggymobile; Chainsaw, faller, logloader and bucker; Compact-all types; Concrete and magnesite mixer 1/2 yd. and under; ...pak work; Concrete saw; Concrete sander; Cribber and/or ...; Cut granite curb setter; Form raisers; slip forms; Green ..., Hesterboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking ...over 12 in.; Jackson and similar type compactors; Kettlemen, ...and tar applying asphalt, lay-Kold, creosote, lime, caustic and ... type materials; Lagging, sheeting, whaling, bracing, trench-..., hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, ...tic workers (wet or dry); Pavement breakers and spaders, incl. ...inder; Pipelayers, caulkers, banders, pipewrappers, conduit ..., plastic pipelayers; Post hole diggers - air, gas and electric; ...room sweepers; Power tampers of all types (except as shown in ...); Pneu set gun and stud gun; Riprap-stonepaver and rock-slinger, ...placing of sacked concrete and/or sand (wet or dry); Rotary ..., multiple head concrete chipper; Davis Trencher - 300 or ... type (and all small trenchers); Roto and ditch witch; Roto-..., Sandblasters, potman, gunman, nozzleman; Signalling and rig-...; Tank cleaners; Tree climbers; Vibra-screed - bull float in connec-...ith laborers' work; Vibrators; Dri-pak-it machine; High pressures ...pe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and ...r type; Laser beam in connection with laborers' work

1(a): Joy drill Model TWM-2A; Gardener-Denver Model DH143 and ...r type drills; Track drillers; Jack Leg drillers; Diamond drillers; ... drillers; Mechanical drillers - all types regardless of type or ...t of power; Multiple unit drills; Blasters and powdermen; All work ...ding, placing and blasting of all powder and explosives of what-...type regardless of method used for such loading and placing; High ...rs (incl. drilling of same); Tree topper; Bit grinder

1(b): Burning and Welding

1(c): Laborers on general construction work on or in bell hole ...ngs and shaft

1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, ...wrappers, Conduit Layers and Plastic pipelayers; Pressure pipe ..., no joint pipe & stripping of same, incl. repair of voids, Pre-...anhole setters, cast in place, manhole form setters

2: Asphalt Shovelers; Cement dumpers and handling dry cement or ...m; Choke-setter and rigger (clearing work); Concrete bucket ...er and shuteman; Concrete chipping and grinding; Concrete Laborers ...r dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser ...man); Scrat Crew; High Pressure Nozzleman, adductors; Hydraulic ...r (over 100 lbs. pressure); Loading and unloading, carrying and ...ing of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction Laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, Maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Tunnel and Shaft Work)

GROUP 1: Diamond Driller; Groundman; Gunite or Shotcrete Nozzlemen; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

GROUP 2: Bit Grinder; Blaster, Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzleman; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzleman on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form Raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

GROUP 3: Cabletender; Chucktender; Powderman-primer house; Vibratormen, Pavement Breakers

GROUP 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swamper

LABORERS (Wrecking Work)

GROUP 1: Skilled wrecker (Removing and salvaging of sash, windows, doors, plumbing and electric fixtures

GROUP 2: Semi-skilled wrecker (Salvaging of other building materials)

GROUP 3: General laborer (Includes all cleanup work, loading, lumber, loading and burning of debris)

POWER EQUIPMENT OPERATORS
(Piledriving)

GROUP 1: Assistant to Engineer (Fireman, Oiler, Dockhand)

GROUP 1-A: Compressor Operator

GROUP 1-B: Truck Crane Oiler

GROUP 2: Tugger Hoist (hoisting material only)

GROUP 2-A Compressor operator (2-7); Generator (100 K. W. or over); Pump (2-7); Welding Machine (2-7) powered other than by electricity)

GROUP 3: Dock Engineer; Fork Lift; A-Frame; Self-propelled Boom Type Lifting Device

GROUP 3-A: Heavy Duty Repairman and/or Welder

GROUP 4: Operating Engineer in lieu of Assistant to Engineer tending boiler or compressor attached to crane piledriver; Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of diesel or gasoline powered crane piledriver (w/o boiler) up to and incl. 1 cu. yd.; Truck Crane (up to and incl. 25 tons hoisting material only)

GROUP 5: Operator of Diesel or Gasoline powered Crane Piledriver without boiler, over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type driver (Raymond or similar type); Truck Crane (over 25 tons hoisting material or performing piledriving work)

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA 1	AREA 2				
GROUP 1 :	$ 8.26	9.53	.87*	1.78	.80	.24
GROUP 2 :	8.58	9.85	.87*	1.78	.80	.24
GROUP 3 :	8.77	10.04	.87*	1.78	.80	.24
GROUP 4 :	9.27	10.54	.87*	1.78	.80	.24
GROUP 5 :	9.46	10.73	.87*	1.78	.80	.24
GROUP 6 :	9.59	10.86	.87*	1.78	.80	.24
GROUP 7 :	9.73	11.00	.87*	1.78	.80	.24
GROUP 8 :	10.09	11.36	.87*	1.78	.80	.24
GROUP 9 :	10.29	11.56	.87*	1.78	.80	.24
GROUP 10 :	10.47	11.74	.87*	1.78	.80	.24
GROUP 10-A:	10.57	11.84	.87*	1.78	.80	.24
GROUP 11	10.73	12.00	.87*	1.78	.80	.24
GROUP 11-A:	11.70	12.97	.87*	1.78	.80	.24
GROUP 11-B:	11.95	13.22	.87*	1.78	.80	.24
GROUP 11-C:	12.21	13.48	.87*	1.78	.80	.24

* Includes 15¢ per hour to Pensioned Health and Welfare Fund

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Lime Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

POWER EQUIPMENT OPERATORS (AREAS I & II) (Cont'd)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening - Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS I & II) (Cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of toOnship 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W.corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (Cont'd)

*Area 1: (Cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S.E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California,
Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: 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

DECISION NUMBER: CA75-5086

DATE: Date of Publication

Supersedes Decision No. CA75-5053 dated April 18, 1975, in 40 FR 17494

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.90	.90	.87	1.07	.06
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma Counties	10.02	.90	.58	1.00	
Alameda and Contra Costa Counties	10.15	.85	.95		.15
Fresno, Mariposa and Merced Cos.	9.77	.48	1.00		
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	10.65	.73	.92		.22
Monterey and Santa Cruz Counties	10.75	.93	1.10	.75	
San Benito and Santa Clara Cos.	10.15	.85	.95		.15
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	9.20	.55	.60	1.00	
BRICK TENDERS:					
Alameda and Contra Costa Counties	7.70	.55	.95		.10
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	8.61	.70	.90		
San Francisco and San Mateo Cos.	10.00	.50	.65		
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Cos.	8.80	.80	1.40		
Fresno County	8.20	.80	1.40		
CARPENTERS:					
Carpenters	10.00	.72	1.23	.75	.04
Hardwood floor layers; Power saw operators; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	10.15	.72	1.23	.75	.04
Piledrivermen; Bridge, wharf and dock builders	10.13	.72	1.23	.75	.04
Millwrights	10.50	.72	1.23	.75	.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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 scaffolds	8.71	.90	1.25	1.25	.05
DRYWALL INSTALLERS	10.27	.72	1.23	.75	.07
ELECTRICIANS:					
Alameda County					
Electricians	10.412	.70	1%+.50		.03
Cable Splicers	11.712	.70	1%+.50		.03
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed					
Electricians	9.94	.60	1%+.65		.045
Cable Splicers	10.93	.60	1%+.65		.045
Lake Tahoe Area					
Electricians	10.34	.53	1%+.55		.03
Cable Splicers	11.37	.53	1%+.55		.03
Shasta and Tehama Counties					
Electricians (Family residences, limited to 3 stories)	7.08	.60	1%+.40		.005
Electricians (4 stories):					
Electricians	9.84	.60	1%+.40		.005
Cable Splicers	10.82	.60	1%+.40		.005
Calaveras and San Joaquin Cos.					
Electricians	9.00	.49	1%		.01
Cable Splicers	10.13	.49	1%		.01
Contra Costa County					
Electricians	9.80	.60	1%+.50		.02
Cable Splicers	11.05	.60	1%+.50		.02
Del Norte and Humboldt Counties					
Electricians	9.50	.47	1%+1.35		.02
Cable Splicers	10.26	.47	1%+1.35		.02
Fresno County					
Electricians (Family residences, not to exceed 2 stories)	7.53	.50	1%+ 70		.05
Electricians (3-4 stories):					
Electricians	9.86	.50	1%+.70		.05
Cable Splicers	10.26	.50	1%+.70		.05
Marin and Sonoma Counties					
Electricians	11.25	.61	1%+.30		.02
Cable Splicers	12.38	.61	1%+.30		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Mariposa, Merced and Tuolumne Counties					
Electricians	$9.83	.62	1%		1%
Cable Splicers	10.81	.62	1%		1%
Monterey County					
Electricians	11.15	.55	1%		.01
Cable Splicers	12.32	.55	1%		.01
Napa and Solano Counties					
Electricians	9.67	.58	1%+.60		.04
Cable Splicers	10.17	.58	1%+.60		.04
San Benito, Santa Clara and Santa Cruz Counties					
Electricians	10.70	.52	1%+.60		.02
Cable Splicers	12.04	.52	1%+.60		.02
San Francisco County					
Electricians	10.67	.705	1%+.50		.04
Cable Splicers	12.00	.705	1%+.50		.04
San Mateo County					
Electricians	10.55	.69	1%+.35		.03
ELEVATOR CONSTRUCTORS	10.70	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston), Counties	7.77	.25	.55	8%	
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E of Fairfield), Sonoma Cos.	9.135	.60	.83		.01
Merced (remainder of County) and Fresno County	7.68	.41	.55	.66	.05
IRONWORKERS:					
Fence Erectors	8.89	.88	1.375	1.03	.03
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS:					
Alameda and Contra Costa Counties	$9.81	.74	.715		.025
Humboldt, Nevada, Placer, Shasta and Tehama Counties	9.10	.48	.50		.01
Amador, El Dorado, Sacramento and Yolo Counties	8.15	.395	.70	1.00	
Calaveras and San Joaquin Counties	9.90	.58	.55		.01
Marin and Sonoma Counties	8.14	.40	.45	1.00	1/8%
Monterey and Santa Cruz Counties	10.37	.58	.50	.95	.01
Napa and Solano Counties	8.88	.65	.40		.01
San Francisco and N 1/2 of San Mateo County	10.08	.46	.65	1.00	.01
San Benito and Santa Clara Cos.	10.14	.73	.75		
Fresno County	9.83	.35	.45		
Mariposa, Merced and Tuolumne Counties	8.50				.01
Southern Half of San Mateo County	10.03	.32	1.00		
PAINTERS:					
Shasta, Sutter, Tehama and Yuba Counties					
Brush; Roller	5.40	.35	.25	1.05	
Spray; Sandblaster; Structural Steel; Swing Stage; Tapers	5.65	.35	.25	1.05	
Alpine, Amador, Calaveras and San Joaquin Counties					
Brush	8.97	65	1.45	.80	
Spray Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel	9.37	.65	1.45	.80	
Fresno County					
Brush; Tapers	10.22	.40	.20		
Spray; Structural Steel	10.47	.40	.20		
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Cos. (excluding portions of the Lake Tahoe Area)					
Brush	10.40	.79	.90	.80	.03
Spray	10.65	.79	.90	.80	.03
Tapers	10.95	.79	.90	.80	.03
Lake Tahoe Area					
Brush	8.30	.50	.20		
Spray; Structural Steel; Tapers	8.55	.50	.20		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Marin, San Francisco and Sonoma Counties					
Brush	$10.15	.79	.90	.80	.03
Spray	10.40	.79	.90	.80	.03
Tapers	11.10	.79	.90	.80	.03
Del Norte and Humboldt Counties					
Brush	6.90	.35	.20		
Paperhangers; Spray; Tapers	7.15	.35	.20		
Mariposa, Merced and Tuolumne Counties					
Brush	6.30	.35		.75	
Paperhangers; Spray; Tapers	6.55	.35		.75	
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)					
Brush	10.30	.79	.90	.80	.03
Spray	10.55	.79	.90	.80	.03
Tapers	11.10	.79	.90	.80	.03
PLASTERERS:					
Alameda and Contra Costa Counties	8.94	.645	.58		.03
Sutter and Yuba Counties	7.85	.395	.50	1.00	.02
Fresno County	7.59	.56	.40		
Monterey County	9.60	.71	.35		.01
El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.09	.455	.75		
San Benito and Santa Clara Cos.	7.63	.59	.50	.80	.01
San Francisco County	11.42	.63	1.00		.03
San Mateo County	7.72	.48	.90	1.50	.025
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Counties	7.55	.53	.35	1.00	.01
Mariposa, Merced and Tuolumne Counties	7.50	.65	1.05	1.00	
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.87	.60	1.10		
Fresno County	8.25	.80	1.40		
Marin County	6.66	.65	.65	1.00	
Napa County	7.95	.80		.90	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	7.455	.455	1.40	.80	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS' TENDERS (Cont'd)					
San Francisco and San Mateo Cos.	$7.30	.50	.65	1.00	
San Benito, Santa Clara and Santa Cruz Counties	10.35	.70	1.15		
Monterey County	7.55	.80	1.40		
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Tuolumne County	5.65	.65	1.35	.80	
PLUMBERS:					
Alameda County	10.80	.78	1.40		.12
Contra Costa County	11.57	.88	1.50		.16
Del Norte and Humboldt Counties	10.83	.61	1.12	1.06	.05
PLUMBERS; Steamfitters:					
Amador (Northern half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	11.28	.77	1.30		.11
Lake Tahoe Area	9.89	.58	.60	1.95	.10
Marin, San Francisco and Sonoma Counties	10.14	1.58	1.00	.985	.10
San Benito and Santa Clara Cos.	11.40	.61	1.39		.14
San Mateo County	10.49	.79	1.39	1.20	.25
Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	12.10	1.15	1.44		.06
Napa and Solano Counties	11.85	.77	1.40		.12
ROOFERS:					
Alameda and Contra Costa Counties					
Roofers	9.23	.77	.75	.35	.01
Mastic workers; Kettlemen (2 kettles w/o pumps)	9.48	.77	.75	.35	.01
Bitumastic; Enamelers; Pipe-wrapper; Coal tar built up	10.23	.77	.75	.35	.01
Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties					
Roofers (slate, tile composition and built up)	9.14	.65	.55		
Felt machine operator	9.29	.65	.55		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
El Dorado, Placer, Shasta, Sutter and Yuba Counties					
Roofers	$ 8.54	.65	.40		
Fresno County					
Roofers	8.45	.50	.50		
Marin, Napa, Solano and Sonoma Counties					
Roofers	8.64	.45	.75	1.25	.04
Mastic workers; Kettlemen (2 kettles w/o pump)	8.89	.45	.75	1.25	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch	9.64	.45	.75	1.25	.04
Del Norte and Humboldt Counties					
Roofers	8.32	.40	.75	.35	
Monterey and Santa Cruz Counties					
Roofers	8.20	.45	.60	1.00	
San Francisco and San Mateo Cos.					
Roofers	8.92	.50	.75	.90	.04
Mastic workers and kettlemen (2 Kettles) without pumps	9.17	.50	.75	.90	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal tar	9.92	.50	.75	.90	.04
Amador, Sacramento and Yolo Cos.					
Roofers	8.31	.64	.60		.02
Enamelers and pitch	9.31	.64	.60		.02
San Benito and Santa Clara Cos.					
Roofers; Kettlemen (1 kettle)	8.51	.61	1.03		
SHEET METAL WORKERS:					
Alameda, Contra Costa, Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties	9.75	.48	1.40	12%	.02
Alpine, Calaveras and San Joaquin Counties	7.62	.36	.95	1.40	
Amador, El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	8.46	.48	1.20	12%	.08
Fresno County	8.05	.38	.69	.80	.07
Del Norte and Humboldt Counties	8.18	.38	.83		
Mariposa, Merced and Tuolumne Cos.	8.83	.36	.60		.03
Monterey, San Benito, Santa Clara and Santa Cruz Counties	9.45	.48	1.555	.945	
San Francisco County	8.48	.38	.55		10%
San Mateo County	11.10	.48	1.10		.12

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS:					
Alameda, Calaveras, Contra Costa, Napa and Solano Counties	$7.50	.36	.30	.29b	.05
Alpine, Amador, Calaveras, Merced (East of the San Joaquin River), San Joaquin, Shasta, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties; and those portions of El Dorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	8.86	.64	1.00	1.00	.07
Lake Tahoe Area	9.25	.50	.20		
Fresno County	8.80	.20			
Marin, San Francisco, San Mateo, and Sonoma Counties	7.80	.60	.55	c	.05
Monterey, San Benito, Santa Clara and Santa Cruz Counties	7.39	.35	.30	.89	.05
Del Norte and Humboldt Counties	7.20	.40	.50	8%	
SPRINKLER FITTERS:					
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	13.41	.50	.70		.09
Remaining Counties	13.72	.50	.80		.08
STEAMFITTERS:					
Alameda and Contra Costa Counties	10.065	.75	1.25		.12
Del Norte and Humboldt Counties	11.13	.61	1.12	1.06	.05
TERRAZZO WORKERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	8.78	.85	.58	1.00	
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.75	.73	.92		.22
TERRAZZO WORKERS' HELPERS:					
Terrazzo workers' helpers	7.205	.505	.30		
Base machine operator	7.605	.505	.30		
TILE SETTERS:					
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	8.05	.70	.80	.90	.025

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS: (Cont'd)					
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	$8.07	.55	.30	1.00	
El Dorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015
Fresno County	8.97	.40	.35		
Monterey and Santa Cruz County	9.35	.795	.73		
RIGGERS; WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. 1st year employment employer contributes $.14 per hour to Vacation; 2nd year thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

c. Employer contributes $.75 1st 5 years; $.90 after 5 years to Vacation Fund.

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver, Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Hipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 7.795	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dumpcrete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	7.89	1.195	.65	1.00	
DETTING TRUCK & WATER TRUCK (under 2,500 gals.)	7.905	1.195	.65	1.00	
LIFT JITNEYS, Fork lift	7.925	1.195	.65	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	7.945	1.195	.65	1.00	
TRUCK REPAIRMAN HELPER	7.965	1.195	.65	1.00	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (UNDER 3,500 gals)	$ 7.975	1.195	.65	1.00	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	7.99	1.195	.65	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	8.005	1.195	.65	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	8.045	1.195	.65	1.00	
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	8.055	1.195	.65	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	8.065	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dumpcrete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	8.09	1.195	.65	1.00	
A-FRAME, WINCH TRUCKS; Buggymobile Hydro-lift, Swedish crane type (jetting); Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	8.105	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (high bed)	8.11	1.195	.65	1.00	

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROSS HYSTER and SIMILAR STRADDLE CARRIER	$8.135	1.195	.65	1.00	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	8.145	1.195	.65	1.00	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	8.155	1.195	.65	1.00	
JETTING TRUCK and WATER TRUCK (5,000 gals. & under 7,000 gals.)	8.205	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	8.245	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, 8 yds. and incl. 12 yds. water level); Dump (8 yds. and incl. 12 yds. water level); Dumpcrete (8 yds. and incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and incl. 12 yds. water level); Dumpster (8 yds. and incl. 12 yds. water level)	8.33	1.195	.65	1.00	
HEAVY DUTY TRANSPORT (gooseneck loubed)	8.34	1.195	.65	1.00	
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	8.345	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. and incl. 18 yds. water level); Dump (over 12 yds. and incl. 18 yds. water level); Dumpcrete (over 12 yds. and incl. 18 yds. water level); Dumpster (over 12 yds. and incl. 18 yds. water level); Skids (debris box, over 12 yds. and incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and incl. 18 yds. water level)	8.37	1.195	.65	1.00	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
F. B. OR SIMILAR TYPE SELF-LOADING TRUCK	$ 8.43	1.195	.65	1.00	
TRUCK REPAIRMAN	8.465	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumpcrete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	8.475	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumpcrete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneau-puls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	8.53	1.195	.65	1.00	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumpcrete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. & incl. 50 yds. water level)	$ 8.68	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumpcrete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	8.83	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumpcrete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	8.98	1.195	.65	1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumpcrete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level);					

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	$9.13	1.195	.65	1.00

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
Group 1:	$7.785	.80	1.40	.90	.10
Group 1(a):	8.01	.80	1.40	.90	.10
Group 1(b):	7.835	.80	1.40	.90	.10
Group 1(c):	8.335	.80	1.40	.90	.10
Group 1(d):	7.985	.80	1.40	.90	.10
Group 2:	7.635	.80	1.40	.90	.10
Group 3:	7.535	.80	1.40	.90	.10
LABORERS (Gunite)					
Group 1:	8.245	.80	1.40	.90	.10
Group 2:	7.655	.80	1.40	.90	.10
Group 3:	7.535	.80	1.40	.90	.10

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tampers; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters, Headerboardmen, bubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trenchjacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Rototiller; Sandblasters', potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed - bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro seeder and similar type; Laser beam in connection with laborers' work

GROUP 1(a): Joy drill Model TWH-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack Leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers; Pressure pipe tester, no joint pipe & stripping of same, incl. repair of voids, Precast manhole setters, cast in place, manhole form setters

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete

LABORERS (Cont'd)

construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction laborers incl. bridge and general laborers; Dumpman, load spotter: Fire watcher; Street cleaners; Gardeners, horticultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence erectors; Guardrail erectors; Pavement markers (button setters)

LABORERS (Gunite)

GROUP 1: Nozzleman (incl. Gunman, Potman); Rodmen; Groundman

GROUP 2: Reboundman

GROUP 3: General laborers

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POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	AREA 1	AREA 2				
Group 1:	$8.26	$9.53	.87*	1.78	.80	.24
Group 2:	8.58	9.85	.87*	1.78	.80	.24
Group 3:	8.77	10.04	.87*	1.78	.80	.24
Group 4:	9.27	10.54	.87*	1.78	.80	.24
Group 5:	9.46	10.73	.87*	1.78	.80	.24
Group 6:	9.59	10.86	.87*	1.78	.80	.24
Group 7:	9.73	11.00	.87*	1.78	.80	.24
Group 8:	10.09	11.36	.87*	1.78	.80	.24
Group 9:	10.29	11.56	.87*	1.78	.80	.24
Group 10:	10.47	11.74	.87*	1.78	.80	.24
Group 10-A:	10.57	11.84	.87*	1.78	.80	.24
Group 11:	10.73	12.00	.87*	1.78	.80	.24
Group 11-A:	11.70	12.97	.87*	1.78	.80	.24
Group 11-B:	11.95	13.22	.87*	1.78	.80	.24
Group 11-C:	12.21	13.48	.87*	1.78	.80	.24

* Includes 15¢ per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumpcrete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Pactor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CRC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

POWER EQUIPMENT OPERATORS (AREAS I & II) (CONT'D)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Dock Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Koehring Skooper (or similar); Lift Slab Machine (Wagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Gurries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS I & II) (cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebber and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N, range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E.

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocean.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: CA75-5087

DATE: Date of Publication

Supersedes Decision No. CA75-5022 dated February 28, 1975, in 40 FR 8707.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.17	.78	.72		.045
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	9.80	.77	.98		.06
Inyo, Kern and Mono Counties	9.30	.70	1.00		.07
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach); Orange County	10.03	.80	1.10		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach)	10.03	.80	1.20		.07
Riverside & San Bernardino Cos.	9.75	.70	.80		.07
Santa Barbara and San Luis Obispo Counties	8.47	1.05	1.20	.85	.01
Ventura County	9.80	.78	1.15		.02
BRICK TENDERS	7.805	.75	1.50	.50	
CARPENTERS:					
Carpenters	8.83	.92	1.45	.75	.05
Saw filers	8.91	.92	1.45	.75	.05
Table power saw operators	8.93	.92	1.45	.75	.05
Shinglers; Piledrivermen, bridge, or dock carpenters; Derrick bargemen; Rock slinger	8.96	.92	1.45	.75	.05
Hardwood floor layers	9.03	.92	1.45	.75	.05
Head rock slinger	9.06	.92	1.45	.75	.05
Pneumatic nailer	9.08	.92	1.45	.75	.05
Millwrights	9.33	.92	1.45	.75	.05

DECISION NO. CA75-5087

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Cement Masons	$8.46	.95	1.35	1.00	.08
Cement floating and troweling machine	8.71	.95	1.35	1.00	.08
DRYWALL INSTALLERS	10.20	.92	1.45	.75	.07
ELECTRICIANS:					
Imperial County					
Electricians	11.15	.50	1%+1.25		
Cable Splicers	11.43	.50	1%+1.25		
Kern (China Lake Naval Ordance Test Station, Edwards AFB)					
Electricians, Technicians	11.35	.70	1%+1.00		.10
Cable Splicers	12.485	.70	1%+1.00		.10
Kern County (Remainder of County)					
Electricians; Technicians	9.35	.70	1%+1.00		.10
Cable Splicers	10.285	.70	1%+1.00		.10
Los Angeles County					
Electricians	10.23	.71	1%+1.25		.02
Cable Splicers	10.53	.71	1%+1.25		.02
Traffic Signal and Street Lighting:					
Electricians	10.23	.71	1%+1.25		.02
Utility Technician No. 1	7.67	.71	1%+1.25		.02
Utility Technician No. 2	7.16	.71	1%+1.25		.02
Tunnel:					
Electricians	11.25	.71	1%+1.25		.02
Cable Splicers	11.55	.71	1%+1.25		.02
Sound Technicians:					
Sound Technicians (on building construction)	10.17	.50	1%		
Sound Technicians (on modification of existing buildings)	8.21	.50	1%		
Orange County					
Electricians	10.40	.45	1%+.75		.02
Cable Splicers	10.88	.45	1%+.75		.02
Riverside County					
Electricians	9.91	.60	1%+.40		.04
Cable Splicers	10.21	.60	1%+.40		.04
Inyo, Mono and San Bernardino Cos.					
Electricians	9.36	.50	1%+1.25		.04
Cable Splicers	9.66	.50	1%+1.25		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Tunnel Laborers:					
Electricians	$9.32	.40	1%+.75		.02
Cable Splicers	9.62	.40	1%+.75		.02
San Luis Obispo County					
Electricians	9.53	.70	1%+1.05		.01
Cable Splicers	10.48	.70	1%+1.05		.01
Santa Barbara County (Vandenburg AFB)					
Electricians	10.25	.70	1%+.85		.05
Cable Splicers	11.25	.70	1%+.85		.05
Remainder of County					
Electricians	9.00	.70	1%+.85		.05
Cable Splicers	10.00	.70	1%+.85		.05
Ventura County					
Electricians	10.42	.70	1%+.55		.02
Cable Splicers	11.46	.70	1%+.55		.02
ELEVATOR CONSTRUCTORS:					
Imperial, Inyo, Kern (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Cos.					
Elevator Constructors	10.76	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator Constructors	10.70	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3c+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	9.69	.55	.60		
Inyo, Kern, Mono Counties	7.68	.41	.55	.66	.05
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Cos.	8.47	.60	.85		.04
IRONWORKERS:					
Fence Erectors	8.89	.88	1.375	1.03	.03
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	$8.00	10%	16%	13%	3/4%
LATHERS:					
Inyo and Kern Counties	8.38	.60	1.20	.55	.05
Los Angeles County (except City of Lancaster)	11.00	.60	.75		.03
Los Angeles County (City of Lancaster Only)	8.50	.50			
Orange County	8.29	.55	.65	.50	.03
Ventura County	9.06	.60	1.10	1.00	.02
LINE CONSTRUCTION:					
Imperial County					
Groundmen	8.92	.50	1%+1.25		
Linemen	11.15	.50	1%+1.25		
Cable Splicers	11.43	.50	1%+1.25		
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)					
Groundmen	8.5125	.70	1%+1.00		.10
Linemen	11.35	.70	1%+1.00		.10
Cable Splicers	12.485	.70	1%+1.00		.10
Kern County (Remainder of County					
Groundmen	7.0125	.70	1%+1.00		.10
Linemen	9.35	.70	1%+1.00		.10
Cable Splicers	10.285	.70	1%+1.00		.10
Los Angeles County					
Groundmen	7.86		1%		
Linemen	10.48		1%		
Cable Splicers	10.78		1%		
Riverside County					
Groundmen	7.45	.60	1%+.40		.04
Linemen; Line Equipment Operators	9.93	.60	1%+.40		.04
Cable Splicers	10.23	.60	1%+.40		.04
Ventura County					
Groundmen	9.24	.70	1%+.55		.02
Linemen	10.42	.70	1%+.55		.02
Cable Splicers	11.46	.70	1%+.55		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS:					
Inyo and Mono Counties	$9.26	.81	.51	1.03	
Imperial County	8.01	.55	.85	.60	
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.16	.65	.55		
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding Western portion)					
Brush; Paint burners	9.27	.69	.95	.75	.07
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	9.77	.69	.95	.75	.07
Brush (swing stage); Spray	9.52	.69	.95	.75	.07
Steeplejack	10.67	.69	.95	.75	.07
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino (West of a line North in Trona including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	9.67	.405	.50	.40	.01
Structural steel and bridge; Paint burner	9.79	.405	.50	.40	.01
Tapers	10.195	.405	.50	.40	.01
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	9.92	.405	.50	.40	.01
Brush swing stage (over 13 stories)	10.04	.405	.50	.40	.01
Structural steel and bridge, swing	10.07	.405	.50	.40	.01
Spray sandblaster swing stage (13 stories or less); Paste Machine; Special coating spray	10.17	.405	.50	.40	.01
Steeplejack	10.92	.405	.50	.40	.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Kern County (Remainder of County)					
Brush	8.22	.45	.41		.01
Brush and roller (swing stage)	8.37	.45	.41		.01
Tapers - Tapering joint sheet rock	8.42	.45	.41		.01
Paperhanger; Spray; Sandblaster	8.47	.45	.41		.01
San Luis Obispo, Santa Barbara and Ventura Counties					
Brush	9.56	.55	.40		.03
Iron and steel; Paperhangers; Paste machine operator; Sandblaster	9.81	.55	.40		.03
Spraymen	10.06	.55	.40		.03
Steeplejack	10.56	.55	.40		.03
Tapers, sheet rock	9.51	.55	.40		.03
Parking Lot Striping Work and/or Highway Markers:					
Inyo and Mono Counties					
Striper	7.92	.40	.20	b	
Striper Helper	6.82	.40	.20	b	
Traffic Delineating Device Applicator; Traffic surface sandblaster	6.82	.40	.20	b	
Helper (traffic delineating device applicator, traffic surface sandblaster)	6.32	.40	.20	b	
Remaining Counties					
Traffic delineating device applicator	6.82	.40	.20	b	
Traffic surface protective coating applicator; Wheel stop installer; Traffic surface sandblaster; Striper	6.43	.40	.20	b	
Helper (traffic surface protective coating applicator, wheel stop installer, traffic surface sandblaster, striper)	5.43	.40	.20	b	
PLASTERERS:					
Imperial County	10.07	.45	1.00	.85	.06
Inyo, Kern and Mono Counties	7.77	.45	.60	.60	.06
Los Angeles and Orange Counties	9.445	.68	1.85	.70	.10
Riverside and San Bernardino Cos.	10.675				.01
San Luis Obispo County	10.55				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTER TENDERS:					
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	$9.53	.75	1.50	.45	
Kern County	7.87	.75	1.50	.43	
Los Angeles and Orange Counties	9.025	.75	1.95	.75	
San Luis Obispo County	7.62	.75	1.50	.43	
Santa Barbara County (except Santa Maria)	7.70	.75	1.50	1.03	
Santa Barbara County (Santa Maria)	7.6125	.75	1.50	1.32	
Ventura County	9.33	.75	1.50	1.05	
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	10.95	10%	16%	13%	3/4%
Inyo, Kern (except east of Los Angeles (Aqueduct) and Mono Cos.	10.03	.60	1.60	1.00	.17
Kern County (East of Los Angeles Aqueduct)	12.28	.60	1.60	1.00	.17
REFRIGERATION and AIR CONDITIONING:					
Riverside and San Bernardino Cos.	7.85	.70	.50	.60	.03
ROOFERS:					
Imperial County	8.39	.40	.50	1.00	
Inyo, Kern and Mono Counties	7.75	.50	.50		
Riverside and San Bernardino Cos.	8.65	.55	.40	1.00	
Los Angeles, Orange and Ventura Counties	9.74	.55	.75		.035
San Luis Obispo and Santa Barbara Counties	8.50	.535	.34		.0025
SHEET METAL WORKERS:					
Imperial County	8.93	.74	1.20		
Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines) and Mono Counties	9.47	.84	1.35		.02
Los Angeles County (Remaining portion)	11.53	.94	1.50		.02
Orange County	9.52	.69	1.20		
Riverside and San Bernardino Cos.	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara and Ventura Counties	9.72	.69	1.05		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS:					
Imperial County	$8.33	.45	.90	.90	.06
Inyo (including Inyo-Kern Naval Reservation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo, and Ventura Counties	8.70	.55	.50	.50	.03
Kern County (remaining portion)	8.60	.50	.35	.50	.03
SPRINKLER FITTERS:					
Imperial, Inyo, Kern, Mono, Orange (except Santa Ana), Riverside, San Bernardino (except Ontario, San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	13.72	.50	.80		.08
Los Angeles (Los Angeles City and Area within 25 miles and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	11.14	.54	.60		.09
TERRAZZO WORKERS:					
Imperial County	8.01	.55	.85	.60	
Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	7.02	.25	.40	.60	
TILE SETTERS:					
Imperial County	8.01	.55	.85	.60	
Inyo, Kern, and Mono Counties	7.95	.50	.45	.30	
Los Angeles, Orange and Venutra Counties	9.25	.495	.70		.06
Riverside and San Bernardino Cos.	7.70	.70	.65		.025
San Luis Obispo and Santa Barbara Counties	8.27	.80	.80	.65	.01
TILE SETTERS HELPERS:					
Imperial County	7.39	.40	.65	.75	
Los Angeles, Orange and Ventura Counties	8.005	.57	1.00		.12

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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 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.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund for one year's service; $.30 per hour after one year, but less than 5 years' service, $.40 per hour after 5 years' but less than 10 years' service, and $.50 per hour after 10 years' service.

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$7.20	.75	1.50	.50	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	7.25	.75	1.50	.50	.10
GUINEA CHASER	7.38	.75	1.50	.50	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	7.30	.75	1.50	.50	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	7.32	.75	1.50	.50	.10
UNDERGROUND (INCLUDING CAISSON BELLOWERS)	7.33	.75	1.50	.50	.10
CHUCK TENDER; Septic tank digger and installer	7.35	.75	1.50	.50	.10
CESSPOOL DIGGER AND INSTALLER	7.38	.75	1.50	.50	.10

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	$7.39	.75	1.50	.50	.10
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING and INCLUDING RUBBER GASKET JOINTS, POINTING and ANY and ALL OTHER SERVICES	7.49	.75	1.50	.50	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburg chipper and similar type brush shredders; Trenching machine, hand propelled	7.41	.75	1.50	.50	.10
ASPHALT RAKER, LUTEMAN and IRONER; Concrete core cutter, grinder or sander; Concrete saw man, cutting, scoring old or new concrete, Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	7.51	.75	1.50	.50	.10
ROCK SLINGER	7.46	.75	1.50	.50	.10
DRILLER, JACKHAMMER - 2½ ft. DRILL STEEL OR LONGER	7.59	.75	1.50	.50	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	7.61	.75	1.50	.50	.10

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, pot men and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	$7.54	.75	1.50	.50	.10
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	7.71	.75	1.50	.50	.10
BLASTER POWDERMAN	7.85	.75	1.50	.50	.10
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	7.62	.75	1.50	.50	.10
SANDBLASTER (Nozzleman)	7.65	.75	1.50	.50	.10
DRILLER (Core-Diamond-Wagon)	7.85	.75	1.50	.50	.10
HEAD ROCK SLINGER	7.72	.75	1.50	.50	.10
GUNNITE LABORERS:					
Nozzlemen and Rodmen	8.82	.75	1.50	.50	.10
Gunmen	8.32	.75	1.50	.50	.10
Reboundmen	7.36	.75	1.50	.50	.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Tunnel)					
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, including rodders and spreaders; Dumpman; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	$8.68	.75	1.50	.50	
CABLE TENDER, Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	8.80	.75	1.50	.50	
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Group pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimberman (wood or steel); Tunnel concrete finisher	8.96	.75	1.50	.50	
SHAFT, Raise miner; Diamond driller	9.24	.75	1.50	.50	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (DREDGING) HYDRAULIC SUCTION DREDGES					
LEVERMAN	$10.27	.95	1.75	.30	.04
WATCH ENGINEER; Welder	9.72	.95	1.75	.30	.04
DECKMATE	9.27	.95	1.75	.30	.04
WINCH MAN (stern winch or dredge)	9.20	.95	1.75	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler; Leveehand	8.69	.95	1.75	.30	.04
(CLAM SHELL DREDGES)					
LEVERMAN	10.27	.95	1.75	.30	.04
WATCH ENGINEER	9.72	.95	1.75	.30	.04
DECKMATE	9.27	.95	1.75	.30	.04
BARGEMATE	9.20	.95	1.75	.30	.04
BARGEMAN; Deckhand; Fireman; Oiler	8.69	.95	1.75	.30	.04

DECISION NO CA75-5087

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)					
Group 1:	$8.52	.95	1.75	.30	.04
Group 2:	8.79	.95	1.75	.30	.04
Group 3:	9.06	.95	1.75	.30	.04
Group 4:	9.19	.95	1.75	.30	.04
Group 5:	9.40	.95	1.75	.30	.04
Group 6:	9.50	.95	1.75	.30	.04
Group 7:	9.62	.95	1.75	.30	.04
Group 8:	9.78	.95	1.75	.30	.04
Group 9:	9.90	.95	1.75	.30	.04
TRUCK DRIVERS					
Group 1:	7.17	1.00	.65	1.00	.05
Group 2:	7.25	1.00	.65	1.00	.05
Group 3:	7.31	1.00	.65	1.00	.05
Group 4:	7.40	1.00	.65	1.00	.05
Group 5:	7.43	1.00	.65	1.00	.05
Group 6:	7.45	1.00	.65	1.00	.05
Group 7:	7.49	1.00	.65	1.00	.05
Group 8:	7.50	1.00	.65	1.00	.05
Group 9:	7.55	1.00	.65	1.00	.05
Group 10:	7.58	1.00	.65	1.00	.05
Group 11:	7.63	1.00	.65	1.00	.05
Group 12:	7.65	1.00	.65	1.00	.05
Group 13:	7.70	1.00	.65	1.00	.05
Group 14:	7.95	1.00	.65	1.00	.05
Group 15:	8.20	1.00	.65	1.00	.05
Group 16:	8.30	1.00	.65	1.00	.05

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, 10c per hour for each additional unit up to nine units; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or winch truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydrahammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt plant engineer; Concrete batch plant operator -(oiler or journeyman - trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis Internal Full Slab Vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin - Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types)

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Factor, Wagner Factor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted) (oiler required); Concrete mixer operator - paving; Crane operator (up to and including 25 ton capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Crade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtbord and similar types); Lift mobile operator, Loader operator (Athey, Euclid, Sierra and similar type); Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excluding caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skip-loader (crawler and wheel type over 1½ yds., up to and including 6½ yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and including 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 Fly-wheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.

Group 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6 ½ yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Wood mixer and similar pugmill equipment; Heavy duty repairman - welder combination

Group 8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, Guy derricks or similar types (cable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50c per hour additional to base rate); Tandem equipment operators (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline Cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading-2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load.

Group 3: Truck mounted Power Broom

Group 4: Drivers on vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement distributor; Fuel truck; Road oil spreader truck; Water truck, 2 axle

Group 6: Dump, of less than 16 yds.

Group 7: Transit-mix, under 3 yds.; Dumpcrete, less than 6-½ yds.

Group 8: Truck repairman helper

Group 9: Water truck, 3 or more axles

Group 10: FB and similar type truck when performing work within the Teamsters' jurisdiction; Pipeline and utility working truck including which, but limited to truck applicable to-pipeline and utility work, where a composite crew is used; Slurry driver; Truck greaser and tireman (50c per hour additional for tireman)

Group 11: Transit-mix, 3 yds. or more; Dumpcrete, 6½ yds. and over

Group 12: Driver of vehicle of combination of vehicles of 4 or more axles

Group 13: Dump, 16 yds. but less than 25 yds.

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork lift driver; Ross Carrier, highway

Group 15: All off-highway equipment within Teamster jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck repairman

Group 16: Truck repairman welder

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NUMBER: CA75-5088

DATE: Date of Publication

Supersedes Decision No. CA75-5023 dated February 28, 1975, in 40 FR 8717

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 10.17	.78	.72		.045
BOILERMAKERS	10.85	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	9.80	.77	.98		.06
Kern County	9.30	.70	1.00		.07
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach); Orange County	10.03	.80	1.10		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., including Long Beach)	10.03	.80	1.20		.07
Riverside and San Bernardino Cos.	9.75	.70	.80		.07
Santa Barbara and San Luis Obispo Counties	8.47	1.05	1.20	.85	.01
Ventura County	9.80	.78	1.15		.02
BRICK TENDERS	7.805	.75	1.50	.50	
CARPENTERS:					
Carpenters	8.83	.92	1.45	.75	.05
Saw Filers	8.91	.92	1.45	.75	.05
Table power saw operators	8.93	.92	1.45	.75	.05
Shinglers; Piledrivermen, bridge or dock carpenters, Derrick bargemen; Rock slinger	8.96	.92	1.45	.75	.05
Hard wood floor layers	9.03	.92	1.45	.75	.05
Head rock slinger	9.06	.92	1.45	.75	.05
Pneumatic nailer	9.08	.92	1.45	.75	.05
Millwrights	9.33	.92	1.45	.75	.05

DECISION NO. CA75-5088

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Cement Masons	$ 8.46	.95	1.35	1.00	.08
Cement Floating and Troweling Machine	8.71	.95	1.35	1.00	.08
DRYWALL INSTALLERS	10.20	.92	1.45	.75	.07
ELECTRICIANS:					
Imperial County					
Electricians	11.15	.50	1% + 1.25		
Cable Splicers	11.43	.50	1% + 1.25		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	11.35	.70	1% + 1.00		.10
Cable Splicers	12.485	.70	1% + 1.00		.10
Kern County (Remainder of County)					
Electricians; Technicians	9.35	.70	1% + 1.00		.10
Cable Splicers	10.285	.70	1% + 1.00		.10
Los Angeles County					
Electricians	10.23	.71	1% + 1.25		.02
Cable Splicers	10.53	.71	1% + 1.25		.02
Orange County					
Electricians	10.40	.45	1% + .75		.02
Cable Splicers	10.88	.45	1% + .75		.02
Riverside County					
Electricians	9.91	.60	1% + .40		.04
Cable Splicers	10.21	.60	1% + .40		.04
San Bernardino County					
Electricians	9.36	.50	1% + 1.25		.04
Cable Splicers	9.66	.50	1% + 1.25		.04
San Luis Obispo County					
Electricians	9.53	.70	1% + 1.05		.01
Cable Splicers	10.48	.70	1% + 1.05		.01
Santa Barbara County (Vandenberg AFB)					
Electricians	10.25	.70	1% + .85		.05
Cable Splicers	11.25	.70	1% + .85		.05
Remainder of County					
Electricians	9.00	.70	1% + .85		.05
Cable Splicers	10.00	.70	1% + .85		.05
Ventura County					
Electricians	10.42	.70	1% + .55		.02
Cable Splicers	11.46	.70	1% + .55		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	$ 10.76	.445	.29	3% + a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3% + a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator Constructors	10.70	.445	.29	3% + a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3% + a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	9.69	.55	.60		
Kern County	7.68	.41	.55	.66	.05
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Cos.	8.47	.60	.85		.04
IRONWORKERS:					
Fence Erectors	8.89	.88	1.375	1.03	.03
Reinforcing	9.78	.88	1.375	1.03	.03
Ornamental; Structural	9.78	.88	1.375	1.03	.03
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.00	10%	16%	13%	3/4%
LATHERS:					
Inyo and Kern Counties	8.38	.60	1.20	.55	.05
Los Angeles County (except City of Lancaster)	11.00	.60	.75		.03
Los Angeles County (City of Lancaster only)	8.50	.50			
Orange County	8.29	.55	.65	.50	.03
Ventura County	9.06	.60	1.10	1.00	.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area) San Bernardino (excluding Western portion)					
Brush; Paint burners	$ 9.27	.69	.95	.75	.07
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	9.77	.69	.95	.75	.07
Brush (swing stage); Spray	9.52	.69	.95	.75	.07
Steeplejack	10.67	.69	.95	.75	.07
Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line North in Trona including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	9.67	.405	.50	.40	.01
Structural steel and bridge; Painter burner	9.79	.405	.50	.40	.01
Tapers	10.195	.405	.50	.40	.01
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	9.92	.405	.50	.40	.01
Brush swing stage (over 13 stories)	10.04	.405	.50	.40	.01
Structural steel and bridge, swing	10.07	.405	.50	.40	.01
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	10.17	.405	.50	.40	.01
Steeplejack	10.92	.405	.50	.40	.01
Kern County (Remainder of County)					
Brush	8.22	.45	.41		.01
Swing stage (brush-roller)	8.37	.45	.41		.01
Taping joint sheet rock	8.42	.45	.41		.01
Paperhangers; Spray; Sandblasters	8.47	.45	.41		.01
Swing stage and sandblasters	8.62	.45	.41		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
San Luis Obispo, Santa Barbara and Ventura Counties					
Brush	$ 9.56	.55	.40		.03
Iron and steel; Paperhangers; Paste machine operator; Sandblaster	9.81	.55	.40		.03
Spraymen	10.06	.55	.40		.03
Steeplejack	10.56	.55	.40		.03
Tapers, sheetrock	9.51	.55	.40		.03
PLASTERERS:					
Imperial County	10.07	.45	1.00	.85	.06
Kern County	7.77	.45	.60	.60	.06
Los Angeles and Orange Counties	9.445	.68	1.85	.70	.10
Riverside and San Bernardino Cos.	10.675				.01
San Luis Obispo County	10.55				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50	.50	.02
PLASTERERS' TENDERS:					
Imperial, Riverside and San Bernardino Counties	9.53	.75	1.50	.45	
Kern County	7.87	.75	1.50	.43	
Los Angeles and Orange Counties	9.025	.75	1.95	.75	
San Luis Obispo County	7.62	.75	1.50	.43	
Santa Barbara County (except Santa Maria)	7.70	.75	1.50	1.03	
Santa Barbara County (Santa Maria)	7.6125	.75	1.50	1.32	
Ventura County	9.33	.75	1.50	1.05	
PLUMBERS; Steamfitters;					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	10.95	10%	15%	13%	3/4%
Kern (except east of Los Angeles Aqueduct)	10.03	.60	1.60	1.00	.10
Kern County (East of Los Angeles Aqueduct)	12.28	.60	1.60	1.00	.10
REFRIGERATION & AIR CONDITIONING					
Riverside and San Bernardino Cos.	7.85	.70	.50	.60	.03
ROOFERS:					
Imperial County	8.39	.40	.50	1.00	
Kern County	7.75	.50	.50		
Los Angeles, Orange and Ventura Counties	9.74	.55	.75		.035
San Luis Obispo and Santa Barbara Counties	8.50	.535	.34		.0025
Riverside and San Bernardino Cos.	8.65	.55	.40	1.00	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Imperial County	$ 8.93	.74	1.20		
Kern, Los Angeles (North of a line between Gorman and Big Pines)	9.47	.84	1.35		.02
Los Angeles County (Remaining portion)	11.53	.94	1.50		.02
Orange County	9.52	.69	1.20		
Riverside and San Bernardino Counties	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara and Ventura Counties	9.72	.69	1.05		
SOFT FLOOR LAYERS:					
Imperial County	7.90	.45	.63	.60	.05
(Kern Naval Reservation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	8.70	.55	.50	.50	.03
Kern County (Remaining portion)	8.60	.50	.35	.50	.03
SPRINKLER FITTERS:					
Imperial, Kern, Orange, (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	13.72	.50	.80		.08
Los Angeles (Los Angeles City and Area within 25 miles, and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	11.14	.54	.60		.09
TILE SETTERS:					
Imperial County	8.01	.55	.85	.60	
Kern County	7.95	.50	.45	.30	
Los Angeles, Orange and Ventura Counties	9.25	.495	.70		.06
Riverside and San Bernardino Cos.	7.70	.70	.65		.025
San Luis Obispo and Santa Barbara Counties	8.27	.80	.80	.65	.01

DECISION NO. CA75-5088

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 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.

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laboters, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$ 7.20	.75	1.50	.50	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	7.25	.75	1.50	.50	.10
GUINEA CHASER	7.38	.75	1.50	.50	.10
ASPHALT SHOVELER; Fine greder, highway and street paving, airports, runways and similar type heavy construction; Landscape gardener and nursery man	7.30	.75	1.50	.50	.10
PACKING ROD STEEL AND PANS; Tanks scaler and cleaner	7.32	.75	1.50	.50	.10
UNDERGROUND (INCL. CAISSON BELLOWERS)	7.33	.75	1.50	.50	.10
CHUCKTENDER; Septic tank digger and installer	7.35	.75	1.50	.50	.10
CESSPOOL DIGGER AND INSTALLER	7.38	.75	1.50	.50	.10
CONCRETE CURER - IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	7.39	.75	1.50	.50	.10

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING & INCLUDING RUBBER GASKET JOINTS, POINTING & ANY AND ALL OTHER SERVICES	$ 7.49	.75	1.50	.50	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	7.41	.75	1.50	.50	.10
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting scoring old or new concrete, Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	7.51	.75	1.50	.50	.10
ROCK SLINGER	7.46	.75	1.50	.50	.10
DRILLER, JACKHAMMER - 2 1/2 Ft. DRILL STEEL OR LONGER	7.59	.75	1.50	.50	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	7.61	.75	1.50	.50	.10
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	7.71	.75	1.50	.50	.10
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	7.54	.75	1.50	.50	.10

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	$ 7.71	.75	1.50	.50	.10
BLASTER POWDERMAN	7.85	.75	1.50	.50	.10
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	7.62	.75	1.50	.50	.10
SANDBLASTER (Nozzleman)	7.65	.75	1.50	.50	.10
DRILLER (Core-Diamond-Wagon)	7.85	.75	1.50	.50	.10
HEAD ROCK SLINGER	7.72	.75	1.50	.50	.10
GUNNITE LABORERS:					
NOZZLEMEN AND RODMEN	8.82	.75	1.50	.50	.10
GUNMEN	8.32	.75	1.50	.50	.10
REBOUNDMEN	7.36	.75	1.50	.50	.10

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POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1:	$ 8.52	.95	1.75	.30	.04
Group 2:	8.79	.95	1.75	.30	.04
Group 3:	9.06	.95	1.75	.30	.04
Group 4:	9.19	.95	1.75	.30	.04
Group 5:	9.40	.95	1.75	.30	.04
Group 6:	9.50	.95	1.75	.30	.04
Group 7:	9.62	.95	1.75	.30	.04
Group 8:	9.78	.95	1.75	.30	.04
Group 9:	9.90	.95	1.75	.30	.04
TRUCK DRIVERS					
Group 1 :	7.17	1.00	.65	1.00	.05
Group 2 :	7.25	1.00	.65	1.00	.05
Group 3 :	7.31	1.00	.65	1.00	.05
Group 4 :	7.40	1.00	.65	1.00	.05
Group 5 :	7.43	1.00	.65	1.00	.05
Group 6 :	7.45	1.00	.65	1.00	.05
Group 7 :	7.49	1.00	.65	1.00	.05
Group 8 :	7.50	1.00	.65	1.00	.05
Group 9 :	7.55	1.00	.65	1.00	.05
Group 10:	7.58	1.00	.65	1.00	.05
Group 11:	7.63	1.00	.65	1.00	.05
Group 12:	7.65	1.00	.65	1.00	.05
Group 13:	7.70	1.00	.65	1.00	.05
Group 14:	7.95	1.00	.65	1.00	.05
Group 15:	8.20	1.00	.65	1.00	.05
Group 16:	8.30	1.00	.65	1.00	.05

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POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portel units - over 5 units, 10¢ per hour for each additional unit up to nine units; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or winch truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt plant fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydrahammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt plant engineer; Concrete batch plant operator -(oiler or journeyman - trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis Internal Full Slab Vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar); Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin - Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1½ yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types)

DECISION NO. CA75-5088

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Factor, Wagner Factor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted) (oiler required); Concrete mixer operator - paving; Crane operator (up to and including); 25 ton capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtbord and similar types); Lift mobile operator, Loader operator (Athey, Euclid, Sierra and similar type); Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excluding caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and including 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skip-loader (crawler and wheel type over 1½ yds., up to and including 6½ yds.); Survace heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and including 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 Fly-wheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu. yds. M.R.C.

Group 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber-tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar) (over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6 ½ yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Wood mixer and similar pugmill equipment; Heavy duty repairman - welder combination

Group 8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, Guy derricks or similar types (cable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull) (.50c per hour additional to base rate); Tandem equipment operators (2 units only); Tandem tractor operator (Quad 9 or similar type); Tunnel mole boring machine operator

DECISION NO. CA75-5088

POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Erection)

Group 9: Canal liner; Canal trimmer; Helicopter pilot; Highline Cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading-2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Driver of vehicle or combinations of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic Control Pilot Car, excluding moving heavy equipment permit load.

Group 3: Truck mounted Power Broom

Group 4: Drivers on vehicles or combination of vehicles of 3 axles

Group 5: Bootman; Cement distributor; Fuel truck; Road oil spreader truck; Water truck, 2 axle

Group 6: Dump, of less than 16 yds.

Group 7: Transit-mix, under 3 yds.; Dumpcrete, less than 6-½ yds.

Group 8: Truck repairman helper

Group 9: Water truck, 3 or more axles

Group 10: PB and similar type truck when performing with within the Teamsters' jurisdiction; Pipeline and utility working truck including which, but limited to truck applicable to pipeline and utility work, where a composite crew is used; Slurry driver; Truck greaser and tireman (50c per hour additional for tireman)

Group 11: Transit-mix, 3 yds. or more; Dumpcrete, 6½ yds. and over

Group 12: Driver of vehicle of combination of vehicles of 4 or more axles

Group 13: Dump, 16 yds. but less than 25 yds.

Group 14: A-Frame or Swedish Crane, or similar type of equipment driver; Fork lift driver; Ross Carrier, highway

Group 15: All off-highway equipment with Teamsters' jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Dump, 25 yards or more; Truck repairman

Group 16: Truck repairman welder

SUPERSEDEAS DECISION

STATE: Montana

COUNTIES: Cascade, Flathead, Glacier, Hill, Missoula, Sanders and Valley

DECISION NUMBER: MT75-5091

DATE: Date of Publication

Supersedes Decision No. MT75-5059 dated May 23, 1975, in 40 FR 22765

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.65	.44	.75		
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS:					
Flathead, Missoula and Sanders Counties	8.50	.40	.25		
Cascade and Glacier Counties	9.15	.40	.30		
Hill and Valley Counties	8.45				
CARPENTERS:					
Hill County					
Carpenters	6.36	.30	.45		.02
Valley County					
Carpenters	6.65	.40	.55		.02
Piledrivermen	6.90	.40	.55		.02
Millwrights	7.15	.40	.55		.02
Cascade and Glacier Counties					
Carpenters	7.89	.40	.65		.02
Piledrivermen; Saw Filers; Sawmen	8.14	.40	.65		.02
Millwrights	8.39	.40	.65		.02
Flathead and Sanders (Northern area including the City of Thompson Falls) Counties					
Carpenters	7.51	.40	.65		.02
Sawmen; Pilers; Piledriver; Carpenters working burned, charred, creosoted or similarly treated material	7.71	.40	.65		.02
Millwrights & machine erectors	7.86	.40	.65		.02
Missoula and Sanders (remaining area) Counties					
Carpenters	7.60	.40	.63		.02
Millwrights; Piledriver; Power saw; Saw Filer	7.85	.40	.65		.02
CEMENT MASONS:					
Cascade, Hill and Valley Counties	7.35	.40			
Glacier, Flathead and Sanders (Northern area, excluding the City of Plains) Counties	6.95	.37			
Sanders (remaining area) County	7.60	.40	.25		
Missoula County	8.0775	.50	.35		

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DECISION NO. MT75-5091

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Cascade and Glacier Counties					
Electricians	$ 9.38	.42	1%+.25		1/2%
Cable Splicers	9.63	.42	1%+.25		1/2%
Flathead, Missoula and Sanders Counties					
Electricians	8.68	.42	1%		1/2%
Cable Splicers	9.18	.42	1%		1/2%
Hill County					
Electricians	8.85		1%		1/2%
Valley County					
Electricians	8.25	.20	1%		1/2%
ELEVATOR CONSTRUCTORS	8.04	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3% + a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Reinforcing; Ornamental; Structural					
Glacier, Flathead, Missoula and Sanders Counties	10.15	.58	1.00		.05
Cascade, Hill and Valley Counties	8.51	.50	.75		.05
MARBLE MASONS:					
Flathead, Missoula and Sanders Counties	8.50	.40	.25		
Hill and Valley Counties	7.45				
Cascade and Glacier Counties	9.15	.40	.30		
PAINTERS:					
Sanders County					
Brush and Spray	7.85	.34	.30		.04
Cascade, Glacier and Valley Cos.					
Brush	7.19	.34	.30		
Paperhanger	7.44	.34	.30		
Brush on steel	7.69	.34	.30		
Spraying; Sandblasting	9.44	.34	.30		
PLASTERERS:					
Glacier, Flathead and Sanders (north of the City of Plains) Cos.	6.45	.20			
Missoula and Sanders (remaining area) Counties	8.3275	.50	.35		
Cascade and Hill Counties	7.95	.25			
PLUMBERS:					
Cascade, Glacier, Hill and Valley Counties	9.10	.40	.70		1%
Flathead, Missoula and Sanders Counties	9.68	.35	.55		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Flathead, Missoula and Sanders Counties	$ 6.10				
Cascade, Glacier, Hill and Valley Counties	7.65				
SHEET METAL WORKERS:					
Flathead, Missoula and Sanders Counties	9.38	.37	.20		.07
Cascade, Glacier and Hill Counties	8.81	.37	.25		.04
Valley County	7.95	.37	.20		.04
SPRINKLER FITTERS	9.10	.50	.80		.08
TERRAZZO AND TILE SETTERS:					
Flathead, Missoula and Sanders Counties	8.50	.40	.25		
Cascade and Glacier Counties	7.50	.40	.30		

FOOTNOTE:
a. Employer contributes 4% basic hourly rate for 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.

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Flathead and that area of Sanders Counties lying 5 miles north of the 5th Parallel					
Group 1	$6.68	.47	.37		.03
Group 2	6.83	.47	.37		.03
Group 3	7.02	.47	.37		.03
Hill and Valley Counties					
Group 1	5.97	.425	.315		.03
Group 2	6.07	.425	.315		.03
Group 3	6.22	.425	.315		.03
Group 4	6.37	.425	.315		.03
Group 5	6.47	.425	.315		.03
Group 6	6.72	.425	.315		.03
Missoula and Sanders (Southern area) Counties					
Group 1	6.835	.47	.37		.03
Group 2	7.085	.47	.37		.03
Group 3	7.235	.47	.37		.03
Cascade and Glacier Counties					
Group 1	6.94	.47	.37		.03
Group 2	7.09	.47	.37		.03
Group 3	7.29	.47	.37		.03
Group 4	7.34	.47	.37		.03
Group 5	7.44	.47	.37		.03
Group 6	7.69	.47	.37		.03
Group 7	7.54	.47	.37		.03

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LABORERS

Flathead and that area of Sanders County lying 5 miles north of the 5th Parallel

Group 1: General laborers; scaleman; form strippers; car and truck loaders

Group 2: Concrete handlers, conveying and handling concrete; Nozzlemen (air or water); Sand blast tail hose man; Powderman helper; Power driven wheelbarrow; Rodder and Spreader; Form setters (paving); Bucketman; Small air tool operators, including blow pipes and small power tool operators; Check tenders; Asphalt rakers, Dumpman; Rip rapping; Pipe wrapper; Pot tender; Concrete pumper hoseman; Jackhammer, Pavement breaker; Vibrator; mechanical tamper and other air tools; Cement handlers (sack or bulk); Burning bar

Group 3: Pipe layers (non-metallic); Metal culvert pipe layers; Mason and Plaster tenders, Cement finisher tender; Small concrete mixer operator; Shoring and lagging open ditches; Powderman; Drills, Air-Trac, wagon drill, cat or truck mounted air operated drills, Sand Blaster (wet or dry); gunite nozzleman; barco tamper

Hill-and Valley Counties

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power Tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Place Operator, Jackhammer, Pavement Breaker, Vibrator (2-1/2 inches and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (Free Air); Tunnels and Shafts (Free Air); Bull Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhoseman

Group 4: Brick Tenders (handling bricks and blocks only)

Group 5: Hod Carriers and Plaster Tenders (men carrying motor either by hod pail or barrow); High Scaler, Wagon Driller, Cat or Truck mounted Air Operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment

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LABORERS (Cont'd)

Missoula and Sanders (Southern area) Counties

Group 1: Laborers

Group 2: All power tools, creosote workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators

Group 3: Cement masons and plasterer's tenders; Mason tenders; Pumpcrete, gunnite and plasterer pump

Cascade and Glacier Counties

Group 1: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpman (spotter) and Flagman; Fence Erectors and Installers, including the installation and erection of fences, guardrails, medium rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Caisson Workers (Free Air); Vibrator 1-1/2" to 2-1/2" in diameter

Group 2: Concrete or Asphalt Saws; Creosote Material Handler; Curb Machine Form Setter (Slab Steel Forms); Diamond Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Wagon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc., Mechanical Tampers; Nozzlemen, Air and Water, Gunite and Place, Machine (Grout); Pipe Layer (all types); Power Saw (bucking and falling); Power Driven Wheelbarrow; Chuck Tenders, Muckers and Nippers, Primeman

Group 3: Sand Blaster

Group 4: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grade); Small Concrete Mixers

Group 5: Diamond Drills up through 6 inches in diameter; Hod Carriers and Plaster Tenders (1 - one mixerman per crew); Asphalt Raker and Tamper; High Scaler, Powderman Helper; Concrete Nozzleman; Miners; Barco Tamper; Air-Trac

Group 6: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 7: Concrete Vibrator, 4" and over

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Cascade, Glacier and Hill Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHOVELS, incl. all attachments, over 5 yds.; Stiff-leg Derrick and Guy Derrick; Cableway highline; Helicopter hoist; Tower crane; Whirley crane	$ 7.64	.45	.45		.13	
SCRAPER, tandem engine; Shovels, incl. all attachments, over 3 yds. to and incl. 5 yds.	7.51	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, over 15 yds.; Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, 10 yds. to and incl. 15 yds.; Track-type front-end loaders, 10 cu. yds. to and incl. 15 cu. yds.; Concrete conveyor; Crane, to and incl. 80' boom with jib	7.35	.45	.45		.13	
QUAD CAT	7.32	.45	.45		.13	
CENTRAL MIXING PLANT, concrete and stationary	7.27	.45	.45		.13	
RUBBER-TIRED FRONT-END LOADERS, over 5 yds. to and incl. 10 yds.; Scraper, twin engine; Track-type front-end loaders, over 5 cu. yds. to and incl. 10 cu. yds.; Scraper single or twin engine, pulling belly dump trailer	7.25	.45	.45		.13	
CRANE, ELECTRIC-OVERHEAD, ALL; Shovels, incl. all attachments, 1 yd. to and incl. 3 yds.; Track-type tractor on Euclid loader	7.21	.45	.45		.13	
HOIST, TWO OR MORE DRUMS; Motor patrol; Ross and similar type carriers on construction site	7.18	.45	.45		.13	
AUTOMATIC FINEGRADER, Gurries and other types; Paver; Slip form; Paving and mixing machine; Roller, 25 tons or over; Rubber tired front-end loader, over 3 yds. to and incl. 5 yds.; Scraper, single	7.15	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
MIXERMOBILE	$ 7.11	.45	.45		.13	
BORING MACHINE; Jeep, pickup or farm tractor mounted; Boring machine, large; Power auger large truck or tractor mounted and punch	7.05	.45	.45		.13	
AIR DOCTOR; Asphalt paving machine; Asphalt paving machine screed operator; Bit grinder; Bituminous mixer paving travel plant; Concrete batch plant operator; Concrete curing machine; Concrete finish machine, paving; Concrete float and spreader; Concrete Power saw, self-propelled; Concrete travel batcher; Crusher; Distributor; Elevating grader; Forklift on construction job site; Gradall; Heavy duty drills, all types, Hot plant; Hot plant fireman, when in operation; Industrial locomotive; Mountain logger or similar type machine; Mucking machine; Pavement breaker, Emsco and similar; Power mixer, single or double drum; Pumpcrete or grout machine; Refrigerator plant; Roller, steel and self-propelled rubber on blade or hot mix oil paving; Roller, Wagner and similar types, rubber-tired dozer; Rubber-tired front-end loaders, 1 yd. to and incl. 3 yds.; Shovels, incl. all attachments, under 1 yd.; Tracktype tractor, with or without attachments; Track-type tractor with or without attachments incl. track-type front-end loaders up to and incl. 5 cu. yds.; Trench machine; Belt finishing machine; Concrete batch plant, 1 and 2 mixers; DW 10, 15, 20 tractor pulling roller, Power saw self-propelled, multiple cut; Push tractor; Scraper, DW 15, 20, 21 and similar type if power unit is not used; Self-propelled sheepsfoot; Turnhead conveyor or head tower, on batch plant; Wagner roller; Water pull operator	7.02	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
FIELD EQUIPMENT SERVICEMAN; Hydralift and similar type; Oiler, hoist-house, dams; Shovel oiler, over 3 yds.; Winch truck with boom	$ 6.92	.45	.45		.13	
CONCRETE MIXER, 4 bags and over	6.89	.45	.45		.13	
HOIST, SINGLE DRUM	6.81	.45	.45		.13	
A-FRAME TRUCK CRANE, winch truck and similar	6.80	.45	.45		.13	
CEMENT SILO; Form grader	6.79	.45	.45		.13	
HYDRO TAMPER	6.77	.45	.45		.13	
CHAIN BUCKET; Chip or gravel spreader, self-propelled; Conveyor loader, over 42" belt	6.72	.45	.45		.13	
AIR COMPRESSOR, two or more; Roller, steel and self-propelled rubber other than blade or hot mix oil paving; Rubber-tired front-end loaders, under 1 yd.	6.71	.45	.45		.13	
BROOM, self-propelled	6.67	.45	.45		.13	
CONCRETE MIXER, 3 bags and under; Fireman	6.61	.45	.45		.13	
CONVEYOR LOADER, up to and incl. 42" belt; Crusher conveyor	6.60	.45	.45		.13	
RETORT OPERATOR	6.57	.45	.45		.13	
MECHANIC AND/OR WELDER HELPER; Concrete batch plant oiler; Crane oiler; Farm type tractor, over 50 HP engine; Hot plant oiler, 100 tons per hour & over; Oiler driver, rubber-tired crane	6.56	.45	.45		.13	
PUMPMAN	6.55	.45	.45		.13	
AIR COMPRESSOR, SINGLE; Concrete batch plant oiler, up to and incl. 2 mixers	6.52	.45	.45		.13	

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHOVEL, OILER, 3 yds. and under	$ 6.51	.45	.45		.13	
CRUSHER OILER AND HELPER; Farmtype tractor, up to and incl. 50 HP engine; Field equipment service helper; Grade setter; Heavy duty drill helper; Heaters, Herman Nelson and similar type; Oilers, other than shovels and cranes; Washer and screening plant oiler	6.48	.45	.45		.13	
CONCRETE BATCH PLANT, 3 and 4 mixers	7.22	.45	.45		.13	
CONCRETE BATCH PLANT, 5 mixers and over	7.42	.45	.45		.13	
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.83	.45	.45		.13	
CONCRETE PUMP	7.80	.45	.45		.13	
CRANE 81' to 130' BOOM	7.50	.45	.45		.13	
CRANE 131' to 150' BOOM	7.55	.45	.45		.13	
CRANE 151' BOOM AND OVER	7.60	.45	.45		.13	
MECHANIC AND/OR WELDER	7.12	.45	.45		.13	
WHIRLEY CRANE OILER	6.85	.45	.45		.13	

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Missoula and Valley Counties POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$8.50	.50	.45	.15	.03
Air Compressor, single	8.19	.50	.45	.15	.03
Air Compressor, two or more	8.36	.50	.45	.15	.03
Air Doctor	8.66	.50	.45	.15	.03
Asphalt Paving Machine	8.66	.50	.45	.15	.03
Asphalt Paving Machine Screed	8.66	.50	.45	.15	.03
Automatic Finegrade, Curries and other similar types	8.79	.50	.45	.15	.03
Belt Finish Machine	8.36	.50	.45	.15	.03
Bit Grinder	8.66	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.66	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.25	.50	.45	.15	.03
Boring Machine (large)	8.66	.50	.45	.15	.03
Broom, self-propelled	8.33	.50	.45	.15	.03
Cableway Highline	9.17	.50	.45	.15	.03
Cement Silo	8.45	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationary	8.91	.50	.45	.15	.03
Chain Bucket Loader	8.38	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	8.38	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	8.66	.50	.45	.15	.03
Concrete Batch Plant, three and four mixers	8.86	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.06	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	8.18	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.49	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.66	.50	.45	.15	.03
Concrete Curing Machine	8.66	.50	.45	.15	.03
Concrete Finish Machine Paving	8.66	.50	.45	.15	.03
Concrete Float-Spreader	8.66	.50	.45	.15	.03
Concrete Mixer, three bags and under	8.25	.50	.45	.15	.03
Concrete Mixer, four bags and over	8.42	.50	.45	.15	.03
Concrete Power Saw, self-propelled	8.66	.50	.45	.15	.03
Concrete Travel Batcher	8.66	.50	.45	.15	.03
Conveyor loader Operator up to and incl 42" belt	8.24	.50	.45	.15	.03
Conveyor loader Operator over 42" belt	8.36	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Conveyor under 40 feet	$8.29	.50	.45	.15	.03
Concrete Conveyor over 40 feet	9.04	.50	.45	.15	.03
Concrete Pump	9.04	.50	.45	.15	.03
Crane, to and incl. 80' boom	8.82	.50	.45	.15	.03
Crane, 81' to 130' boom	8.97	.50	.45	.15	.03
Crane, 131' to 150' boom	9.02	.50	.45	.15	.03
Crane, 151' boom and over	9.07	.50	.45	.15	.03
Crane Oiler	8.23	.50	.45	.15	.03
Crusher	8.66	.50	.45	.15	.03
Crusher Oiler and Helper	8.15	.50	.45	.15	.03
Crusher Conveyor, when required	8.12	.50	.45	.15	.03
Distributor	8.66	.50	.45	.15	.03
DW 10, 15, or 20 Tractor pulling roller	8.38	.50	.45	.15	.03
Electric Overhead Cranes	8.84	.50	.45	.15	.03
Elevating Grader	8.66	.50	.45	.15	.03
Farm Type Tractor, up to and incl. 50 HP Engine	8.12	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.20	.50	.45	.15	.03
Field Equipment Serviceman	8.58	.50	.45	.15	.03
Field Equipment Serviceman Helper	8.15	.50	.45	.15	.03
Fireman	8.25	.50	.45	.15	.03
Forklift, on construction job site	8.47	.50	.45	.15	.03
Form Grader	8.43	.50	.45	.15	.03
Gradall	8.66	.50	.45	.15	.03
Grade Setter	8.12	.50	.45	.15	.03
Heavy Duty Drill, all types	8.66	.50	.45	.15	.03
Heavy Duty Driller Helper	8.25	.50	.45	.15	.03
Herman-Nelson Heaters and similar type	8.20	.50	.45	.15	.03
Hoist, single drum	8.43	.50	.45	.15	.03
Hoist, two or more drums	8.66	.50	.45	.15	.03
Helicopter Hoist	9.16	.50	.45	.15	.03
Hot Plant	8.66	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	8.66	.50	.45	.15	.03
Hot Plant Oiler, 100 ton per hour or over	8.15	.50	.45	.15	.03
Hydra Lift and similar types	8.56	.50	.45	.15	.03
Industrial Locomotive all classes	8.66	.50	.45	.15	.03
Mechanic and/or Welder on job	8.76	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	8.15	.50	.45	.15	.03
Mixermobile	8.74	.50	.45	.15	.03
Motor Patrol	8.79	.50	.45	.15	.03
Mountain Logger or similar type	8.66	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mucking Machine	$8.66	.50	.45	.15	.03
Oiler-Driver, Rubber-tired Cranes	8.23	.50	.45	.15	.03
Oilers, other than Shovels and Cranes	8.15	.50	.45	.15	.03
Oiler, hoist house, dams	8.56	.50	.45	.15	.03
Pavement Breaker, Emsco and similar	8.66	.50	.45	.15	.03
Paving and Mixing Machine	8.79	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	8.66	.50	.45	.15	.03
Power Mixer, single or double drum	8.66	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	8.66	.50	.45	.15	.03
Pumpcrete or Grout Machine	8.66	.50	.45	15	.03
Pumpman	8.19	.50	.45	.15	.03
Push Tractor	8.66	.50	.45	.15	.03
Quad Cat	8.96	.50	.45	15	.03
Quad Loader and similar type	9.18	.50	.45	.15	.03
Raygo Giant	9.29	.50	.45	.15	.03
Refrigerator Plant	8.66	.50	.45	.15	.03
Retort	8.25	.50	.45	15	.03
Roller, on blade or hot mix oil Paving	8.66	.50	.45	.15	.03
Roller, on other blade or hot mix Paving	8.36	.50	.45	.15	.03
Roller, 25 ton or over	8.66	.50	.45	.15	.03
Ross and similar type Carriers, on construction site	8.66	.50	.45	.15	.03
Rubber-tired Dozer	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	8.37	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.78	.50	.45	.15	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.88	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.98	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yds.	9.08	.50	.45	.15	.03
Scraper, DW 15, 20, 21, and similar type if power unit is not used	8.66	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scraper, single or twin engine pulling belly dump trailer	$ 9.04	.50	.45	.15	.03
Scraper, single engine	8.79	.50	.45	.15	.03
Scraper, twin engine	8.89	.50	.45	.15	.03
Scraper, tandem engine	9.15	.50	.45	.15	.03
Self-propelled Sheepfoot and similar type	8.66	.50	.45	.15	.03
Shovels, incl. all attachments, under 1 cu. yd.	8.66	.50	.45	.15	.03
Shovels, incl. all attachments, 1 cu. yd. to and incl. 3 cu. yds.	8.84	.50	.45	.15	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	9.11	.50	.45	.15	.03
Shovels, incl. all attachments, over 5 cu. yds.	9.24	.50	.45	.15	.03
Shovel Oiler, 3 yds. and under	8.15	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	8.56	.50	.45	.15	.03
Slip Form Paver	8.79	.50	.45	.15	.03
Stiff Leg Derrick and Guy Derrick	9.11	.50	.45	.15	.03
Track-type Front End Loaders; up to and incl. 5 cu. yds.	8.66	.50	.45	.15	.03
Track-type Front End Loaders; over 5 cu. yds. to and incl. 10 cu. yds.	8.89	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	8.99	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	9.09	.50	.45	.15	.03
Track-type Tractor with or without attachments	8.66	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	8.84	.50	.45	.15	.03
Trenching Machine	8.66	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	8.66	.50	.45	.15	.03
Wagner Roller and similar type	8.66	.50	.45	.15	.03
Whirley Crane	9.19	.50	.45	.15	.03
Whirley Crane Oiler	8.55	.50	.45	.15	.03
Water Pull when used for compaction	8.66	.50	.45	.15	.03
Washing and Screening Plant	8.66	.50	.45	.15	.03
Washing and Screening Plant Oiler	8.15	.50	.45	.15	.03

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DECISION NO. MT75-5091

Flathead and Sanders County

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 8.50	.50	.45	.15	.03
Air Compressor, single	8.19	.50	.45	.15	.03
Air Compressor, two or more	8.36	.50	.45	.15	.03
Air Doctor	8.66	.50	.45	.15	.03
Asphalt Paving Machine	8.66	.50	.45	.15	.03
Asphalt Paving Machine Screed	8.66	.50	.45	.15	.03
Automatic Finegrader, Gurries and other similar types	8.79	.50	.45	.15	.03
Belt Finish Machine	8.36	.50	.45	.15	.03
Bit Grinder	8.66	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.66	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.25	.50	.45	.15	.03
Boring Machine (large)	8.66	.50	.45	.15	.03
Broom, self-propelled	8.33	.50	.45	.15	.03
Cableway Highline	9.17	.50	.45	.15	.03
Cement Silo	8.45	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationary	8.91	.50	.45	.15	.03
Chain Bucket Loader	8.38	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	8.38	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	8.66	.50	.45	.15	.03
Concrete Batch Plant, three and four mixers	8.86	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.06	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	8.18	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.49	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.66	.50	.45	.15	.03
Concrete Curing Machine	8.66	.50	.45	.15	.03
Concrete Finish Machine Paving	8.66	.50	.45	.15	.03
Concrete Float-Spreader	8.66	.50	.45	.15	.03
Concrete Mixer, three bags and under	8.25	.50	.45	.15	.03
Concrete Mixer, four bags and over	8.42	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$ 8.66	.50	.45	.15	.03
Concrete Travel Batcher	8.66	.50	.45	.15	.03
Conveyor Loader, up to and incl. 42" belt	8.24	.50	.45	.15	.03
Conveyor Loader, over 42" belt	8.36	.50	.45	.15	.03
Crane, to and incl. 80' boom with jib	8.82	.50	.45	.15	.03
Crane, 81' to 130' boom	8.97	.50	.45	.15	.03
Crane, 131' to 150' boom	9.02	.50	.45	.15	.03
Crane, 151' boom and over	9.07	.50	.45	.15	.03
Crane Oiler	8.23	.50	.45	.15	.03
Crusher	8.66	.50	.45	.15	.03
Crusher Oiler and Helper	8.15	.50	.45	.15	.03
Crusher Conveyor, when required	8.12	.50	.45	.15	.03
Distributor	8.66	.50	.45	.15	.03
DW 10, 15, or 20 Tractor pulling roller	8.38	.50	.45	.15	.03
Electric Overhead Cranes	8.84	.50	.45	.15	.03
Elevating Grader	8.66	.50	.45	.15	.03
Farm Type Tractor, up to and incl. 50 HP Engine	8.12	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.20	.50	.45	15	.03
Field Equipment Serviceman	8.58	.50	.45	.15	.03
Field Equipment Serviceman Helper	8.15	.50	.45	.15	.03
Fireman	8.25	.50	.45	.15	.03
Forklift, on construction job site	8.47	.50	.45	.15	.03
Form Grader	8.43	.50	.45	.15	.03
Gradall	8.66	.50	.45	.15	.03
Grade Setter	8.12	.50	.45	.15	.03
Heavy Duty Drill, all types	8.66	.50	.45	.15	.03
Heavy Duty Driller Helper	8.25	.50	.45	.15	.03
Herman-Nelson Heaters and similar type	8.20	.50	.45	.15	.03
Hoist, Single drum	8.43	.50	.45	.15	.03
Hoist, two or more drums	8.66	.50	.45	.15	.03
Helicopter Hoist	9.16	.50	.45	.15	.03
Hot Plant	8.66	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	8.66	.50	.45	.15	.03
Hot Plant Oiler, 100 ton per hour or over	8.15	.50	.45	.15	.03
Hydra lift and similar types	8.56	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Industrial Locomotive all classes	$ 8.66	.50	.45	.15	.03
Mechanic and/or Welder on job	8.76	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	8.15	.50	.45	.15	.03
Mixermobile	8.74	.50	.45	.15	.03
Motor Patrol	8.79	.50	.45	.15	.03
Mountain Logger or similar type	8.66	.50	.45	.15	.03
Mucking Machine	8.66	.50	.45	.15	.03
Oiler-Driver, Rubber Tired Cranes	8.23	.50	.45	.15	.03
Oilers, other than shovels and cranes	8.15	.50	.45	.15	.03
Oiler, hoist house, dams	8.56	.50	.45	.15	.03
Pavement Breaker, Emsco & similar	8.66	.50	.45	.15	.03
Paving and Mixing Machine	8.79	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	8.66	.50	.45	.15	.03
Power Mixer, single or double drum	8.66	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	8.66	.50	.45	.15	.03
Pumpcrete or Grout Machine	8.66	.50	.45	.15	.03
Pumpman	8.19	.50	.45	.15	.03
Push Tractor	8.66	.50	.45	.15	.03
Quad Cat	8.96	.50	.45	.15	.03
Quad Loader and similar types	9.18	.50	.45	.15	.03
Radiator Repairman	8.47	.50	.45	.15	.03
Refrigerator Plant	8.66	.50	.45	.15	.03
Retort	8.25	.50	.45	.15	.03
Roller, on blade or hot mix oil paving	8.66	.50	.45	.15	.03
Roller, on other blade or hot mix paving	8.36	.50	.45	.15	.03
Roller, 25 ton or over	8.66	.50	.45	.15	.03
Ross and similar type carriers, on construction site	8.66	.50	.45	.15	.03
Rubber-tired Dozer	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	8.37	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.78	.50	.45	.15	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.88	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.98	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yds.	9.08	.50	.45	.15	.03

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DECISION NO. MT75-5091

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scraper, DW 15, 20, 21 and similar type if power unit is not used	$ 8.66	.50	.45	.15	.03
Scraper, single or twin engine pulling belly dump trailer	9.04	.50	.45	.15	.03
Scraper, single engine	8.79	.50	.45	.15	.03
Scraper, twin engine	8.89	.50	.45	.15	.03
Scraper, tandem or 3 engined	9.15	.50	.45	.15	.03
Self-propelled Sheepfoot and similar type	8.86	.50	.45	.15	.03
Shovels, incl. all attachments, under 1 cu. yd.	8.66	.50	.45	.15	.03
Shovels, incl. all attachments, 1 cu. yd. to and incl. 3 cu. yds.	8.84	.50	.45	.15	.03
Shovels, incl. all attachments, over 3 cu. yds. to & incl. 5 cu. yds.	9.11	.50	.45	.15	.03
Shovels, incl. all attachments, over 5 cu. yds.	9.24	.50	.45	.15	.03
Shovel Oiler, 3 yds. & under	8.15	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds	8.56	.50	.45	.15	.03
Slip Form Paver	8.79	.50	.45	.15	.03
Stiff Leg Derrick & Guy Derrick	9.11	.50	.45	.15	.03
Track-type Front End Loaders, up to & incl. 5 cu. yds.	8.66	.50	.45	.15	.03
Track-type Front End Loaders, over 5 cu. yds. to & incl. 10 cu. yds.	8.89	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	8.99	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	9.09	.50	.45	.15	.03
Track-type Tractor with or without attachments	8.66	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	8.84	.50	.45	.15	.03
Trenching Machine	8.66	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	8.66	.50	.45	.15	.03
Wagner Roller & similar type	8.66	.50	.45	.15	.03
Whirley Crane	9.19	.50	.45	.15	.03
Whirley Crane Oiler	8.55	.50	.45	.15	.03
Water Pull when used for compaction	8.66	.50	.45	.15	.03
Washing & Screening Plant	8.66	.50	.45	.15	.03
Washing & Screening Plant Oiler	8.15	.50	.45	.15	.03
Yo-Yo Cat, both ends	8.86	.50	.45	.15	.03

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TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer and Transit Mixer:					
To and incl. 4 cu. yds.	$7.72	.50	.40		
Over 4 cu. yds. to and incl. 6 cu. yds.	7.80	.50	.40		
Over 6 cu. yds. to and incl. 8 cu. yds.	7.78	.50	.40		
Over 8 cu. yds. to and incl. 10 cu. yds.	7.96	.50	.40		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	7.65	.50	.40		
DRY BATCH TRUCKS:					
3 Batch or under	7.47	.50	.40		
Over 3 Batch to and incl. 5 Batch	7.60	.50	.40		
Over 5 Batch to and incl. 10 Batch	7.76	.50	.40		
Over 10 Batch to and incl. 15 Batch	7.92	.50	.40		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	7.57	.50	.40		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	7.47	.50	.40		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	7.67	.50	.40		
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCL. SIDEBOARDS:					
7 cu. yds. or less	7.47	.50	.40		
Over 7 cu. yds. to and incl. 10 cu. yds.	7.60	.50	.40		
Over 10 cu. yds. to and incl. 15 cu. yds.	7.76	.50	.40		

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TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and incl. 20 cu. yds.	$7.90	.50	.40		
Over 20 cu. yds. to and incl. 25 cu. yds.	7.96	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	8.02	.50	.40		
Over 30 cu. yds. to and incl. 35 cu. yds.	8.08	.50	.40		
Over 35 cu. yds. to and incl. 40 cu. yds.	8.14	.50	.40		
Over 40 cu. yds. to and incl. 45 cu. yds.	8.20	.50	.40		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	7.60	.50	.40		
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To and incl. 25 cu. yds.	7.96	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	8.02	.50	.40		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	8.21	.50	.40		
POWDER TRUCK DRIVER (bulk unloader type)	7.65	.50	.40		
FLAT TRUCKS:					
To and incl. 3 tons	7.57	.50	.40		
Over 3 tons Factory rating	7.82	.50	.40		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	8.01	.50	.40		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	7.82	.50	.40		
LUMBER CARRIERS, LIFT TRUCKS	7.72	.50	.40		
POWER BROOM	7.56	.50	.40		

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TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$ 7.47	.50	.40		
Over 2,500 gallons to and incl. 4,500 gallons	7.76	.50	.40		
Over 4,500 gallons to and incl. 6,000 gallons	7.96	.50	.40		
Over 6,000 gallons to and incl. 8,000 gallons	8.02	.50	.40		
Over 8,000 gallons to and incl. 10,000 gallons	8.10	.50	.40		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCKS WITH POWER EQUIPMENT if UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	7.72	.50	.40		
TRUCK MECHANIC	8.21	.50	.40		

SUPERSEDEAS DECISION

STATE: Montana COUNTY: Deer Lodge, Gallatin, and Silver Bow

DECISION NUMBER: MT75-5092 DATE: Date of Publication

Supersedes Decision No. MT75-5060 dated May 30, 1975, in 40 FR 23642

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.65	.44	.80		
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS:					
Deer Lodge and Silver Bow Cos.	9.25		.25		
Gallatin County	9.05				
CARPENTERS:					
Deer Lodge County	7.11	.40	.55		.02
Gallatin County	6.51	.40	.55		.02
Silver Bow County	6.61	.40	.55	.75	.02
CEMENT MASONS:					
Deer Lodge and Silver Bow Cos.	7.95	.40	.25		
Gallatin County	6.50	.35	.25		
ELECTRICIANS:					
Deer Lodge and Silver Bow Cos.	9.15	.35	1% + .25		1/2%
Gallatin County	8.55	.30	1%		1/2%
IRONWORKERS:					
Ornamental; Structural and Reinforcing	8.51	.50	.75		.10
PAINTERS, Brush:					
Silver Bow County	5.82	.25	.10		
Gallatin County	7.69	.25	.20		.03
PLASTERERS:					
Deer Lodge and Silver Bow Cos.	7.95	.40	.25		
Gallatin County	6.50	.35	.25		
PLUMBERS	8.45	.40	.50		.05
ROOFERS:					
Deer Lodge and Silver Bow Cos.	6.91	.47	.35	.75	
Gallatin County	6.94	.425			
SHEET METAL WORKERS:					
Deer Lodge and Silver Bow Cos.	7.00	.32	.20		
Gallatin County	7.95	.37	.20		.04
SPRINKLER FITTERS	9.10	.50	.80		.08

DECISION NO. MT75-5092

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Gallatin County					
Group 1	$ 6.01	.47	.37		.03
Group 2	6.26	.47	.37		.03
Deer Lodge and Silver Bow Counties					
Group 1	6.19	.47	.37	.75	.03
Group 2	6.26	.47	.37	.75	.03
Group 3	6.27	.47	.37	.75	.03
Group 4	6.28	.47	.37	.75	.03
Group 5	6.29	.47	.37	.75	.02
Group 6	6.31	.47	.37	.75	.02
Group 7	6.35	.47	.37	.75	.02
Group 8	6.36	.47	.37	.75	.03
Group 9	6.37	.47	.37	.75	.03
Group 10	6.41	.47	.37	.75	.03
Group 11	6.44	.47	.37	.75	.03
Group 12	6.46	.47	.37	.75	.03
Group 13	6.47	.47	.37	.75	.03
Group 14	6.54	.47	.37	.75	.03
Group 15	6.57	.47	.37	.75	.03
Group 16	6.59	.47	.37	.75	.03
Group 17	6.69	.47	.37	.75	.03
Group 18	6.79	.47	.37	.75	.03
Group 19	6.44	.47	.37	.75	.03
Group 20	6.43	.47	.37	.75	.03
Group 21	6.31	.47	.37	.75	.03

Gallatin County

Group 1: Common laborers

Group 2: Semi-skilled; Hod carriers; Jackhammer operator; Vibrator; Mixer operator; Concrete pump tender; Nozzleman; Concrete machimer; Curb form setter

LABORERS

Deer Lodge and Silver Bow Counties

GROUP 1: General Laborer; Axeman; Carpenter Tender; Car and Truck Loaders; Scissorman; Chuck Tender and Nipper (above ground); Cosmolene, applying and removing; Fence Erector and Installer incl. the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Form Stripper; Form Setter; Landscape Laborer; Nozzleman - air and water, gunnite and place machine; Pilot Car; Riprap Helper; Scaleman; Sod Cutter (hand operated (General Laborer); Stake Jumper for equipment; Tool Checker; Toolhouseman.

GROUP 2: Riprapper; Sandblaster; Sandblaster Tailhouseman; Pot Tender

GROUP 3: Hand Faller

GROUP 4: Post Hole Digger (power Auger)

GROUP 5: Concrete or asphalt saws; Tar Pot Operator

GROUP 6: Powderman Helper

GROUP 7: Caisson Workers (free air); Spike Driver, single or dual or hand

GROUP 8: Drills, Air-trott, self-propelled car or truck mount air operated drills; Jackhammer, Pavement Breaker, Wagon Driller, Mechanical Tamper, Vibrating Roller hand steered and other power tools; Pipe Wrapper, Power Saw (bucking)

GROUP 9: Asphalt Raker; Dumpman (grademan)

GROUP 10: High Pressure Machine Nozzleman

GROUP 11: Pipe Layer (all types); Cutting Torch Operator

GROUP 12: Powderman

GROUP 13: Grade Setter

GROUP 14: High Scaler

GROUP 15: Dumpman (spotter)

GROUP 16: Power Saw (falling)

GROUP 17: Rigger

GROUP 18: Core Drill Operator

GROUP 19: Concrete Worker, wet or dry; Tending Masons when pouring and finishing concrete

GROUP 20: Vibrator Operator; Tending Stonesetters, Marble Setters, Tile Setters, Skagiola and Terrazzo Workers; Tending brick masons or brick or stone work; Tending Plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete Conveyor Swinger Operator

GROUP 21: Power Driven Concrete Buggies

Gallatin County

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 8.55	.50	.45	.15	.03
Air Compressor, single	8.24	.50	.45	.15	.03
Air Compressor, two or more	8.41	.50	.45	.15	.03
Air Doctor	8.71	.50	.45	.15	.03
Asphalt Paving Machine	8.71	.50	.45	.15	.03
Asphalt Paving Machine Screed	8.71	.50	.45	.15	.03
Automatic Pinegrade, Gurries and other similar types	8.84	.50	.45	.15	.03
Belt Finish Machine	8.41	.50	.45	.15	.03
Bit Grinder	8.71	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.71	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.30	.50	.45	.15	.03
Boring Machine (large)	8.30	.50	.45	.15	.03
Broom, self-propelled	8.38	.50	.45	.15	.03
Cableway Highline	9.22	.50	.45	.15	.03
Cement Silo	8.50	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationary	8.96	.50	.45	.15	.03
Chain Bucket Loader	8.43	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	8.43	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	8.71	.50	.45	.15	.03
Concrete Batch Plant, three and four mixers	8.91	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.11	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	8.23	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.54	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.71	.50	.45	.15	.03
Concrete Curing Machine	8.71	.50	.45	.15	.03
Concrete Finish Machine Paving	8.71	.50	.45	.15	.03
Concrete Float-Spreader	8.71	.50	.45	.15	.03
Concrete Mixer, three bags and under	8.30	.50	.45	.15	.03
Concrete Mixer, four bags and over	8.47	.50	.45	.15	.03
Concrete Power Saw, self-propelled	8.71	.50	.45	.15	.03
Concrete Travel Batcher	8.71	.50	.45	.15	.03
Conveyor loader Operator up to and incl. 42" belt	8.29	.50	.45	.15	.03
Conveyor loader Operator over 42" belt	8.41	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Conveyor under 40 feet	$ 8.29	.50	.45	.15	.03
Concrete Conveyor over 40 feet	9.04	.50	.45	.15	.03
Concrete Pump	9.04	.50	.45	.15	.03
Crane, to and incl. 80' boom	8.87	.50	.45	.15	.03
Crane, 81' to 130' boom	9.02	.50	.45	.15	.03
Crane, 131' to 150' boom	9.07	.50	.45	.15	.03
Crane, 151' boom and over	9.12	.50	.45	.15	.03
Crane Oiler	8.28	.50	.45	.15	.03
Crusher	8.71	.50	.45	.15	.03
Crusher Oiler and Helper	8.20	.50	.45	.15	.03
Crusher Conveyor, when required	8.17	.50	.45	.15	.03
Distributor	8.71	.50	.45	.15	.03
DW 10, 15, or 20 Tractor pulling roller	8.43	.50	.45	.15	.03
Electric Overhead Cranes	8.89	.50	.45	.15	.03
Elevating Grader	8.71	.50	.45	.15	.03
Farm Type Tractor, up to and incl. 50 HP Engine	8.17	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.25	.50	.45	.15	.03
Field Equipment Serviceman	8.63	.50	.45	.15	.03
Field Equipment Serviceman Helper	8.20	.50	.45	.15	.03
Fireman	8.30	.50	.45	.15	.03
Forklift, on construction job site	8.52	.50	.45	.15	.03
Form Grader	8.48	.50	.45	.15	.03
Gradall	8.71	.50	.45	.15	.03
Grade Setter	8.17	.50	.45	.15	.03
Heavy Duty Drill, all types	8.71	.50	.45	.15	.03
Heavy Duty Driller Helper	8.30	.50	.45	.15	.03
Herman-Nelson Heaters and similar type	8.25	.50	.45	.15	.03
Hoist, single drum	8.48	.50	.45	.15	.03
Hoist, two or more drums	8.71	.50	.45	.15	.03
Helicopter Hoist	9.21	.50	.45	.15	.03
Hot Plant	8.71	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	8.71	.50	.45	.15	.03
Hot Plant Oiler, 100 ton per hour or over	8.20	.50	.45	.15	.03
Hydra lift and similar types	8.61	.50	.45	.15	.03
Industrial Locomotive all classes	8.71	.50	.45	.15	.03
Mechanic and/or Welder on job	8.81	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	8.20	.50	.45	.15	.03
Mixermobile	8.79	.50	.45	.15	.03
Motor Patrol	8.84	.50	.45	.15	.03
Mountain Logger or similar type	8.71	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mucking Machine	$ 8.71	.50	.45	.15	.03
Oiler-Driver, Rubber-tired Cranes	8.28	.50	.45	.15	.03
Oilers, other than Shovels and Cranes	8.20	.50	.45	.15	.03
Oiler, hoist house, dams	8.61	.50	.45	.15	.03
Pavement Breaker, Emsco and similar	8.71	.50	.45	.15	.03
Paving and Mixing Machine	8.84	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	8.71	.50	.45	.15	.03
Power Mixer, single or double drum	8.71	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	8.71	.50	.45	.15	.03
Pumpcrete or Grout Machine	8.71	.50	.45	.15	.03
Pumpman	8.24	.50	.45	.15	.03
Push Tractor	8.71	.50	.45	.15	.03
Quad Cat	9.01	.50	.45	.15	.03
Quad Loader and similar type	9.29	.50	.45	.15	.03
Raygo Giant	9.29	.50	.45	.15	.03
Refrigerator Plant	8.71	.50	.45	.15	.03
Retort	8.30	.50	.45	.15	.03
Roller, on blade or hot mix oil Paving	8.71	.50	.45	.15	.03
Roller, on other blade or hot mix Paving	8.41	.50	.45	.15	.03
Roller, 25 ton or over	8.71	.50	.45	.15	.03
Ross and similar type Carriers, on construction site	8.71	.50	.45	.15	.03
Rubber-tired Dozer	8.71	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	8.42	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	8.71	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.83	.50	.45	.15	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.93	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	9.03	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yds.	9.13	.50	.45	.15	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	8.71	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scraper, single or twin engine pulling belly dump trailer	$9.09	.50	.45	.15	.03
Scraper, single engine	9.44	.50	.45	.15	.03
Scraper, twin engine	9.94	.50	.45	.15	.03
Scraper, tandem engine	9.20	.50	.45	.15	.03
Self-propelled Sheepfoot & similar type	8.71	.50	.45	.15	.03
Shovels, incl. all attachments, under 1 cu. yd.	8.71	.50	.45	.15	.03
Shovels, incl. all attachments, 1 cu. yd. to and incl. 3 cu. yds.	8.89	.50	.45	.15	.03
Shovels, incl. all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	9.16	.50	.45	.15	.03
Shovels, incl. all attachments, over 5 cu. yds.	8.29	.50	.45	15	.03
Shovel Oiler, 3 yds. and under	8.21	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	8.61	.50	.45	.15	.03
Slip Form Paver	8.84	.50	.45	.15	.03
Still Leg Derrick & Guy Derrick	9.16	.50	.45	.15	.03
Track-type Front End Loaders; up to and incl. 5 cu. yds.	8.71	.50	.45	.15	.03
Track-type Front End Loaders; over 5 cu. yds. to and incl. 10 cu. yds.	8.94	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	9.04	.50	.45	.15	.03
Track-type Front End Loaders over 15 cu. yds.	9.14	.50	.45	.15	.03
Track-type Tractor with or without attachments	8.71	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	8.89	.50	.45	.15	.03
Trenching Machine	8.71	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	8.71	.50	.45	.15	.03
Wagner Roller & similar type	8.71	.50	.45	.15	.03
Whirley Crane	9.24	.50	.45	.15	.03
Whirley Crane Oiler	8.61	.50	.45	.15	.03
Water Pull when used for compaction	8.71	.50	.45	.15	.03
Washing & Screening Plant	8.71	.50	.45	.15	.03
Washing & Screening Plant Oiler	8.20	.50	.45	.15	.03

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Deer Lodge and Silver Bow Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
A-FRAME TRUCK CRANE	$ 8.55	.50	.45	.15	.03	
AIR COMPRESSOR, single	8.24	.50	.45	.15	.03	
AIR COMPRESSOR, 2 or more; Belt finishing Conveyor loader, over 42" belt; Roller, steel & self-propelled rubber on other than blade or hot-mix oil paving	8.41	.50	.45	.15	.03	
AIR DOCTOR; Asphalt paving machine, or screed; Bit grinder; Bituminous mixer, paver; Boring machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete batch plant, 1 & 2 mixers; Concrete bucket dispatcher; Concrete curing machine; Concrete finishing machine, paving; Concrete float & spreader; Concrete power saw, self-propelled; Concrete travel batcher; Crusher and/or screening plant; Distributor; Elevating grader; Gradall; Heavy duty rotary drills (Quarry Master, Joy drills & similar types); Hoist, or air tugger, 2 or more drums, Hot plant; Hot plant fireman (when in operation); Industrial locomotive, all types; Loaders, rubber-tired, over 1 yd. to & incl. 3 yds.; Loaders, track-type up to & incl. 5 yds.; Loaders, traxcavator & Athey; Loader & Hoe combination, rubber-tired, loader 1 yd. & under, hoe 1 yd. & under: Mountain logger or similar; Mucking machine; Pavement breaker, Emsco & similar; Power Auger, large truck or tractor, mounted & punch; Power mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Push tractor; Refrigerator plant; Roller, steel & self-propelled rubber on blade on hot-mix oil paving roller, 25 tons, working wt. or over, any type or make; Roller, Wagner & similar; Rogs & similar type Carriers (on construction site); Scraper DW 10; 15, 20, 21 & similar if power unit is not used; Self-propelled sheepsfoot & similar; Shovels, incl. all attachments, under 1 yd.; Trenching machine; Turnhead conveyor or head tower operator on batch plant; Water pull, when used for compaction; Washing & screening plant	8.71	.50	.45	.15	.03	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
AUTOMATIC FINEGRADER, gurries and similar; Motor patrol; Paving and mixing machine; Scraper, DW 15, 20, 21 and similar if power unit is used; Scraper, single engine; Slip form paver	$8.84	.50	.45	.15	.03	
BORING MACHINE; Concrete mixer, 3 bags and under; Fireman; Heavy duty rotary drill helper; Retort operator	8.30	.50	.45	.15	.03	
BROOM OPERATOR, self-propelled	8.38	.50	.45	.15	.03	
CABLEWAY OPERATOR	9.22	.50	.45	.15	.03	
CEMENT SILO	8.50	.50	.45	.15	.03	
CENTRAL MIXING PLANTS, concrete dams and stationary	8.96	.50	.45	.15	.03	
CHAIN BUCKET LOADER; Chip-gravel spreader self-propelled; DW 10, 15, 20 tractor pulling roller	8.43	.50	.45	.15	.03	
CONCRETE BATCH PLANT OPERATOR, 3 & 4 mixers	8.91	.50	.45	.15	.03	
CONCRETE BATCH PLANT OPERATOR, 5 mixers and over	9.11	.50	.45	.15	.03	
CONCRETE BATCH PLANT OILER, up to and incl. 2 mixers	8.23	.50	.45	.15	.03	
CONCRETE BATCH PLANT OILER, 3 mixers and over	8.54	.50	.45	.15	.03	
CONCRETE MIXER OPERATOR, 4 bags and over	8.47	.50	.45	.15	.03	
CONVEYOR LOADER, to and incl. 42" belt	8.29	.50	.45	.15	.03	
CRANE, to and incl. 80' boom with jib	8.87	.50	.45	.15	.03	
CRANE, 81' to 130' boom	9.02	.50	.45	.15	.03	
CRANE, 131' to 150' boom	9.07	.50	.45	.15	.03	
CRANE, 151 boom and over	9.12	.50	.45	.15	.03	
CRANE OILER; Oiler driver, rubber-tired cranes	8.28	.50	.45	.15	.03	

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POWER EQUIPMENT OPERATORS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CRANES, electric overhead; Shovels, incl. all attachments 1 yd. to and incl. 3 yds.; Track type tractor, on Euclid loader	$8.89	.50	.45	.15	.03	
CRANE, TOWER; Scraper, tandem or (engine)	9.20	.50	.45	.15	.03	
CRANE, WHIRLEY	9.24	.50	.45	.15	.03	
CRANE, WHIRLEY OILER; hydralift and similar; Oiler, hoist house, dams, shovels oiler, over 3 yds.; Winch truck with boom	8.61	.50	.45	.15	.03	
CRUSHER AND/OR SCREENING PLANT HELPER, (If over 2 separate units); Crusher oiler; Field equipment service helper; Hot plant oiler, 100 tons per hour or over; Mechanic and/or welder helper on job; Oilers, other than shovels and cranes; Shovel oiler, 3 yds. and under; Washing and screening plant oiler	8.20	.50	.45	.15	.03	
CRUSHER CONVEYOR, when required; Farm type tractor, up to and incl. 50 H.P.; Grade setter	8.17	.50	.45	.15	.03	
DRILLING MACHINE (does not include Jack-hammer, Wagon drillers or waterlines)	8.62	.50	.45	.15	.03	
EUCLID LOADER and similar; Loader and hoe combination, rubber-tired, loader 1 yd. to and incl. 3 yds., hoe over 1 yd.	8.90	.50	.45	.15	.03	
FARM TYPE TRACTOR, over 50 H.P.; Heaters, Herman Nelson and similar	8.25	.50	.45	.15	.03	
FIELD EQUIPMENT SERVICE MAN	8.63	.50	.45	.15	.03	
FORK LIFT (on construction site)	8.53	.50	.45	.15	.03	
HOIST, OR AIR TUGGER, single drum; Farm grader	8.48	.50	.45	.15	.03	
FULLER KENYON PUMP; Loaders (Barber Green and similar)	8.36	.50	.45	.15	.03	
HELICOPTER HOIST	9.21	.50	.45	.15	.03	
LOADERS, RUBBER-TIRED, 1 yd. and under	8.42	.50	.45	.15	.03	
LOADERS, RUBBER-TIRED, over 3 yds. to and incl. 5 yds.	8.71	.50	.45	.15	.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LOADERS, RUBBER-TIRED, 5 yds. to and incl. 10 yds.	$8.93	.50	.45	.15	.03	
LOADERS, RUBBER-TIRED, over 10 yds., to and incl. 15 yds.	9.03	.50	.45	.15	.03	
LOADERS, RUBBER-TIRED, over 15 yds. (factory rating not to incl. side-boards)	9.13	.50	.45	.15	.03	
LOADERS, TRACK-TYPE, over 5 yds. to and incl. 10 yds. Scraper, twin engine	8.94	.50	.45	.15	.03	
LOADERS, TRACK-TYPE, over 10 yds. to and incl. 15 yds.	9.04	.50	.45	.15	.03	
LOADERS, TRACK-TYPE, over 15 yds.	9.14	.50	.45	.15	.03	
MECHANIC AND/OR WELDER, on job	8.81	.50	.45	.15	.03	
MIXERMOBILE	8.79	.50	.45	.15	.03	
PILEDRIVER (when shovel equipment is not used)	8.36	.50	.45	.15	.03	
QUAD CAT	9.01	.50	.45	.15	.03	
SCRAPER, single or twin engine pulling belly dump trailer	9.09	.50	.45	15	.03	
SHOVELS, incl. all attachments, over 3 yds. to and incl. 5 yds., Stiff-leg derrick and guy derrick	9.16	.50	.45	.15	.03	
SHOVELS, incl. all attachments, over 5 yds.	8.29	.50	.45	.15	.03	

Deer Lodge and Silver Bow Counties

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer and Transit Mixer:					
To and incl. 4 cu. yds.	$7.72	.50	.40		
Over 4 cu. yds. to and incl. 6 cu. yds.	7.80	.50	.40		
Over 6 cu. yds. to and incl. 8 cu. yds.	7.88	.50	.40		
Over 8 cu. yds. to and incl. 10 cu. yds.	7.96	.50	.40		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	7.65	.50	.40		
DRY BATCH TRUCKS:					
3 Batch or under	7.47	.50	.40		
Over 3 Batch to and incl. 5 Batch	7.66	.50	.40		
Over 5 Batch to and incl. 10 Batch	7.76	.50	.40		
Over 10 Batch to and incl. 15 Batch	7.92	.50	.40		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment	-	-			
PICKUP DRIVER, HAULING MATERIALS	7.57	.50	.40		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	7.47	.50	.40		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	7.67	.50	.40		
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCL. SIDE-BOARDS:					
7 cu. yds. or less	7.47	.50	.40		
Over 7 cu. yds. to and incl. 10 cu. yds.	7.60	.50	.40		
Over 10 cu. yds. to and incl. 15 cu. yds.	7.76	.50	.40		

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TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and incl. 20 cu. yds.	$7.90	.50	.40		
Over 20 cu. yds. to and incl. 25 cu. yds.	7.96	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	8.02	.50	.40		
Over 30 cu. yds. to and incl. 35 cu. yds.	8.08	.50	.40		
Over 35 cu. yds. to and incl. 40 cu. yds.	8.14	.50	.40		
Over 40 cu. yds. to and incl. 45 cu. yds.	8.20	.50	.40		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment	-				
DUMPSTERS	7.60	.50	.40		
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To and incl. 25 cu. yds.	7.96	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	8.02	.50	.40		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment	-				
SERVICEMEN	8.21	.50	.40		
POWDER TRUCK DRIVER (bulk unloader type)	7.65	.50	.40		
FLAT TRUCKS:					
To and incl. 3 tons	7.57	.50	.40		
Over 3 tons Factory rating	7.82	.50	.40		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	8.01	.50	.40		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	7.82	.50	.40		
LUMBER CARRIERS, LIFT TRUCKS	7.72	.50	.40		
POWER BROOM	7.56	.50	.40		

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TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$7.47	.50	.40		
Over 2,500 gallons to and incl. 4,500 gallons	7.76	.50	.40		
Over 4,500 gallons to and incl. 6,000 gallons	7.96	.50	.40		
Over 6,000 gallons to and incl. 8,000 gallons	8.02	.50	.40		
Over 8,000 gallons to and incl. 10,000 gallons	8.10	.50	.40		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCKS WITH POWER EQUIPMENT if UNDER TEAMSTERS JURISDICTION, SUCH AS:					
Winch, A-frame, Swedish Crane, Hydra-lift, Grouttrete, and Combination mulching, seeding and fertilizing	7.72	.50	.40		
TRUCK MECHANIC	8.21	.50	.40		

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Gallatin County

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers: Dump, 7 yds. or less; Pickup, hauling materials; Flat, less than 2 ton; Service & A-Frame trailers	$6.08	.50	.30		
House movers	6.12	.50	.30		
Flat, 2 - 5 tons	6.23	.50	.30		
Dump, over 7 yds. to & incl. 10 yds.; Flat, 5 - 8 tons; Semi & four wheel trailers	6.33	.50	.30		
Dump, over 10 yds. to & incl. 15 yds.	6.49	.50	.30		
Dump, over 15 yds. to & incl. 20 yds.	6.63	.50	.30		

SUPERSEDEAS DECISION

STATE: Montana
DECISION NUMBER: MT75-5093
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. MT75-5063 dated May 30, 1975, in 40 FR 23675
DESCRIPTION OF WORK: Heavy and Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Carpenters	$ 7.78	.40	.65		.02
Piledriverman; Sawfilers, Carpenters on charred & creosote wood	7.93	.40	.65		.02
CEMENT MASONS (Eastern Counties):					
Cement masons	6.84	.40	.25		
Grinder, bush hammer and clipping fan preparing finished surface; Epoxy	6.99	.40	.25		
CEMENT MASONS (Western Counties):					
Cement masons	7.09	.40	.25		
Grinder, bush hammer and clipping fan preparing finished surface; Epoxy	7.24	.40	.25		
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	9.15	.35	1% + .25		1/2%
Gallatin County	8.55	.30	1%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	8.58	.32	1%		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Electricians	8.85		1%		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	9.38	.42	1% + .25		1/2%
Cable splicers	9.63	.42	1% + .25		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	8.68	.42	1%		1/2%
Cable splicers	9.18	.42	1%		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Electricians	8.32	.20	1%		1/2%
Cable splicers	8.77	.20	1%		1/2%

DECISION NO. MT75-5093

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Fergus, Petroleum and Wheatland Counties					
(Electrical contracts less than $20,000)	$ 6.75	.20	1%		1/2%
(Electrical contracts $20,000 or more)	7.75	.20	1%		1/2%
Park and Sweetgrass Counties	7.40	.20	1%		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	7.65	.20	1%		1/2%
Custer and Garfield Counties	7.64		1%		1/2%
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli and Silverbow Counties	8.51	.50	.75		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Counties	10.15	.58	1.00		.05
Remaining Counties (including Northern half of Lewis and Clark County)	8.51	.50	.75		.05
PAINTERS:					
Beaverhead, Jefferson (Southern area, south of the City of Boulder), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	5.82	.25	.10		
Spray	8.60	.25	.10		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wheatland (south of the City of Harlowtown), Wibaux and Yellowstone Counties					
Brush	7.63	.25	.20		
Steel	7.88	.25	.20		
Spray	8.61	.25	.20		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Cascade, Chouteau (south of a line running East and West through the southern limits of Big Sandy), Daniels, Fergus, Glacier (exql. Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (Northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running East and West through the southern limits of Harlowtown) Counties					
Painters, Brush, preparatory Work; Pot Tender; Rollers not over 9" for wire mesh, Louvers, Peg Boards behind radiators and perforated tile only; Parking lot stripping and related work	$ 7.19	.34	.20		
Paperhangers; Rollers up to 9" long and brush cutting in ahead of roller	7.44	.34	.30		
Perfataper	7.54	.34	.30		
Brush on steel	7.69	.34	.30		
Water and Sandblasting; Application of cold tar products (including epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	9.44	.34	.30		
Roller over 9" long	10.79	.34	.30		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Broadwater, Gallatin, Jefferson, (northern area from a line running East and West five miles south of the southern city limits Boulder), Lewis and Clark (southern portion from a line running East and West through the southern limits of Craig), Madison (east of the West city limits of Harrison), Meagher, Park, Powell (northern area from a line running East and West through the southern City limits of Helmsville)					
Brush	$ 7.69	.25	.20		.03
Spray; Steel brush	8.69	.25	.20		.03
Structural steel brush	9.19	.25	.20		.03
Steel spray	9.69	.25	.20		.03
Structural steel spray	10.19	.25	.20		.03
Blaine, Hill, Liberty and Chouteau (north of the southern limits of the City of Big Sandy) Counties	6.76				
Flathead, Granite (northern area north limits of Phillipsburg), Lake (southern area including the City of Ronan), Lincoln, Mineral, Missoula, Powell (northern area through south limits of Helmsville), Ravalli and Sanders Cos.	7.85	.34	.30		.04
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	9.68	.35	.55		.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole and Valley Counties	7.75	.35	.60		1%
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis & Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties	8.43	.40	.50		.05
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	8.75	.40	.80		.10

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Broadwater, Jefferson (including north 1/2 of the City of Boulder), Lewis and Clark and Meagher Cos.	$8.29	.37			.04
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Cos.	9.38	.37	.20		.07
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	7.95	.37	.20		.04
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	8.81	.37	.25		.04
Beaverhead, Deer Lodge, Granite, Jefferson (S 1/2), Madison, Powell and Silver Bow Counties	7.00	.32	.20		

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LABORERS	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	EASTERN COUNTIES	WESTERN COUNTIES				
Asphalt Raker	$7.12	$7.19	.47	.37		.03
Axeman	6.87	6.94	.47	.37		.03
Burning Bar	7.03	7.10	.47	.37		.03
Car and Truck Loaders, Scissorman	6.87	6.94	.47	.37		.03
Caisson Workers (Free Air)	7.03	7.10	.47 .47	.37 .37		.03
Carpenter Tender	6.87	6.94	.47	.37		.03
Cement Handlers	7.03	7.10	.47	.37		.03
Cement Mason Tender	7.03	7.10	.47	.37		.03
Choker Setter	7.03	7.10	.47	.37		.03
Chuck Tender and Nipper (above ground)	6.87	6.94	.47	.37		.03
Concrete Laborers (wet or dry); Bucketman and Signalman	7.03	7.10	.47	.37		.03
Concrete or Asphalt Saw	6.97	7.04	.47	.37		.03
Concrete Vibrator (5" and over)	7.17	7.24	.47	.37		.03
Cosmolene applying and removing	6.87	6.94	.47	.37		.03
Core Drill	7.47	7.54	.47	.37		.03
Curb Machine	6.97	7.04	.47	.37		.03
Drills, Air-tract, self-propelled, Cat or Truck mounted air operated	7.13	7.20	.47	.37		.03
Drills, Air-tract, with Dual Masts	7.23	7.30	.47	.37		.03
Drills, Air-tract, self-propelled, Mustang type or similar	7.18	7.25	.47	.37		.03
Dumpman (Spotter)	6.87	6.94	.47	.37		.03
Dumpman (Grademan)	7.03	7.10	.47	.37		.03

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LABORERS: (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	EASTERN COUNTIES	WESTERN COUNTIES				
Fence Erector and Installer (including Installation and Erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Flagman; Guard and Watchman	$6.87	$6.94	.47	.37		.03
Form Stripper	6.87	6.94	.47	.37		.03
Form Setter	6.97	7.04	.47	.37		.03
Grade Setter	7.22	7.29	.47	.37		.03
General Laborer	6.87	6.94	.47	.37		.03
Hand Faller	6.95	7.02	.47	.37		.03
High Scaler	7.23	7.30	.47	.37		.03
High Pressure Machine Nozzleman	7.07	7.14	.47	.37		.03
Heater Tender	6.87	6.94	.47	.37		.03
Jackhammer, Pavement Breaker, Wagon Drills, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other Air Tools	7.03	7.10	.47	.37		.03
Landscape Laborers	6.87	6.94	.47	.37		.03
Nozzleman-Air and Water, Gunite and Placo Machine	6.97	7.04	.47	.37		.03
Pipe layer (all types)	7.03	7.10	.47	.37		.03
Pipe Wrapper	7.03	7.10	.47	.37		.03
Post Hole Digger (Power Auger)	6.97	7.04	.47	.37		.03
Power Saw, Bucking	7.03	7.10	.47	.37		.03
Power Saw, Falling	7.13	7.20	.47	.37		.03
Powderman Helper	6.97	7.04	.47	.37		.03
Powderman	7.43	7.50	.47	.37		.03
Power Driven Wheelbarrow	6.97	7.04	.47	.37		.03
Riprapper	7.03	7.10	.47	.37		.03
Riprap Helper	6.87	6.94	.47	.37		.03
Scaleman	7.03	7.10	.47	.37		.03
Sandblaster	7.07	7.14	.47	.37		.03
Sandblaster Tail Hosenan, Pot Tender	6.87	6.94	.47	.37		.03

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LABORERS (Cont'd)	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
	EASTERN COUNTIES	WESTERN COUNTIES				
Sodcutter-Hand operated	$6.87	$6.94	.47	.37		.03
Spike Driver, single or dual or hand	7.03	7.10	.47	.37		.03
Stake Jumper for Equipment	6.87	6.94	.47	.37		.03
Switchmen	7.03	7.10	.47	.37		.03
Tar Pot	6.97	7.04	.47	.37		.03
Tool Checker, Toolhouseman	6.87	6.94	.47	.37		.03
Welder	7.87	7.94	.47	.37		.03

*Eastern Counties: Blaine-Carter-Custer-Daniels-Dawson-Fallon-Garfield-McCone-Petroleum-Phillips-Powder River-Prairie-Richland-Roosevelt-Sheridan-Valley and Wibaux

*Western Counties: Beaverhead-Big Horn-Broadwater-Carbon-Cascade-Chouteau-Deer Lodge-Fergus-Flathead-Gallatin-Glacier-Golden Valley-Granite-Hill-Jefferson-Judith Basin-Lake-Lewis & Clark-Liberty-Lincoln-Madison-Meagher-Mineral-Missoula-Musselshell-Park-Pondera-Powell-Ravalli-Rosebud-Sanders-Silverbow-Stillwater-Sweetgrass-Teton-Toole-Treasure-Wheatland and Yellowstone

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Flathead, Lake, Lincoln, Mineral, Missoula, West 1/2 of Powell, Ravalli and Sanders Counties

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$ 8.50	.50	.45	.15	.03
Air Compressor, single	8.19	.50	.45	.15	.03
Air Compressor, two or more	8.36	.50	.45	.15	.03
Air Doctor	8.66	.50	.45	.15	.03
Asphalt Paving Machine	8.66	.50	.45	.15	.03
Asphalt Paving Machine Screed	8.66	.50	.45	.15	.03
Automatic Finegrader, Gurries and other similar types	8.79	.50	.45	.15	.03
Belt Finish Machine	8.36	.50	.45	.15	.03
Bit Grinder	8.66	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.66	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.25	.50	.45	.15	.03
Boring Machine (large)	8.66	.50	.45	.15	.03
Broom, self-propelled	8.33	.50	.45	.15	.03
Cableway Highline	9.17	.50	.45	15	.03
Cement Silo	8.45	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationary	8.91	.50	.45	.15	.03
Chain Bucket Loader	8.38	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	8.38	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	8.66	.50	.45	.15	.03
Concrete Batch Plant, three and four mixers	8.86	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.06	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and incl. two mixers	8.18	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.49	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.66	.50	.45	.15	.03
Concrete Curing Machine	8.66	.50	.45	.15	.03
Concrete Finish Machine Paving	8.66	.50	.45	.15	.03
Concrete Float-Spreader	8.66	.50	.45	.15	.03
Concrete Mixer, three bags and under	8.25	.50	.45	.15	.03
Concrete Mixer, four bags and over	8.42	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$ 8.66	.50	.45	.15	.03
Concrete Travel Batcher	8.66	.50	.45	.15	.03
Conveyor Loader, up to and incl. 42" belt	8.24	.50	.45	.15	.03
Conveyor Loader, over 42 " belt	8.36	.50	.45	.15	.03
Crane, to and incl. 80' boom with jib	8.82	.50	.45	.15	.03
Crane, 81' to 130' boom	8.97	.50	.45	.15	.03
Crane, 131' to 150' boom	9.02	.50	.45	.15	.03
Crane, 151' boom and over	9.07	.50	.45	.15	.03
Crane Oiler	8.23	.50	.45	.15	.03
Crusher	8.66	.50	.45	.15	.03
Crusher Oiler and Helper	8.15	.50	.45	.15	.03
Crusher Conveyor, when required	8.12	.50	.45	.15	.03
Distributor	8.66	.50	.45	.15	.03
DW 10, 15, or 20 Tractor pulling roller	8.38	.50	.45	.15	.03
Electric Overhead Cranes	8.84	.50	.45	.15	.03
Elevating Grader	8.66	.50	.45	.15	.03
Farm Type Tractor, up to and incl. 50 HP Engine	8.12	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.20	.50	.45	.15	.03
Field Equipment Serviceman	8.58	.50	.45	.15	.03
Field Equipment Serviceman Helper	8.15	.50	.45	.15	.03
Fireman	8.25	.50	.45	.15	.03
Forklift, on construction job site	8.47	.50	.45	.15	.03
Form Grader	8.43	.50	.45	.15	.03
Gradall	8.66	.50	.45	.15	.03
Grade Setter	8.12	.50	.45	.15	.03
Heavy Duty Drill, all types	8.66	.50	.45	.15	.03
Heavy Duty Driller Helper	8.25	.50	.45	.15	.03
Herman-Nelson Heaters & similar type	8.20	.50	.45	.15	.03
Hoist, Single drum	8.43	.50	.45	.15	.03
Hoist, two or more drums	8.66	.50	.45	.15	.03
Helicopter Hoist	9.16	.50	.45	.15	.03
Hot Plant	8.66	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	8.66	.50	.45	.15	.03
Hot Plant Oiler, 100 ton per hour or over	8.15	.50	.45	.15	.03
Hydra lift and similar types	8.56	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Industrial Locomotive all classes	$ 8.66	.50	.45	.15	.03
Mechanic and/or Welder on job	8.76	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	8.15	.50	.45	.15	.03
Mixermobile	8.74	.50	.45	.15	.03
Motor Patrol	8.79	.50	.45	.15	.03
Mountain Logger or similar type	8.66	.50	.45	.15	.03
Mucking Machine	8.66	.50	.45	.15	.03
Oiler-Driver, Rubber Tired Cranes	8.23	.50	.45	.15	.03
Oilers, other than shovels and and cranes	8.15	.50	.45	.15	.03
Oiler, hoist house, dams	8.56	.50	.45	.15	.03
Pavement Breaker, Emsco & similar	8.66	.50	.45	.15	.03
Paving and Mixing Machine	8.79	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	8.66	.50	.45	.15	.03
Power Mixer, single or double drum	8.66	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	8.66	.50	.45	.15	.03
Pumpcrete or Grout Machine	8.66	.50	.45	.15	.03
Pumpman	8.19	.50	.45	.15	.03
Push Tractor	8.66	.50	.45	.15	.03
Quat Cat	8.96	.50	.45	.15	.03
Quat Loader and similar types	9.18	.50	.45	.15	.03
Radiator Repairman	8.47	.50	.45	.15	.03
Refrigerator Plant	8.66	.50	.45	.15	.03
Retort	8.23	.50	.45	.15	.03
Roller, on blade or hot mix oil paving	8.66	.50	.45	.15	.03
Roller, on other blade or hot mix paving	8.36	.50	.45	.15	.03
Roller, 25 ton or over	8.66	.50	.45	.15	.03
Ross & similar type carriers, on construction site	8.66	.50	.45	.15	.03
Rubber-tired Dozer	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	8.37	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and incl. 3 yds.	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and incl. 5 yds.	8.78	.50	.45	.15	.03
Rubber-tired Front End Loader, over 5 yds. to and incl. 10 yds.	8.88	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to and incl. 15 yds.	8.98	.50	.45	.15	.03
Rubber-tired Front End Loader, Over 15 yds.	9.08	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scraper, DW 15, 20, 21 and similar type if power unit is not used	$ 8.66	.50	.45	.15	.03
Scraper, single or twin engine pulling belly dump trailer	9.04	.50	.45	.15	.03
Scraper, single engine	8.79	.50	.45	.15	.03
Scraper, twin engine	8.89	.50	.45	.15	.03
Scraper, tandem or 3 engined	9.15	.50	.45	.15	.03
Self-propelled Sheepfoot & similar type	8.66	.50	.45	.15	.03
Shovels, incl. all attachments, under 1 cu. yd.	8.66	.50	.45	.15	.03
Shovels, incl. all attachments, 1 cu. yd. to & incl. 3 cu. yds.	8.84	.50	.45	.15	.03
Shovels, incl. all attachments, over 3 cu. yds. to & incl. 5 cu. yds.	9.11	.50	.45	.15	.03
Shovels, incl. all attachments, over 5 cu. yds.	9.24	.50	.45	.15	.03
Shovel Oiler, 3 yds. & under	8.15	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	8.56	.50	.45	.15	.03
Slip Form Paver	8.79	.50	.45	.15	.03
Stiff Leg Derrick & Guy Derrick	9.11	.50	.45	.15	.03
Track-type Front End Loaders, up to & incl. 5 cu. yds.	8.66	.50	.45	.15	.03
Track-type Front End Loaders, over 5 cu. yds. to & incl. 10 cu. yds.	8.89	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	8.99	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	9.09	.50	.45	.15	.03
Track-type Tractor w/wo attachments	8.66	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	8.84	.50	.45	.15	.03
Trenching Machine	8.66	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	8.66	.50	.45	.15	.03
Wagner Roller & similar type	8.66	.50	.45	.15	.03
Whirley Crane	9.19	.50	.45	.15	.03
Whirley Crane Oiler	8.56	.50	.45	.15	.03
Water Pull when used for compaction	8.66	.50	.45	.15	.03
Washing and Screening Plant	8.66	.50	.45	.15	.03
Washing and Screening Plant Oiler	8.15	.50	.45	.15	.03
Yo-Yo Cat, both ends	8.86	.50	.45	.15	.03

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REMAINING COUNTIES

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck & similar	$ 8.55	.50	.45	.15	.03
Air Compressor, single	8.24	.50	.45	.15	.03
Air Compressor, two or more	8.41	.50	.45	.15	.03
Air Doctor	8.71	.50	.45	.15	.03
Asphalt Paving Machine	8.71	.50	.45	.15	.03
Asphalt Paving Machine Screed	8.71	.50	.45	.15	.03
Automatic Pinegrade, Gurries and other similar types	8.84	.50	.45	.15	.03
Belt Finish Machine	8.41	.50	.45	.15	.03
Bit Grinder	8.71	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.71	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.30	.50	.45	.15	.03
Boring Machine (large)	8.71	.50	.45	.15	.03
Broom, self-propelled	8.38	.50	.45	.15	.03
Cableway Highline	9.22	.50	.45	.15	.03
Cement Silo	8.50	.45	.50	.15	.03
Central Mixing Plants, Concrete dam & stationary	8.96	.50	.45	.15	.03
Chain Bucket Loader	8.43	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	8.43	.50	.45	.15	.03
Concrete Batch Plant, one & two mixers	8.71	.50	.45	.15	.03
Concrete Batch Plant, three & four mixers	8.91	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.11	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to & incl. two mixers	8.23	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.54	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.71	.50	.45	.15	.03
Concrete Curing Machine	8.71	.50	.45	.15	.03
Concrete Finish Machine Paving	8.71	.50	.45	.15	.03
Concrete Float-Spreader	8.71	.50	.45	.15	.03
Concrete Mixer, three bags & under	8.30	.50	.45	.15	.03
Concrete Mixer, four bags & over	8.47	.50	.45	.15	.03
Concrete Power Saw, self-propelled	8.71	.50	.45	.15	.03
Concrete Travel Batcher	8.71	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Conveyor under 40 feet	$ 8.29	.50	.45	.15	.03
Concrete Conveyor over 40 feet	9.04	.50	.45	.15	.03
Concrete Pump	9.04	.50	.45	.15	.03
Crane, to and incl. 80' boom	8.87	.50	.45	.15	.03
Crane, 81' to 130' boom	9.02	.50	.45	.15	.03
Crane, 131' to 150' boom	9.07	.50	.45	.15	.03
Crane, 151' boom and over	9.12	.50	.45	.15	.03
Crane Oiler	8.28	.50	.45	.15	.03
Crusher	8.71	.50	.45	.15	.03
Crusher Oiler and Helper	8.20	.50	.45	.15	.03
Crusher Conveyor, when required	8.17	.50	.45	.15	.03
Distributor	8.71	.50	.45	.15	.03
DW 10, 15 or 20 Tractor pulling roller	8.43	.50	.45	.15	.03
Electric Overhead Cranes	8.89	.50	.45	.15	.03
Elevating Grader	8.71	.50	.45	.15	.03
Farm Type Tractor, up to and incl. 50 HP Engine	8.17	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.25	.50	.45	.15	.03
Field Equipment Serviceman	8.63	.50	.45	.15	.03
Field Equipment Serviceman Helper	8.20	.50	.45	.15	.03
Fireman	8.30	.50	.45	.15	.03
Forklift, on construction job site	8.52	.50	.45	.15	.03
Form Grader	8.48	.50	.56	.15	.03
Gradall	8.71	.50	.45	.15	.03
Grade Setter	8.17	.50	.45	.15	.03
Heavy Duty Drill, all types	8.71	.50	.45	.15	.03
Heavy Duty Driller Helper	8.30	.50	.45	.15	.03
Herman-Nelson Heaters & similar type	8.25	.50	.45	.15	.03
Hoist, single drum	8.48	.50	.45	.15	.03
Hoist, two or more drums	8.71	.50	.45	.15	.03
Helicopter Hoist	9.21	.50	.45	.15	.03
Hot Plant	8.71	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	8.71	.50	.45	.15	.03
Hot Plant Oiler, 100 ton per hour or over	8.20	.50	.45	.15	.03
Hydra lift and similar types	8.61	.50	.45	.15	.03
Industrial Locomotive all classes	8.71	.50	.45	.15	.03
Mechanic and/or Welder on job	8.81	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	8.20	.50	.45	.15	.03
Mixermobile	8.79	.50	.45	.15	.03
Motor Patrol	8.84	.50	.45	.15	.03
Mountain Logger or similar type	8.71	.50	.45	.15	.03

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DECISION NO. MT75-5093

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mucking Machine	$ 8.71	.50	.45	.15	.03
Oiler-Driver, Rubber-tired Cranes	8.28	.50	.45	.15	.03
Oilers, other than Shovels and Cranes	8.20	.50	.45	.15	.03
Oiler, hoist house, dams	8.61	.50	.45	.15	
Pavement Breaker, Ensco and similar	8.71	.50	.45	.15	.03
Paving & Mixing Machine	8.84	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	8.71	.50	.45	.15	.03
Power Mixer, single or double drum	8.71	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	8.71	.50	.45	.15	.03
Pumpcrete or Grout Machine	8.71	.50	.45	.15	.03
Pumpman	8.24	.50	.45	.15	.03
Push Tractor	8.71	.50	.45	.15	.03
Quad Cat	9.01	.50	.45	.15	.03
Quad Loader & similar type	9.29	.50	.45	.15	.03
Raygo Giant	9.29	.50	.45	.15	.03
Refrigerator Plant	8.71	.50	.45	.15	.03
Retort	8.30	.50	.45	.15	.03
Roller, on blade or hot mix oil Paving	8.71	.50	.45	.15	.03
Roller, on other blade or hot mix Paving	8.41	.50	.45	.15	.03
Roller, 25 ton or over	8.71	.50	.45	.15	.03
Ross & similar type Carriers, on construction site	8.71	.50	.45	.15	.03
Rubber-tired Dozer	8.71	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. & under	8.42	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to & incl. 3 yds.	8.71	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to & incl. 5 yds.	8.83	.50	.45	.15	.03
Rubber-tired Front End Loader, over 5 yds. to & incl. 10 yds	8.93	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to & incl. 15 yds.	9.03	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yds.	9.13	.50	.45	.15	.03
Scraper, DW 15, 20, 21 & similar type if power unit is not used	8.71	.50	.45	.15	.03

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DECISION NO. MT75-5093

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Scraper, single or twin engine pulling belly dump trailer	$ 9.09	.50	.45	.15	.03
Scraper, single engine	8.84	.50	.45	.15	.03
Scraper, twin engine	8.94	.50	.45	.15	.03
Scraper, tandem engine	9.20	.50	.45	.15	.03
Self-propelled Sheepfoot & similar type	8.71	.50	.45	.15	.03
Shovels, incl. all attachments, under 1 cu. yd.	8.71	.50	.45	.15	.03
Shovels, incl. all attachments, 1 cu. yd. to & incl. 3 cu. yds.	8.89	.50	.45	.15	.03
Shovels, incl. all attachments, over 3 cu. yds. to & incl. 5 cu. yds.	9.16	.50	.45	.15	.03
Shovels, incl. all attachments, over 5 cu. yds.	9.29	.50	.45	.15	.03
Shovel Oiler, 3 yds. & under	8.20	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	8.41	.50	.45	.15	.03
Slip Form Paver	8.84	.50	.45	.15	.03
Stiff Leg Derrick & Guy Derrick	9.16	.50	.45	.15	.03
Track-type Front End Loaders; up to & incl. 5 cu. yds.	8.71	.50	.45	.15	.03
Track-type Front End Loaders; over 5 cu. yds. to & incl. 10 cu. yds.	8.94	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to & incl. 15 cu. yds.	9.04	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	9.14	.50	.45	.15	.03
Track-type Tractor w/wo attachments	8.71	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	8.89	.50	.45	.15	.03
Trenching Machine	8.71	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	8.71	.50	.45	.15	.03
Wagner Roller & similar type	8.71	.50	.45	.15	.03
Whirley Crane	9.24	.50	.45	.15	.03
Whirley Crane Oiler	8.61	.50	.45	.15	.03
Water Pull when used for compaction	8.71	.50	.45	.15	.03
Washing & Screening Plant	8.71	.50	.45	.15	.03
Washing & Screening Plant Oiler	8.20	.50	.45	.15	.03

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TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
COMBINATION Truck; Concrete Mixer and Transit Mixer:					
To and incl. 4 cu. yds.	7.72	.50	.40		
Over 4 cu. yds. to and incl. 6 cu. yds.	7.80	.50	.40		
Over 6 cu. yds. to and incl. 8 cu. yds.	7.88	.50	.40		
Over 8 cu. yds. to and incl. 10 cu. yds.	7.96	.50	.40		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	7.65	.50	.40		
DRY BATCH TRUCKS:					
3 Batch or under	7.47	.50	.40		
Over 3 Batch to and incl. 5 Batch	7.60	.50	.40		
Over 5 Batch to and incl. 10 Batch	7.76	.50	.40		
Over 10 Batch to and incl. 15 Batch	7.92	.50	.40		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	7.57	.50	.40		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	7.47	.50	.40		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	7.67	.50	.40		
DUMP TRUCKS AND SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCL. SIDEBOARDS:					
7 cu. yds. or less	7.47	.50	.40		
Over 7 cu. yds. to and incl. 10 cu. yds.	7.60	.50	.40		
Over 10 cu. yds. to and incl. 15 cu. yds.	7.76	.50	.40		

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TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and incl. 20 cu. yds.	$7.90	.50	.40		
Over 20 cu. yds. to and incl. 25 cu. yds.	7.96	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	8.02	.50	.40		
Over 30 cu. yds. to and incl. 35 cu. yds.	8.08	.50	.40		
Over 35 cu. yds. to and incl. 40 cu. yds.	8.14	.50	.40		
Over 40 cu. yds. to and incl. 45 cu. yds.	8.20	.50	.40		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
DUMPSTERS	7.60	.50	.40		
DW 20, DW 21, or EUCLID TRACTORS, PULLING P.R. 21 or SIMILAR DUMP WAGONS:					
To and incl. 25 cu. yds.	7.96	.50	.40		
Over 25 cu. yds. to and incl. 30 cu. yds.	8.02	.50	.40		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	8.21	.50	.40		
POWDER TRUCK DRIVER (bulk unloader type)	7.65	.50	.40		
FLAT TRUCKS:					
To and incl. 3 tons	7.57	.50	.40		
Over 3 tons Factory rating	7.82	.50	.40		
SERVICE TRUCK DRIVERS; FUEL TRUCK DRIVERS; TIREMEN	8.01	.50	.40		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	7.82	.50	.40		
LUMBER CARRIERS, LIFT TRUCKS	7.72	.50	.40		
POWER BROOM	7.56	.50	.40		

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TRUCK DRIVERS (Cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$ 7.47	.50	.40		
Over 2,500 gallons to and incl. 4,500 gallons	7.76	.50	.40		
Over 4,500 gallons to and incl. 6,000 gallons	7.96	.50	.40		
Over 6,000 gallons to and incl. 8,000 gallons	8.02	.50	.40		
Over 8,000 gallons to and incl. 10,000 gallons	8.10	.50	.40		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCKS WITH POWER EQUIPMENT if UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	7.72	.50	.40		
TRUCK MECHANIC	8.21	.50	.40		

DECISION NO. MT75-5093 Page 20

(Flathead, Lake and Lincoln Coe.)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION					
All construction of "H" fixture and Steel Tower Transmission Lines with capacity of 69 K.V. voltages & over, switch yard and substation rated at 5000 K.V.A. & all work not covered by Schedule "B".					
SCHEDULE "A"					
GROUNDMAN "B"	$ 5.08	.25	1%		1%
GROUNDMAN "A" (experienced)	5.87	.25	1%		1%
POWDERMAN; JACKHAMMER-COMPRESSORMAN	6.25	.25	1%		1%
LINE EQUIPMENT OPERATOR	7.20	.25	1%		1%
LINEMAN	8.43	.25	1%		1%
CABLE SPLICER	9.37	.25	1%		1%
SCHEDULE "B"					
All work for Power Utilities & R.E.A.'s except work covered under Schedule "A", all Highway Lighting, Street Lighting & Motor Traffic Controlling.					
GROUNDMAN	5.38				
JACKHAMMER-COMPRESSORMAN; Powderman	5.71	.25	1%		1%
LINE EQUIPMENT OPERATOR	6.55	.25	1%		1%
LINEMEN; Pole Sprayer	7.45	.25	1%		1%
TREE TRIMMER	7.74	.25	1%		1%
CABLE SPLICER	8.38	.25	1%		1%

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REMAINING COUNTIES	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Jobs 69,000 volts or less)					
Cable splicer	7.73	.35	1%		3/4%
Linemen	6.97	.35	1%		3/4%
Line equipment operators; Powdermen	6.85	.35	1%		3/4%
Experienced groundmen (1,000 hrs); Truck drivers	5.40	.35	1%		3/4%
Groundmen	4.79	.35	1%		3/4%
(Jobs over 69,000 volts) and/or (projects of $400,000 or over) Cable splicers	7.92	.35	1%		3/4%
Linemen; Pole sprayer	7.52	.35	1%		3/4%
Line equipment operators; Powdermen	6.90	.35	1%		3/4%
Groundmen	5.69	.35	1%		3/4%

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MONTANA - DREDGING

DREDGING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Assistant Mate (Deckhand)	$ 8.34	.45	.70		.04
Fireman	8.44	.45	.70		.04
Oiler	8.44	.45	.70		.04
Assistant Engineer (Electric, Diesel, Steam or Booster Pump)	8.78	.45	.70		.04
Mates and Boatmen	8.78	.45	.70		.04
Engineer Welder	8.83	.45	.70		.04
Craneman	8.83	.45	.70		.04
Assistant Engineer (Electric Generator Operator for Primary Pump, Power Barge or Dredge)	8.88	.45	.70		.04
Leverman, Hydraulic	9.20	.45	.70		.04
Leverman, Dipper:					
(a) 5 yards and under	9.59	.45	.70		.04
(b) Over 5 yards	10.14	.45	.70		.04

SUPERSEDEAS DECISION

STATE: MONTANA
DECISION NUMBER: MT75-5094
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. MT75-5062 dated May 30, 1975, in 40 FR 23650
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.65	.44	.80		
BOILERMAKERS	8.90	.70	1.00		.02
BRICKLAYERS:					
Beaverhead, Deer Lodge, Granite, Jefferson (except Northern Tip of County), Madison, Powell and Silver Bow Counties	9.25	.25			
Gallatin and Park Counties	9.05				
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Counties	9.50		.35		.02
Broadwater, Lewis and Clark and Meagher, and Jefferson (Northern Tip)	8.55	.30			
Cascade, Chouteau, Glacier, Pondera and Teton Counties	9.15	.40	.30		
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	8.45				
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	8.50	.40	.25		
CARPENTERS:					
Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Liberty, Meagher, Pondera, Teton and Toole Counties					
Carpenters	7.89	.40	.65		.02
Piledrivermen; Saw Filers, Sawmen	8.14	.40	.65		.02
Millwrights	8.39	.40	.65		.02
Blaine and Hill Counties					
Carpenters	6.36	.30	.45		.02
Broadwater, Lewis and Clark and Jefferson Counties					
Carpenters	6.90	.40	.55		.02
Piledrivermen	7.05	.40	.55		.02
Millwrights	7.15	.40	.55		.02

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DECISION NO. MT75-5094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Deer Lodge, Granite (all area lying south of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County) and Powell (area lying south of the N.E. corner of Granite County) Cos.					
Carpenters	$7.11	.40	.55		.02
Piledrivers	7.36	.40	.55		.02
Millwrights	7.61	.40	.55		.02
Granite (area lying north of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County) Lake (Southern area, south of and including the Town of Ravalli), Mineral (Area southeast of southeast city limits of the Town of Superior), Missoula, Powell (Area lying north of the N.E. corner of Granite County), Ravalli and Sander (Southeastern portion) Counties					
Carpenters	7.60	.40	.65		.02
Millwrights; Piledriver	7.85	.40	.65		.02
Carter, Custer, Daniels, Dawson, Fallon, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties					
Carpenters	7.34	.40	.55		.02
Piledrivermen	7.59	.40	.55		.02
Millwrights	7.84	.40	.55		.02
Flathead, Lincoln, Lake (Northern Area including Town of Ravalli from a point where Hwy #10A and Hwy #93 intersect), Mineral (Northern area including the Town of Superior), Sanders (except S.E. portion) Counties					
Carpenters	7.51	.40	.65		.02

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DECISION NO. MT75-5094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Sawmen; Filers, Piledrivers; Carpenters working burned, charred, creosoted or similarly treated material	$6.81	.40	.55		.02
Millwrights and Machine erectors	6.96	.40	.55		.02
Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland and Yellowstone Counties					
Carpenters	7.60	.40	.65		.02
Floor sander; Sawmen	7.75	.40	.65		.02
Piledrivermen	7.75	.40	.65		.02
Millwrights	8.10	.40	.65		.02
Beaverhead and Silver Bow Counties					
Carpenters	6.61	.40	.55	.75	.02
Millwrights and Piledrivermen	6.86	.40	.55	.75	.02
Gallatin, Madison, Park and Sweetgrass Counties					
Carpenters	6.51	.40	.55		.02
Millwrights and Piledrivermen	6.76	.40	.55		.02
CEMENT MASONS:					
Flathead, Glacier, Lake (North of the City of Ronan), Lincoln and Sanders (North of the City of Plains) Counties	6.95	.37			
Granite (Northern half), Lake (Southern area, including the City of Pablo), Mineral, Missoula, Powell (Northern area including the City of Helmville), Ravalli and Sanders (South portion, including the City of Paradise) Counties	8.0775	.50	.35		
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland and Yellowstone Counties	7.33	.40			
Gallatin, Park and Sweetgrass Cos.	6.50	.35	.25		
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	5.75				

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DECISION NO. MT75-5094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS: (Cont'd)					
Beaverhead, Deer Lodge, Granite (Southern half), Jefferson (Southern area including Town of Wickes), Madison, Powell (South portion including the Town of Deer Lodge) and Silver Bow Cos.	$7.95	.40	.25		
Broadwater, Jefferson (Area north of a line running E-W established south of the Town of Wickes and north of the Town of Basin), Lewis and Clark and Meagher Counties	6.22				
Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton and Toole Counties	7.35	.40			
ELECTRICIANS:					
Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow and Powell Counties	9.15	.35	1%+.25		1/2%
Gallatin County	8.55	.30	1%		1/2%
Broadwater, Lewis and Clark and Meagher Counties					
Electricians	8.23	.42	1%+.25		1/2%
Blaine, Hill, Liberty and Phillips Counties					
Electricians	8.85		1%		1/2%
Cascade, Chouteau, Glacier, Judith-Basin, Pondera, Teton and Toole Counties					
Electricians	9.38	.42	1%+.25		1/2%
Cable Splicers	9.63	.42	1%+.25		1/2%
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties					
Electricians	8.68	.42	1%		1/2%
Cable Splicers	9.18	.42	1%		1/2%
Big Horn, Carbon, Golden Valley, Musselshell, Powder River, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Electricians	8.32	.20	1%		1/2%
Cable Splicers	8.77	.20	1%		1/2%

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DECISION NO. MT75-5094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Fergus, Petroleum and Wheatland Counties					
(Electrical contracts less than $20,000)	$6.75	.20	1%		1/2%
(Electrical contracts $20,000 or more)	7.75	.20	1%		1/2%
Park and Sweetgrass Counties	7.40	.20	1%		1/2%
Carter, Daniels, Dawson, Fallon, McCone, Prairie, Richland, Roosevelt, Sheridan, Valley and Wibaux Counties	7.65	.20	1%		1/2%
Custer and Garfield Counties	7.64		1%		1/2%
ELEVATOR CONSTRUCTORS	8.04	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS:					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, (Southern half including Wolf Creek), Madison, Park, Powell, Ravalli, and Silver Bow Counties	8.51	.50	.75		.05
Flathead, Glacier, Lake, Lincoln, Mineral, Missoula and Sanders Co	10.15	.58	1.00		.05
Remaining Counties (including Northern half of Lewis and Clark County)	8.51	.50	.75		.05
MARBLE MASONS:					
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	8.50	.40	.25		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Stillwater, Sweetgrass, Treasure, Wibaux and Yellowstone Counties	9.50		.35		.02
Gallatin and Park Counties	7.10				
Broadwater, Lewis and Clark, Meagher and Jefferson (Northern area) Counties	6.85	.30			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE MASONS: (Cont'd)					
Cascade, Chouteau, Glacier, Pondera and Teton Counties	$9.15	.40	.30		
Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole and Valley Counties	7.45				
PAINTERS:					
Beaverhead, Jefferson (Southern area, south of the City of Boulder), Madison (west of a line running north-south through the west limits of Harrison and Silver Bow Counties					
Brush	$5.82	.25	.10		
Spray	8.60	.25	.10		
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweetgrass, Treasure, Wheatland (south of the City of Harlowtown), Wibaux and Yellowstone Counties					
Brush	7.63	.25	.20		
Steel	7.88	.25	.20		
Spray	8.61	25	.20		
Cascade, Chouteau (south of a line running East and West through the Southern limits of Big Sandy), Daniels, Fergus, Glacier (excluding Glacier National Park), Garfield, Judith-Basin, Lewis and Clark, (Northern portion from a line running East and West through the northern limits of Craig), McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, Valley and Wheatland (northern area from a line running East and West thru the southern limits of Harlowtown) Counties					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Painters, brush, preparatory work; Pot tender; Rollers not over 9" for wire mesh, Louvers, Peg boards behind radiators and perforated tile only; Parking lot stripping and related work	$7.19	.34	.30		
Paperhangers; Rollers up to 9" long and brush cutting in ahead or roller	7.44	.34	.30		
Perfataper	7.54	.34	.30		
Brush on steel	7.69	.34	.30		
Water and Sandblasting:					
Application of cold tar products (including epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	9.44	.34	.30		
Roller over 9" long	10.79	.34	.30		
Broadwater, Gallatin, Jefferson, (Northern area from a line running East and West five miles south of the Southern City limits of Boulder), Lewis and Clark (Southern portion from a line running East and West through the Southern limits of Craig), Madison (East of the West City limits of Harrison), Meagher, Park, Powell (Northern area from a line running East and West thru the Southern City limits of Helmsville)					
Brush	7.69	.25	.20		.03
Spray; Steel brush	8.69	.25	.20		.03
Structural steel brush	9.19	.25	.20		.03
Steel spray	9.69	.25	.20		.03
Structural steel spray	10.19	.25	.20		.03
Blaine, Hill, Liberty and Chouteau (north of the Southern limits of the City of Big Sandy) Counties	6.76				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Flathead, Granite (Northern area north limits of Phillipsburg), Lake (Southern area including City of Ronan), Lincoln, Mineral, Missoula, Powell (Northern area through south limits of Helmsville), Ravalli and Sanders Counties	$7.85	.34	.30		.04
PLASTERERS:					
Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland, and Yellowstone Counties	7.38	.40			
Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud and Wibaux Counties	5.75				
Gallatin, Park and Sweetgrass Counties	6.50	.35	.25		
Granite, Lake (Southern area, including the City of Pablo), Mineral, Missoula, Powell (Northern area including the City of Helmsville), Ravalli and Sanders (south portion, including the City of Paradise) Counties	7.85	.40	.25		
Beaverhead, Deer Lodge, Jefferson (Southern area, including the Town of Wickes), Madison, Powell (South of a line running E-W north of the Town of Deer Lodge) and Silver Bow Counties	7.95	.40	.25		
Flathead, Glacier, Lake (Northern area, including the City of Ronan), Lincoln and Sanders (north of the City of Plains) Counties	6.45	.20			
PLUMBERS:					
Flathead, Lake, Lincoln, Mineral, Missoula and Sanders Counties	9.68	.35	.55		.05
Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole, and Valley Cos.	9.10	.40	.70		1%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS: (Cont'd)					
Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweetgrass Counties	8.45	.40	.50		.05
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties	8.75	.40	.80		.10
ROOFERS:					
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux and Yellowstone Counties	6.585				
Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith-Basin, Liberty, Lewis and Clark, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, and Valley Counties	7.85				
Beaverhead, Deer Lodge, Jefferson, Madison, Powell and Silver Bow Counties	6.91	.47	.35	.75	
Flathead, Granite, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	6.10				
Broadwater, Gallatin, Meagher, Park, Sweetgrass and Wheatland Counties	6.94	.425			
SHEET METAL WORKERS:					
Broadwater, Jefferson (including North ½ of the City of Boulder), Lewis and Clark and Meagher Cos.	8.29	.37	.25		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS: (Cont'd)					
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli and Sanders Counties	$9.38	.37	.20		.07
Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweetgrass, Valley, Wheatland, Wibaux, Treasure and Yellowstone Counties	7.95	.37	.20		.04
Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton and Toole Counties	8.81	.37	.25		.04
Beaverhead, Deer Lodge, Granite, Jefferson (S½), Madison, Powell, and Silver Bow Counties	7.00	.32	.20		
SPRINKLER FITTERS	9.10	.50	.80		.08
TERRAZZO WORKERS & TILE SETTERS:					
Broadwater, Lewis and Clark, Meagher and Jefferson (Northern area north of Boulder Hill) Cos.	8.15	.30			
Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweetgrass, Stillwater, Treasure, Wibaux and Yellowstone Counties	8.80		.25		.02
Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties	8.50	.40	.25		
Gallatin and Park Counties	7.75				
Cascade, Chouteau, Glacier, Pondera and Teton Counties	7.50	.40	.30		

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

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LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties					
Group 1	$6.19	.47	.37	.75	.03
Group 2	6.26	.47	.37	.75	.03
Group 3	6.27	.47	.37	.75	.03
Group 4	6.28	.47	.37	.75	.03
Group 5	6.29	.47	.37	.75	.03
Group 6	6.31	.47	.37	.75	.03
Group 7	6.35	.47	.37	.75	.03
Group 8	6.36	.47	.37	.75	.03
Group 9	6.37	.47	.37	.75	.03
Group 10	6.41	.47	.37	.75	.03
Group 11	6.44	.47	.37	.75	.03
Group 12	6.46	.47	.37	.75	.03
Group 13	6.47	.47	.37	.75	.03
Group 14	6.54	.47	.37	.75	.03
Group 15	6.57	.47	.37	.75	.03
Group 16	6.59	.47	.37	.75	.03
Group 17	6.69	.47	.37	.75	.03
Group 18	6.79	.47	.37	.75	.03
Group 19	6.44	.47	.37	.75	.03
Group 20	6.43	.47	.37	.75	.03
Group 21	6.31	.47	.37	.75	.03
Broadwater (Northern area), Lewis and Clark, Meagher, Powell (that portion lying east of a N-S line at the west edge of the Town of Elliston) Counties					
Group 1	5.20	.37	.27	.10	.03
Group 2	5.355	.37	.27	.10	.03
Group 3	5.455	.37	.27	.10	.03
Group 4	5.55	.37	.27	.10	.03

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Broadwater (Southern portion including the City of Toston), Gallatin, Park, Sweetgrass and Wheatland Counties					
Group 1	$6.01	.47	.37		.03
Group 2	6.26	.47	.37		.03'
Flathead, Glacier National Park, Lincoln and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel					
Group 1	6.68	.47	.37		.03
Group 2	6.85	.47	.37		.03
Group 3	7.02	.47	.37		.03
Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties					
Group 1	5.24	.37	.27		.03
Group 2	5.46	.37	.27		.03
Group 3	5.64	.37	.27		.03
Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties					
Group 1	5.39	.37	.27		.03
Group 2	5.16	.37	.27		.03
Group 3	5.64	.37	.27		.03
Granite, Lake (Southern area), Mineral, Missoula, Ravalli and Sanders (Southern area) Counties					
Group 1	6.835	.47	.37		.03
Group 2	7.085	.47	.37		.03
Group 3	7.235	.47	.37		.03

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LABORERS (Cont'd).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cascade, Chouteau, Fergus, Glacier (Excluding Glacier National Park), Judith Basin, Pondera, Teton and Toole Counties					
Group 1	$6.94	.47	.37		.03
Group 2	7.19	.47	.37		.03
Group 3	7.29	.47	.37		.03
Group 4	7.34	.47	.37		.03
Group 5	7.44	.47	.37		.03
Group 6	7.69	.47	.37		.03
Group 7	7.54	.47	.37		.03
Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties					
Group 1	5.97	.425	.315		.03
Group 2	6.07	.425	.315		.03
Group 3	6.22	.425	.315		.03
Group 4	6.37	.425	.315		.03
Group 5	6.47	.425	.315		.03
Group 6	6.72	.425	.315		.03

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LABORERS

Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties

Group 1: General Laborer; Axeman; Carpenter Tender; Car and Truck Loaders, Scissorman; Chuck Tender and Nipper (above ground); Cosmolene, applying and removing; Fence Erector and Installer including the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Form Stripper; Form Setter; Landscape Laborer; Nozzleman - air and water, gunnite and place machine; Pilot Car; Riprap Helper; Scaleman; Sod Cutter (hand operated) (General Laborer); Stake Jumper for equipment; Tool Checker, Toolhouseman

Group 2: Riprapper; Sandblaster; Sandblaster Tailhouseman; Pot Tender

Group 3: Hand Faller

Group 4: Post Hole Digger (power Auger)

Group 5: Concrete or asphalt saws; Tar Pot Operator

Group 6: Powderman Helper

Group 7: Caisson Workers (free air); Choker Setter; Spike Driver, single or dual or hand

Group 8: Drills, Air-tract, self-propelled car or truck mount air operated drills; Jackhammer, Pavement Breaker, Wagon Driller, Mechanical Tamper, Vibrating Roller hand steered and other power tools; Pipe Wrapper, Power Saw (bucking)

Group 9: Asphalt Raker; Dumpman (grademan)

Group 10: High Pressure Machine Nozzleman

Group 11: Pipelayer (all types); Cutting Torch Operator

Group 12: Powderman

Group 13: Grade Setter

Group 14: High Scaler

Group 15: Dumpman (spotter)

Group 16: Power Saw (falling)

Group 17: Rigger

Group 18: Core Drill Operator

LABORERS (Cont'd)

Beaverhead, Deer Lodge, Jefferson, Madison, Powell (excluding SE portion) and Silver Bow Counties

Group 19: Concrete Worker, wet or dry; Tending Masons when pouring and finishing concrete

Group 20: Vibrator Operator; Tending Stonesetters, Marble Setters, Tile Setters, Skagiola and Terrazzo Workers; Tending brick masons or brick or stone work; Tending Plasterers or stuccoing or plastering; (This does not include rubbing down of foundation or concrete walls), Surekete, Stonehard and Rubberslate; Concrete Conveyor Swinger Operator

Group 21: Power Driven Concrete Buggies

LABORERS

Broadwater (Northern area), Lewis & Clark, Meagher, Powell (that portion lying east of a N-S line at the west edge of the Town of Ellistom) Counties

Group 1: General laborer; Car and truck loader; Concrete handler; Form stripper; Fence erector and installer

Group 2: Concrete buggy; Vibrator; Jackhammer; Wagon driller; Barco tamper; Pavement breaker; Powderman helper

Group 3: All power tools; Rodder and spreader; Non-metallic pipe layers; Pipe wrappers; Sandblasters; Pot tenders; Curb form setter; Concrete tenders

Group 4: Mortar mixer; Powderman

Broadwater (Southern portion incl. the City of Tosten), Gallatin, Park, Sweetgrass and Wheatland Counties

Group 1: Common laborers

Group 2: Semi-skilled; Hod carriers; Jackhammer operator; Vibrator; Mixer operator; Concrete pump tender; Nozzleman; Concrete mathiner; Curb form setter

Flathead, Glacier National Park, Lincoln, and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel

Group 1: General laborers; scaleman; form strippers; car and truck loaders

Group 2: Concrete handlers, conveying and handling concrete, Nozzlemen (air or water); Sand blast tail hose man; Powderman helper, Power driven wheelbarrow; Rodder and Spreader; Form setters (paving); Bucketman; Small air tool operators, including blow pipes and small power tool operators; Chuck tenders; Asphalt rakers, Dumpman; Rip rapping; Pipe wrapper; Pot tender; Concrete pumper hoseman; Jackhammer; Pavement breaker; Vibrator; mechanical tamper and other air tools; Cement handlers (sack or bulk); Burning bar

Group 3: Pipe layers (non-metallic); Metal culvert pipe layers; Mason and Plaster tenders; Cement finisher tender; Small concrete mixer operator; Shoring and lagging open ditches; Powderman; Drills, Air-Trac, wagon drill, cat or truck mounted air operated drills, Sand Blaster (wet or dry); gunite nozzleman; barco tamper

LABORERS (Cont'd)

Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties

Group 1: General laborers

Group 2: Jackhammer operator; Mechanical tampers; Pipelayers (all types); Pavement breakers; Pneumatic and electric tools operator; Pipewrappers

Group 3: Mason and plasterer's tenders

Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties

Group 1: General laborers; Concrete laborers; Chuck tenders and nippers

Group 2: Cement handler (sack or bulk); Jackhammer operator; Mortarman; Pipelayer (all types); Pipewrapper; Primerhouseman

Group 3: Mason and plasterer's tenders

Granite, Lake (Southern area), Mineral, Missoula, Ravalli and Sanders (Southern area) Counties

Group 1: Laborers

Group 2: All power tools, creosote workers; Jackhammer; Marble and tile setters' tenders; Pipelayers; Pipewrappers; Pot tenders; Small concrete mixers; Vibrators

Group 3: Cement masons and plasterer's tenders; Mason tenders; Pumpcrete, gunnite and plasterer pump

LABORERS

Cascade, Chouteau, Fergus, Glacier (excluding Glacier National Park), Judith Basin, Pondera, Teton and Toole Counties

Group 1: General and Building Laborers' and Scale Men; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpman (spotter) and Flagman; Fence Erectors and Installers, including the installation and erection of fences, guardrails, medium rails, reference posts, guide posts and right-of-way markers; Vibrators, under 1-1/2" in diameter; Small Air Tools such as Chippers, Clay Spades, etc.; Stake Setters; Stake Jumper, Rodder and Spreader, Form Stripper; Caisson Workers (Free Air); Vibrator 1-1/2" to 2-1/2" in diameter

Group 2: Concrete or Asphalt Saws, Creosote Material Handler; Curb Machine Form Setter (Slab Steel Forms); Diamond Drills up through 3 inches in diameter; Jackhammer, Pavement Breaker, Wagon Driller, Cat or Truck Mounted Air Operated Drills, and other Air Tools; Diesel Tamper, Wacker, Jay, Turtle, Pogo Sticks, etc., Mechanical Tampers; Nozzlemen, Air and Water, Gunite and Placo, Machine (Grout); Pipe Layer (all types); Power Saw (bucking and falling); Power Driven Wheelbarrow; Chuck Tenders, Muckers and Nippers, Primeman

Group 3: Sand Blaster

Group 4: Vibrators, 2-1/2" to 4" in diameter; Brick Tenders; Dumpmen (Grade); Small Concrete Mixers

Group 5: Diamond Drills up through 6 inches in diameter; Hod Carriers and Plaster Tenders (1 - one mixerman per crew); Asphalt Raker and Tamper; High Scaler; Powderman Helper; Concrete Nozzleman; Miners; Barco Tamper; Air-Trac

Group 6: Diamond Drill, over 6 inches in diameter; Self-Propelled Drills, with the exception of size differential, such as Mustang Drills or Twin Stack Drills; Core Drill Operator; Laser Equipment and Tools, excluding Transit; Powderman

Group 7: Concrete Vibrator, 4" and over

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LABORERS

Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan, and Valley Counties

Group 1: General and Building Laborers' and Scale Men; Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter and Flagman); Small Power Tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide posts, and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Place Operator, Jackhammer, Pavement Breaker, Vibrator (2½ inches and over) Barco Tamper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailhoseman, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (Free Air); Tunnels and Shafts (Free Air); Bull Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders (handling bricks and blocks only)

Group 5: Hod Carriers and Plaster Tenders (men carrying motor either by hod, pail or barrow); High Scaler, Wagon Driller, Cat or Truck mounted Air Operated Drills; Asphalt Rakers and Tampers, Gunite, Form Setter (slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Grademan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Flathead, Lake, Lincoln, Mineral, Missoula, North ½ of Powell, Ravalli and Sanders Counties					
A-Frame Truck Crane, Winch Truck and similar	$8.50	.50	.45	.15	.03
Air Compressor, single	8.19	.50	.45	.15	.03
Air Compressor, two or more	8.36	.50	.45	.15	.03
Air Doctor	8.66	.50	.45	.15	.03
Asphalt Paving Machine	8.66	.50	.45	.15	.03
Asphalt Paving Machine Screed	8.66	.50	.45	.15	.03
Automatic Finegrader, Gurries and other similar types	8.79	.50	.45	.15	.03
Belt Finish Machine	8.36	.50	.45	.15	.03
Bit Grinder	8.66	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.66	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.25	.50	.45	.15	.03
Boring Machine (large)	8.66	.50	.45	.15	.03
Broom, self-propelled	8.33	.50	.45	.15	.03
Cableway Highline	9.17	.50	.45	.15	.03
Cement Silo	8.45	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationary	8.91	.50	.45	.15	.03
Chain Bucket Loader	8.38	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	8.38	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	8.66	.50	.45	.15	.03
Concrete Batch Plant, three and four mixers	8.86	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.06	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and including two mixers	8.18	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.49	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.66	.50	.45	.15	.03
Concrete Curing Machine	8.66	.50	.45	.15	.03
Concrete Finish Machine Paving	8.66	.50	.45	.15	.03
Concrete Float-Spreader	8.66	.50	.45	.15	.03
Concrete Mixer, three bags and under	8.25	.50	.45	.15	.03
Concrete Mixer, four bags and over	8.42	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$8.66	.50	.45	.15	.03
Concrete Travel Batcher	8.66	.50	.45	.15	.03
Conveyor Loader, up to and incl. 42" belt	8.24	.50	.45	.15	.03
Conveyor Loader, over 42 inch belt	8.36	.50	.45	.15	.03
Crane, to and including 80' boom with jib	8.82	.50	.45	.15	.03
Crane, 81' to 130' boom	8.97	.50	.45	.15	.03
Crane, 131' to 150' boom	9.02	.50	.45	.15	.03
Crane, 151' boom and over	9.07	.50	.45	.15	.03
Crane Oiler	8.23	.50	.45	.15	.03
Crusher	8.66	.50	.45	.15	.03
Crusher Oiler and Helper	8.15	.50	.45	.15	.03
Crusher Conveyor, when required	8.12	.50	.45	.15	.03
Distributor	8.66	.50	.45	.15	.03
DW 10, 15, or 20 Tractor pulling roller	8.38	.50	.45	.15	.03
Electric Overhead Cranes	8.84	.50	.45	.15	.03
Elevating Grader	8.66	.50	.45	.15	.03
Farm Type Tractor, up to and including 50 HP Engine	8.12	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.20	.50	.45	.15	.03
Field Equipment Serviceman	8.58	.50	.45	.15	.03
Field Equipment Serviceman Helper	8.15	.50	.45	.15	.03
Fireman	8.25	.50	.45	.15	.03
Forklift, on construction job site	8.47	.50	.45	.15	.03
Form Grader	8.43	.50	.45	.15	.03
Gradall	8.66	.50	.45	.15	.03
Grade Setter	8.12	.50	.45	.15	.03
Heavy Duty Drill, all types	8.66	.50	.45	.15	.03
Heavy Duty Driller Helper	8.25	.50	.45	.15	.03
Herman-Nelson Heaters and similar type	8.20	.50	.45	.15	.03
Hoist, single drum	8.43	.50	.45	.15	.03
Hoist, two or more drums	8.66	.50	.45	.15	.03
Helicopter Hoist	9.16	.50	.45	.15	.03
Hot Plant	8.66	.50	.45	.15	.03
Hot Plant Fireman, when in Operation	8.66	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Hot Plant Oiler, 100 ton per hour or over	$8.15	.50	.45	.15	.03
Hydra lift and similar types	8.56	.50	.45	.15	.03
Industrial Locomotive all classes	8.66	.50	.45	.15	.03
Mechanic and/or Welder on job	8.76	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	8.15	.50	.45	.15	.03
Mixermobile	8.74	.50	.45	.15	.03
Motor Patrol	8.79	.50	.45	.15	.03
Mountain Logger or similar type	8.66	.50	.45	.15	.03
Mucking Machine	8.66	.50	.45	.15	.03
Oiler-Driver, Rubber Tired Cranes	8.23	.50	.45	.15	.03
Oilers, other than shovels and cranes	8.15	.50	.45	.15	.03
Oiler, hoist house, dams	8.56	.50	.45	.15	.03
Pavement Breaker, Ensco and similar	8.66	.50	.45	.15	.03
Paving and Mixing Machine	8.79	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	8.66	.50	.45	.15	.03
Power Mixer, single or double drum	8.66	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	8.66	.50	.45	.15	.03
Pumpcrete or Grout Machine	8.66	.50	.45	.15	.03
Pumpman	8.19	.50	.45	.15	.03
Push Tractor	8.66	.50	.45	.15	.03
Quad Cat	8.96	.50	.45	.15	.03
Quad Loader and similar types	9.18	.50	.45	.15	.03
Radiator Repairman	8.47	.50	.45	.15	.03
Refrigeration Plant	8.66	.50	.45	.15	.03
Retort	8.25	.50	.45	.15	.03
Roller, on blade or hot mix oil paving	8.66	.50	.45	.15	.03
Roller, on other blade or hot mix paving	8.36	.50	.45	.15	.03
Roller, 25 ton or over	8.66	.50	.45	.15	.03
Ross and similar type carriers, on construction site	8.66	.50	.45	.15	.03
Rubber-tired Dozer	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. and under	8.37	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yd. to and including 3 yds.	8.66	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yds. to and including 5 yds.	8.78	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Rubber-tired Front End Loader, over 5 yds. to and including 10 yds.	$8.88	.50	.45	.15	.03
Rubber-tired Front End Loader, over 10 yds. to and including 15 yds.	8.98	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yds.	9.08	.50	.45	.15	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	8.66	.50	.45	.15	.03
Scraper, single or twin engine pulling belly dump trailer	9.04	.50	.45	.15	.03
Scraper, single engine	8.79	.50	.45	.15	.03
Scraper, twin engine	8.89	.50	.45	.15	.03
Scraper, tandem or 3 engined	9.15	.50	.45	.15	.03
Self-propelled Sheepfoot and similar type	8.66	.50	.45	.15	.03
Shovels, including all attachments, under 1 cu.yd.	8.66	.50	.45	.15	.03
Shovels, including all attachments, 1 cu. yd. to and incl. 3 cu. yds.	8.84	.50	.45	.15	.03
Shovels, including all attachments, over 3 cu. yds. to and incl. 5 cu. yds.	9.11	.50	.45	.15	.03
Shovels, including all attachments, over 5 cu. yds.	9.24	.50	.45	.15	.03
Shovel Oiler, 3 yds. and under	8.15	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	8.56	.50	.45	.15	.03
Slip Form Paver	8.79	.50	.45	.15	.03
Stiff Leg Derrick and Guy Derrick	9.11	.50	.45	.15	.03
Track-type Front End Loaders, up to and including 5 cu. yds.	8.66	.50	.45	.15	.03
Track-type Front End Loaders, over 5 cu. yds. to and incl. 10 cu. yds	8.89	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to and incl. 15 cu. yds.	8.99	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	9.09	.50	.45	.15	.03
Track-type Tractor with or without attachments	8.66	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	8.84	.50	.45	.15	.03
Trenching Machine	8.66	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	8.66	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Wagner Roller and similar type	$8.66	.50	.45	.15	.03
Whirley Crane	9.19	.50	.45	.15	.03
Whirley Crane Oiler	8.55	.50	.45	.15	.03
Water Pull when used for compaction	8.66	.50	.45	.15	.03
Washing and Screening Plant	8.66	.50	.45	.15	.03
Washing and Screening Plant Oiler	8.15	.50	.45	.15	.03
Yo-Yo Cat, both ends	8.86	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS Blaine, Cascade, Chouteau, Glacier (excluding Glacier National Park), Hill, Liberty, Phillips, Pondera, Teton and Toole Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHOVELS, including all attachments, over 5 yds.; Stiff-leg Derrick and Guy Derrick; Cableway Highline; Helicopter Hoist; Tower Crane; Whirley Crane	$7.64	.45	.45		.13
SCRAPER, Tandem engine; Shovels, including all attachments, over 3 yards to and including 5 yards	7.51	.45	.45		.13
RUBBER-TIRED FRONT-END LOADERS, over 15 yards; Track-type Front-end Loaders, over 15 cu. yds.	7.45	.45	.45		.13
RUBBER-TIRED FRONT-END LOADERS, 10 yards to and including 15 yards; Track-type Front-end Loaders, 10 cu. yds. to and including 15 cu. yds.; Concrete Conveyor; Crane, to and including 80' boom with jib	7.35	.45	.45		.13
QUAD CAT	7.32	.45	.45		.13
CENTRAL MIXING PLANT, concrete and stationary	7.27	.45	.45		.13
RUBBER-TIRED FRONT-END LOADERS, over 5 yards to and including 10 yards; Scraper, twin engine; Track-type Front-end Loaders, over 5 cu. yds. to and including 10 cu. yds.; Scraper single or twin engine, pulling Belly Dump Trailer	7.25	.45	.45		.13

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CRANE, ELECTRIC OVERHEAD, All; Shovels, including all attachments, 1 yard to and including 3 yards; Track-type Tractor on Euclid Loader	$7.21	.45	.45		.13
HOIST, TWO OR MORE DRUMS; Motor Patrol; Ross and similar type carriers on construction site	7.18	.45	.45		.13
AUTOMATIC FINECRADER, Curries and other types; Paver; Slip Form; Paving and Mixing Machine; Roller, 25 tons or over; Rubber-tired Front-end Loader, over 3 yards to and including 5 yards; Scraper, single	7.15	.45	.45		.13
MIXERMOBILE	7.11	.45	.45		.13
BORING MACHINE; Jeep, Pickup or Farm Tractor mounted; Boring Machine, large; Power Auger large truck or tractor, mounted and punch	7.05	.45	.45		.13

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR DOCTOR; Asphalt Paving Machine; Asphalt Paving Machine Screed Operator; Bit Grinder; Bituminous Mixer Paving Travel Plant; Concrete Batch Plant Operator; Concrete Curing Machine; Concrete Finish Machine, paving; Concrete Float and Spreader; Concrete power Saw, self-propelled; Concrete Travel Batcher; Crusher; Distributor; Elevating Grader; Fork-lift on construction job site; Gradall; Heavy Duty Drills, all types, Hot Plant; Hot Plant Fireman, when in operation; Industrial Locomotive; Mountain Logger or similar type machine; Mucking Machine; Pavement Breaker, Ensco and similar; Power Mixer, single or double drum; Pumpcrete or Grout Machine; Refrigeration Plant; Roller, Steel and self-propelled rubber on blade or hot mix oil paving; Roller, Wagner and similar types, Rubber-tired Dozer; Rubber-tired Front-end Loaders, 1 yard to and including 3 yards; Shovels, including all attachments, under 1 yard; Track-type Tractor, with or without attachments; Track-type Tractor with or without attachments including Track-type Front-end Loaders up to and including 5 cu. yds.; Trench Machine; Belt Finishing Machine; Concrete Batch Plant, 1 and 2 mixers; DW 10, 15, 20 Tractor pulling Roller; Power Saw self-propelled, multiple cut; Push Tractor; Scraper DW 15, 20, 21 and similar type if power unit is not used; Self-propelled Sheepsfoot; Turnhead Conveyor, or Head Tower, on Batch Plant; Wagner Roller, Water Pull Operator	7.02	.45	.45		.13

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
FIELD EQUIPMENT SERVICEMAN; Hydra-lift and similar type; Oiler, Hoist-house Dams; Shovels Oiler, over 3 yards; Winch Truck with boom	$6.92	.45	.45		.13
CONCRETE MIXER, 4 bags and over	6.89	.45	.45		.13
HOIST, Single Drum	6.81	.45	.45		.13
A-FRAME TRUCK CRANE, Winch Truck and similar	6.80	.45	.45		.13
CEMENT SILO; Form Grader	6.79	.45	.45		.13
HYDRO TAMPER	6.77	.45	.45		.13
CHAIN BUCKET; Chip or Gravel Spreader, self-propelled; Conveyor Loader, over 42" belt	6.72	.45	.45		.13
AIR COMPRESSOR, tow or more; Roller, steel and self-propelled rubber other than blade or hot mix oil paving; Rubber-tired Front-end Loaders, under 1 yard	6.71	.45	.45		.13
BROOM, self-propelled	6.67	.45	.45		.13
CONCRETE MIXER, 3 bags and under; Fireman	6.61	.45	.45		.13
CONVEYOR LOADER, up to and including 42" belt: Crusher Conveyor	6.60	.45	.45		.13
RETORT OPERATOR	6.57	.45	.45		.13

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MECHANIC AND/OR WELDER HELPER; Concrete Batch Plant Oiler; Crane Oiler; Farm type tractor, over 50HP engine; Hot Plant Oiler, 100 tons per hour and over; Oiler Driver, Rubber-tired Crane	$6.56	.45	.45		.13
POMPMAN	6.55	.45	.45		.13
AIR COMPRESSOR, Single; Concrete Batch Plant Oiler, up to and including 2 mixers	6.52	.45	.45		.13
SHOVEL, OILER, 3 yards and under	6.51	.45	.45		.13
CRUSHER OILER and HELPER; Farmtype Tractor, up to and including 50 HP engine; Field Equipment Service Helper; Grade Setter; Heavy Duty Drill Helper; Heaters, Herman Nelson and similar type; Oilers, other than shovels and cranes; Washer and Screening Plant Oiler	6.48	.45	.45		.13
CONCRETE BATCH PLANT, 3 and 4 Mixers	7.22	.45	.45		.13
CONCRETE BATCH PLANT, 5 mixers and over	7.42	.45	.45		.13
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.83	.45	.45		.13
CONCRETE PUMP	7.80	.45	.45		.13
CRANE 81' to 130' boom	7.50	.45	.45		.13
CRANE 131' to 150' boom	7.55	.45	.45		.13
CRANE 151' Boom and over	7.60	.45	.45		.13
MECHANIC AND/OR WELDER	7.12	.45	.45		.13
WHIRLEY CRANE OILER	6.85	.45	.45		.13

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POWER EQUIPMENT OPERATORS Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Powell (Southern area) and Silver Bow Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-FRAME TRUCK CRANE	$6.86	.45	.45		.13
AIR COMPRESSOR, single	6.55	.45	.45		.13
AIR COMPRESSOR, 2 or more; Belt Finishing; Conveyor Loader, over 42" belt; Roller, steel and self-propelled rubber on other than blade or hot-mix oil paving	6.72	.45	.45		.13
AIR DOCTOR; Asphalt Paving Machine, or Screed; Bit Grinder; Bituminous Mixer, Paver; Boring Machine, large (for guard rail holes); Bulldozer, rubber-tired or otherwise; Concrete Batch Plant, 1 and 2 mixers; Concrete Bucket Dispatcher; Concrete Curing Machine; Concrete Finishing Machine, paving; Concrete Float and Spreader; Concrete Power Saw, self-propelled; Concrete Travel Batcher; Crusher and/or Screening Plant; Distributor; Elevating Grader; Gradall; Heavy Duty Rotory Drills (Quarry Master, Joy Drills and similar types); Hoist or Air Tugger, 2 or more drums; Hot Plant; Hot Plant Fireman (when in operation); Industrial Locomotive, all types; Loaders, rubber-tired, over 1 yard to and including 3 yards; Loaders, Track type up to and including 5 yards; Loaders, Traxcavator and Athey; Loader and Hoe Combination, rubber-tired, Loader 1 yard and under, Hoe 1 yard and under;					

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mountain Logger or similar; Mucking Machine; Pavement Breaker, Ensco and similar; Power Auger, large truck or tractor, mounted and punch; Power Mixer, single or double drum; Power Saw, self-propelled, multiple cut; Pump-crete or Grout Machine; Push Tractor; Refrigerator Plant; Roller, steel and self-propelled rubber on blade on hot-mix oil paving roller, 25 tons, working weight or over any type or make; Roller, Wagner and similar; Ross and similar type Carriers (on construction site); Scraper DW 10; Scraper, DW 15, 20, 21 and similar if power unit is not used; Self-propelled Sheepsfoot and similar; Shovels, including all attachments, under 1 yard; Trenching Machine; Turnhead Conveyor or Head Tower Operator on Batch Plant; Water Pull, when used for compaction; Washing and Screening Plant	$7.02	.45	.45		.13
AUTOMATIC FINEGRADER, Curries and similar; Motor Patrol; Paving and Mixing Machine; Scraper, DW 15, 20, 21 and similar if power unit is used; Scraper, single engine; Slip Form Paver	7.15	.45	.45		.13
BORING MACHINE; Concrete Mixer, 3 bags and under; Fireman; Heavy Duty Rotary Drill Helper; Retort Operator	6.61	.45	.45		.13
BROOM OPERATOR, Self-propelled	6.69	.45	.45		.13

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CABLEWAY OPERATOR	$7.53	.45	.45		.13
CEMENT SILO	6.81	.45	.45		.13
CENTRAL MIXING PLANTS, Concrete Dams and Stationary	7.27	.45	.45		.13
CHAIN BUCKET LOADER; Chip-gravel Spreader self-propelled; DW 10, 15, 20 Tractor pulling Roller	6.74	.45	.45		.13
CONCRETE BATCH PLANT OPERATOR, 3 and 4 mixers	7.22	.45	.45		.13
CONCRETE BATCH PLANT OPERATOR, 5 mixers and over	7.42	.45	.45		.13
CONCRETE BATCH PLANT OILER, up to and including 2 mixers	6.54	.45	.45		.13
CONCRETE BATCH PLANT OILER, 3 mixers and over	6.85	.45	.45		.13
CONCRETE MIXER OPERATOR, 4 bags and over	6.78	.45	.45		.13
CONVEYOR LOADER, to and including 42" belt	6.60	.45	.45		.13
CRANE, to and including 80' boom with jib	7.18	.45	.45		.13
CRANE, 81' to 130' boom	7.33	.45	.45		.13
CRANE, 131' to 150' boom	7.38	.45	.45		.13
CRANE, 151' boom and over	7.43	.45	.45		.13
CRANE OILER; Oiler Driver, Rubber-tired Cranes	6.59	.45	.45		.13

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CRANE, Electric Overhead; Shovels, including all attachments 1 yard to and including 3 yards; Track type Tractor, on Euclid Loader	$7.20	.45	.45		.13
CRANE, TOWER; Scraper, Tandem or (engine)	7.51	.45	.45		.13
CRANE, WHIRLEY	7.55	.45	.45		.13
CRANE, WHIRLEY OILER; Hydralift and similar; Oiler, Hoist House, Dams, Shovels Oiler, over 3 yards; Winch Truck with boom	6.92	.45	.45		.13
CRUSHER AND/OR SCREENING PLANT HELPER, (If over 2 separate units); Crusher Oiler; Field Equipment Service Helper; Hot Plant Oiler, 100 tons per hour or over; Mechanic and/or welder helper on job; Oilers, other than shovels and cranes; Shovel Oiler, 3 yards and under; Washing and Screening Plant Oiler	6.51	.45	.45		.13
CRUSHER CONVEYOR, when required; Farm type Tractor, up to and including 50 HP; Grade Setter	6.48	.45	.45		.13
DRILLING MACHINE (does not include Jackhammer, Wagon Drillers or Waterlines)	6.93	.45	.45		.13
EUCLID LOADER and similar; Loader and Hoe combination, Rubber-tired, Loader 1 yard to and including 3 yards, Hoe over 1 yard	7.21	.45	.45		.13
FARM TYPE TRACTOR, over 50 HP; Heaters, Herman Nelson and similar	6.56	.45	.45		.13

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
FIELD EQUIPMENT SERVICE MAN	$6.94	.45	.45		.13
FORK LIFT (on construction site)	6.83	.45	.45		.13
HOIST, OR AIR TUGGER, single drum; Farm Grader	6.79	.45	.45		.13
FULLER KENYON PUMP; Loaders (Barber Green and similar)	6.67	.45	.45		.13
HELICOPTER HOIST	7.52	.45	.45		.13
LOADERS, RUBBER-TIRED, 1 yard and under	6.73	.45	.45		.13
LOADERS, RUBBER-TIRED, over 3 yards to and including 5 yards	7.14	.45	.45		.13
LOADERS, RUBBER-TIRED, 5 yards to and including 10 yards	7.24	.45	.45		.13
LOADERS, RUBBER-TIRED, over 10 yards, to and including 15 yards	7.34	.45	.45		.13
LOADERS, RUBBER-TIRED, over 15 yards (factory rating not to include sideboards)	7.44	.45	.45		.13
LOADERS, TRACK-TYPE, over 5 yards to and including 10 yards, Scraper, twin engine	7.25	.45	.45		.13
LOADERS, TRACK-TYPE, over 10 yards to and including 15 yards	7.35	.45	.45		.13
LOADERS, TRACK-TYPE, over 15 yards	7.45	.45	.45		.13
MECHANIC AND/OR WELDER, on job	7.09	.45	.45		.13
MIXERMOBILE	7.10	.45	.45		.13
PILEDRIVER (when shovel equipment is not used)	6.67	.45	.45		.13

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
QUAD CAT	$7.32	.45	.45		.13
SCRAPER, single or twin engine pulling Bally Dump Trailer	7.40	.45	.45		.13
SHOVELS, including all attachments, over 3 yards to and including 5 yards, Stiff-leg Derrick and Guy Derrick	7.47	.45	.45		.13
SHOVELS, including all attachments, over 5 yards	7.50	.45	.45		.13

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POWER EQUIPMENT OPERATORS Broadwater, Daniels, Dawson, Fergus, Gallatin, Glacier National Park, Jud th-Basin, Lewis and Clark, Meagher, McCone, Park, Richland, Roosevelt, Sheridan, Valley, Wheatland and Wibaux Cos.	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
A-Frame Truck Crane, Winch Truck and similar	$8.55	.50	.45	.15	.03
Air Compressor, single	8.24	.50	.45	.15	.03
Air Compressor, two or more	8.41	.50	.45	.15	.03
Air Doctor	8.71	.50	.45	.15	.03
Asphalt Paving Machine	8.71	.50	.45	.15	.03
Asphalt Paving Machine Screed	8.71	.50	.45	.15	.03
Automatic Finegrade, Curries and other similar types	8.84+	.50	.45	.15	.03
Belt Finish Machine	8.41	.50	.45	.15	.03
Bit Grinder	8.71	.50	.45	.15	.03
Bituminous Mixer Paving, Travel Plant	8.71	.50	.45	.15	.03
Boring Machine (small), jeep, pickup or farm tractor mounted	8.30	.50	.45	.15	.03
Boring Machine (large)	8.71	.50	.45	.15	.03
Broom, self-propelled	8.38	.50	.45	.15	.03
Cableway Highline	9.22	.50	.45	.15	.03
Cement Silo	8.50	.50	.45	.15	.03
Central Mixing Plants, Concrete dam and stationary	8.96	.50	.45	.15	.03
Chain Bucket Loader	8.43	.50	.45	.15	.03
Chip or Gravel Spreader, self-propelled	8.43	.50	.45	.15	.03
Concrete Batch Plant, one and two mixers	8.71	.50	.45	.15	.03
Concrete Batch Plant, three and four mixers	8.91	.50	.45	.15	.03
Concrete Batch Plant, five mixers and over	9.11	.50	.45	.15	.03
Concrete Batch Plant Oiler, up to and including two mixers	8.23	.50	.45	.15	.03
Concrete Batch Plant Oiler, three mixers and over	8.54	.50	.45	.15	.03
Concrete Bucket Dispatcher	8.71	.50	.45	.15	.03
Concrete Coring Machine	8.71	.50	.45	.15	.03
Concrete Finish Machine Paving	8.71	.50	.45	.15	.03
Concrete Float-Spreader	8.71	.50	.45	.15	.03
Concrete Mixer, three bags and under	8.30	.50	.45	.15	.03
Concrete Mixer, four bags and over	8.47	.50	.45	.15	.03

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POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Power Saw, self-propelled	$8.71	.50	.45	.15	.03
Concrete Travel Batcher	8.71	.50	.45	.15	.03
Concrete Conveyor under 40 feet	8.29	.50	.45	.15	.03
Concrete Conveyor over 40 feet	9.04	.50	.45	.15	.03
Concrete Pump	9.04	.50	.45	.15	.03
Crane, to and including 80' boom	8.87	.50	.45	.15	.03
Crane, 81' to 130' boom	9.02	.50	.45	.15	.03
Crane, 131' to 150' boom	9.07	.50	.45	.15	.03
Crane, 151' boom and over	9.12	.50	.45	.15	.03
Crane Oiler	8.28	.50	.45	.15	.03
Crusher	8.71	.50	.45	.15	.03
Crusher Oiler and Helper	8.20	.50	.45	.15	.03
Crusher Conveyor, when required	8.17	.50	.45	.15	.03
Distributor	8.71	.50	.45	.15	.03
DW 10, 15, or 20 Tractor pulling Roller	8.43	.50	.45	.15	.03
Electric Overhead Cranes	8.89	.50	.45	.15	.03
Elevating Grader	8.71	.50	.45	.15	.03
Farm Type Tractor, up to and including 50 HP Engine	8.17	.50	.45	.15	.03
Farm Type Tractor, over 50 HP Engine	8.25	.50	.45	.15	.03
Field Equipment Serviceman	8.63	.50	.45	.15	.03
Field Equipment Serviceman Helper	8.20	.50	.45	.15	.03
Fireman	8.30	.50	.45	.15	.03
Forklift, on construction job site	8.52	.50	.45	.15	.03
Form Grader	8.48	.50	.45	.15	.03
Gradall	8.71	.50	.45	.15	.03
Grade Setter	8.17	.50	.45	.15	.03
Heavy Duty Drill, all types	8.71	.50	.45	.15	.03
Heavy Duty Driller Helper	8.30	.50	.45	.15	.03
Herman-Nelson Heaters and similar type	8.25	.50	.45	.15	.03
Hoist, single drum	8.48	.50	.45	.15	.03
Hoist, tow or more drums	8.71	.50	.45	.15	.03
Helicopter Hoist	9.21	.50	.45	.15	.03
Hot Plant	8.71	.50	.45	.15	.03
Hot Plant Fireman, when in operation	8.71	.50	.45	.15	.03
Hot Plant Oiler, 100 ton per hour or over	8.20	.50	.45	.15	.03
Hydra lift and similar types	8.61	.50	.45	.15	.03
Industrial Locomotive all classes	8.71	.50	.45	.15	.03

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DECISION NO. MT75-5094

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Mechanic and/or Welder on job	$8.81	.50	.45	.15	.03
Mechanic and/or Welder Helper on job	8.20	.50	.45	.15	.03
Mixermobile	8.79	.50	.45	.15	.03
Motor Patrol	8.84	.50	.45	.15	.03
Mountain Logger or similar type	8.71	.50	.45	.15	.03
Mucking Machine	8.71	.50	.45	.15	.03
Oiler-Driver, Rubber-tired Cranes	8.28	.50	.45	.15	.03
Oilers, other than Shovels and Cranes	8.20	.50	.45	.15	.03
Oiler, hoist house, dams	8.61	.50	.45	.15	.03
Pavement Breaker, Ensco and similar	8.71	.50	.45	.15	.03
Paving and Mixing Machine	8.84	.50	.45	.15	.03
Power Auger, Large Truck or Tractor mounted	8.71	.50	.45	.15	.03
Power Mixer, single or double drum	8.71	.50	.45	.15	.03
Power Saw, multiple cut, self-propelled	8.71	.50	.45	.15	.03
Pumpcrete or Grout Machine	8.71	.50	.45	.15	.03
Pumpman	8.24	.50	.45	.15	.03
Push Tractor	8.71	.50	.45	.15	.03
Quad Cat	9.01	.50	.45	.15	.03
Quad Loader and similar type	9.29	.50	.45	.15	.03
Raygo Giant	9.29	.50	.45	.15	.03
Refrigerator Plant	8.71	.50	.45	.15	.03
Retort	8.30	.50	.45	.15	.03
Roller, on blade or hot mix oil paving	8.71	.50	.45	.15	.03
Roller, on other blade or hot mix paving	8.41	.50	.45	.15	.03
Roller, 25 ton or over	8.71	.50	.45	.15	.03
Ross and similar type Carriers, on construction site	8.71	.50	.45	.15	.03
Rubber-tired Dozer	8.71	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yard and under	8.42	.50	.45	.15	.03
Rubber-tired Front End Loader, 1 yard to and including 3 yards	8.71	.50	.45	.15	.03
Rubber-tired Front End Loader, over 3 yards to and including 5 yards	8.83	.50	.45	.15	.03
Rubber-tired Front End Loader, over 5 yards to and including 10 yards	8.93	.50	.45	.15	.03

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DECISION NO. MT75-5094

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	$9.03	.50	.45	.15	.03
Rubber-tired Front End Loader, over 15 yards	9.13	.50	.45	.15	.03
Scraper, DW 15, 20, 21 and similar type if power unit is not used	8.71	.50	.45	.15	.03
Scraper, single or twin engine pulling Belly Dump Trailer	9.09	.50	.45	.15	.03
Scraper, single engine	8.84	.50	.45	.15	.03
Scraper, twin engine	8.94	.50	.45	.15	.03
Scraper, tandem engine	9.20	.50	.45	.15	.03
Self-propelled Sheepfoot and similar type	8.71	.50	.45	.15	.03
Shovels, including all attachments, under 1 cu. yd.	8.71	.50	.45	.15	.03
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	8.89	.50	.45	.15	.03
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	9.16	.50	.45	.15	.03
Shovels, including all attachments, over 5 cu. yds.	9.29	.50	.45	.15	.03
Shovel Oiler, 3 yards and under	8.20	.50	.45	.15	.03
Shovel Oiler, over 3 cu. yds.	8.61	.50	.45	.15	.03
Slip Form Paver	8.84	.50	.45	.15	.03
Stiff Leg Derrick and Guy Derrick	9.16	.50	.45	.15	.03
Track-type Front End Loaders; up to and including 5 cu. yds.	8.71	.50	.45	.15	.03
Track-type Front End Loaders; over 5 cu. yds. to and including 10 cu. yds.	8.94	.50	.45	.15	.03
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	9.04	.50	.45	.15	.03
Track-type Front End Loaders, over 15 cu. yds.	9.14	.50	.45	.15	.03
Track-type Tractor with or without attachments	8.71	.50	.45	.15	.03
Track-type Tractor, on Euclid Loader	8.89	.50	.45	.15	.03

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DECISION NO. MT75-5094

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Trenching Machine	$8.71	.50	.45	.15	.03
Turnhead Conveyor, or Head Tower on Batch Plant	8.71	.50	.45	.15	.03
Wagner Roller and similar type	8.71	.50	.45	.15	.03
Whirley Crane	9.24	.50	.45	.15	.03
Whirley Crane Oiler	8.61	.50	.45	.15	.03
Water Pull when used for compaction	8.71	.50	.45	.15	.03
Washing and Screening Plant	8.71	.50	.45	.15	.03
Washing and Screening Plant Oiler	8.20	.50	.45	.15	.03

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DECISION NO. MT75-5094

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Big Horn, Carbon, Carter, Custer, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Rosebud, Stillwater, Sweetgrass, Treasure, Yellowstone					
ASPHALT PAVING MACHINE; Air doctor; Bit grinder; Bituminous mixer; Bulldozer; Boring machine, large; Concrete finish machine, paving; Concrete float and Spreader; Crusher and/or screening plant, portable; Distributor; Elevating grader; Front end loader, rubber-tired, 1 yd. and including 3 yds.; Heavy duty rotary drills; Quarry Master; Hoist, two or more drums; Hot plant fireman; Industrial locomotive; Mucking machine; Pavement breaker, Ensco and similar type; Paver mixer, single or double drum; Power saw, self-propelled, multiple cut; Pumpcrete or grout machine; Roller, finish high type pavement; Ross and similar type carriers, on construction site; Roller, 25 tons or over; Screed; Shovel, incl. all attachments, under 1 yd.; Track-type tractor with or without attachments, incl. track-type loader; front-end up to and incl. 5 cu. yds.; Traxcavator, and Athey type loader; Wagner roller and similar type	$7.02	.45	.45		.13
A-FRAME TRUCK CRANE; Hoist, single drum	6.77	.45	.45		.13
AIR COMPRESSOR, SINGLE; Crusher and/or screening plant helper, if over 2 units	6.51	.45	.45		.13

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DECISION NO. MT75- 5094

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR COMPRESSOR, TWO OR MORE; Front end loader, rubber-tired, under 1 yd.; Roller, grade or finish	$6.71	.45	.45		.13
BELT FINISHING	6.69	.45	.45		.13
BORING MACHINE, small; Fireman; Mixer, concrete, 3 bags or under; Retort	6.58	.45	.45		.13
CABLEWAY	7.54	.45	.45		.13
CEMENT SILO	6.79	.45	.45		.13
CONCRETE BATCH PLANT; Crusher and/or screening plant stationary	6.91	.45	.45		.13
HELICOPTER HOIST	7.52	.45	.45		.13
CONVEYOR; Chip and gravel spreader	6.72	.45	.45		.13
CRANE OPERATORS:					
To and including 80' w/jibs	7.18	.45	.45		.13
81' to 130' boom	7.33	.45	.45		.13
131' to 150' boom	7.38	.45	.45		.13
151' boom and over	7.43	.45	.45		.13
ELECTRIC OVERHEAD CRANE: Euclid loader and similar type; Shovels, including all attachments, 1 yd. to and including 4 yds.; Tournapull, DW 20, 21 and similar type scrapers	7.21	.45	.45		.13
CRANE OILER-DRIVER, rubber tired	6.57	.45	.45		.13
DRILLING MACHINE, does not include jackhammer, wagon driller, or water liner, Field equipment serviceman; Winch truck with hydraulic boom	6.92	.45	.45		.13
FORK LIFT, on Construction Site	6.81	.45	.45		.13

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DECISION NO. MT75-5094

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
FRONT-END LOADER, rubber-tired, over 3 yds. and including 5 yds.; LeTourneau, single and similar type; Motor patrol; Automatic finegrader, gurries and similar type	$7.15	.45	.45		.13
FRONT-END LOADERS, rubber-tired, over 5 yds. to and including 10 yds.; Scraper, twin-engine; Track-type front-end loaders, over 5 cu. yds. to and including 10 cu. yds.	7.25	.45	.45		.13
FRONT-END LOADERS, rubber-tired, 10 yds. to and including 15 yds.; Track-type front-end loaders to and including 15 cu. yds.	7.35	.45	.45		.13
FRONT-END LOADERS, rubber-tired o over 15 yds. (factory struck rating, not to include sideboards); Track-type front-end loaders, over 15 cu. yds.	7.45	.45	.45		.13
GRADE SETTER; Herman Nelson heaters and similar type	6.48	.45	.45		.13
LETOURNEAU, Tandem and similar type; Quad Cat	7.32	.45	.45		.13
LOADER, BARBER GREEN and similar type	6.66	.45	.45		.13
MECHANIC and/or Welder, on job site	7.12	.45	.45		.13
MECHANIC and/or Welder, Helper; Heavy duty rotary drill helper; Oiler	6.47	.45	.45		.13
MIXER, CONCRETE, 3 bags and under	6.58	.45	.45		.13
MIXER, CONCRETE, 4 bags and over	6.83	.45	.45		.13
MIXERMOBILE	7.11	.45	.45		.13

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DECISION NO. MT75-5094

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PUMPMAN	$6.52	.45	.45		.13
SHOVELS, over 4 yds; Stiff leg, Guy derrick; Scraper, Tandem 3 engines	7.51	.45	.45		.13
TRACTOR, rubber-tired, (Industrial)	6.46	.45	.45		.13
TOWER CRANE	7.51	.45	.45		.13
TRENCHING MACHINE	6.96	.45	.45		.13

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TRUCK DRIVERS Statewide (except Gallatin, Park, Sweetgrass, Broadwater, (south of U.S. Highway #12) Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
COMBINATION TRUCK; Concrete Mixer and Transit Mixers:					
To and including 4 cu. yds.	$7.72	.50	.40		
Over 4 cu. yds. to and including 6 cu. yds.	7.80	.50	.40		
Over 6 cu. yds. to and including 8 cu. yds.	7.88	.50	.40		
Over 8 cu. yds. to and including 10 cu. yds.	7.96	.50	.40		
Over 10 cu. yds. - additional $.08 per hour each additional 2 cu. yds. increment					
DISTRIBUTOR DRIVER AND HELPER	7.65	.50	.40		
DRY BATCH TRUCKS:					
3 Batch or under	7.47	.50	.40		
Over 3 Batch to and including 5 Batch	7.60	.50	.40		
Over 5 Batch to and including 10 Batch	7.76	.50	.40		
Over 10 Batch to and including 15 Batch	7.92	.50	.40		
Over 15 Batch - additional $.15 per hour each additional 5 Batch increment					
PICKUP DRIVER, HAULING MATERIALS	7.57	.50	.40		
DUMPMAN, GRAVEL SPREADER BOX; Pilot Car Driver, Teamsters and Helpers	7.47	.50	.40		
Warehousemen, Partsmen, Cardex men, Warehouse Expediter	7.67	.50	.40		
DUMP TRUCKS and SIMILAR EQUIPMENT WATER LEVEL CAPACITY, INCLUDING SIDEBOARDS					
7 cu. yds. or less	7.47	.50	.40		
Over 7 cu. yds. to and including 10 cu. yds.	7.60	.50	.40		
Over 10 cu. yds. to and including 15 cu. yds.	7.76	.50	.40		

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TRUCK DRIVERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Over 15 cu. yds. to and including 20 cu. yds.	$7.90	.50	.40		
Over 20 cu. yds. to and including 25 cu. yds.	7.96	.50	.40		
Over 25 cu. yds. to and including 30 cu. yds.	8.02	.50	.40		
Over 30 cu. yds. to and including 35 cu. yds.	8.08	.50	.40		
Over 35 cu. yds. to and including 40 cu. yds.	8.14	.50	.40		
Over 45 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment	8.20	.50	.40		
DUMPSTERS	7.80	.50	.40		
DW 20, DW 21, or Euclid Tractors, Pulling P.R. 21 or similar Dump Wagons:					
To and including 25 cu. yds.	7.96	.50	.40		
Over 25 cu. yds. to and including 30 cu. yds.	8.02	.50	.40		
Over 30 cu. yds. - additional $.06 per hour each additional 5 cu. yds. increment					
SERVICEMEN	8.21	.50	.40		
POWDER TRUCK DRIVER (bulk unloader type)	7.65	.50	.40		
FLAT TRUCKS:					
To and including 3 tons	7.57	.50	.40		
Over 3 tons Factory rating	7.82	.50	.40		
SERVICE TRUCK DRIVERS; Fuel Truck Driver; Tiremen	8.01	.50	.40		
LOWBOYS, FOUR-WHEEL TRAILER, Float Semi-trailer	7.82	.50	.40		
LUMBER CARRIERS, LIFT TRUCKS	7.72	.50	.40		
POWER BROOM	7.56	.50	.40		

DECISION NO. MT75-5094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd)					
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:					
2,500 gallons and under	$7.47	.50	.40		
Over 2,500 gallons to and including 4,500 gallons	7.76	.50	.40		
Over 4,500 gallons to and including 6,000 gallons	7.96	.50	.40		
Over 6,000 gallons to and including 8,000 gallons	8.02	.50	.40		
Over 8,000 gallons to and including 10,000 gallons	8.10	.50	.40		
Over 10,000 gallons - additional $.08 per hour each additional 2,000 gallons increment					
TRUCK WITH POWER EQUIPMENT If UNDER TEAMSTERS JURISDICTION, SUCH AS: Winch, A-Frame, Swedish Crane, Hydra-lift, Groutcrete, and Combination mulching, seeding and fertilizing	7.72	.50	.40		
TRUCK MECHANIC	8.21	.50	.40		
Gallatin, Park, Sweetgrass, Broadwater (South U.S. Hwy. #12), Counties					
TRUCK DRIVERS:					
Dump, 7 yds. or less; Pickup, hauling materials; Flat, less than 2 ton; Service and A-Frame trailers	6.08	.50	.30		
House movers	6.12	.50	.30		
Flat, 2 - 5 tons	6.23	.50	.30		
Dump, over 7 yds. to and incl. 10 yds.; Flat, 5 - 8 tons; Semi and four wheel trailers	6.33	.50	.30		
Dumps, over 10 yds. to and incl. 15 yds.	6.49	.50	.30		
Dumps, over 15 yds. to and incl. 20 yds.	6.63	.50	.30		

DECISION NO. MT75-5094

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION (Flathead, Lake and Lincoln Cos.)					
All construction of "H" fixtures and Steel Tower Transmission Lines with capacity of 69 K.V. voltages and over, switch yard and substation rated at 5000 K.V.A. and all work not covered by Schedule "B".					
SCHEDULE "A"					
Groundman "B"	$5.08	.25	1%		1%
Groundman "A" (experienced)	5.87	.25	1%		1%
Powderman; Jackhammer-Compressorman	6.25	.25	1%		1%
Line Equipment Operator	7.20	.25	1%		1%
Lineman	8.43	.25	1%		1%
Cable Splicer	9.37	.25	1%		1%
SCHEDULE "B"					
All work for Power Utilities and R.E.A.'s except work covered under Schedule "A". all Highway Lighting, Street Lighting and Motor Traffic Controlling.					
Groundman	5.38				
Jackhammer-Compressorman; Powderman	5.71	.25	1%		1%
Line Equipment Operators	6.55	.25	1%		1%
Linemen; Pole Sprayer	7.45	.25	1%		1%
Tree Trimmer	7.74	.25	1%		1%
Cable Splicer	8.38	.25	1%		1%

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
(Remaining Counties) (Jobs 69,000 volts or less)					
Cable Splicer	$7.73	.35	1%		3/4%
Linemen	6.97	.35	1%		3/4%
Line Equipment Operators; Powdermen	6.85	.35	1%		3/4%
Experienced groundmen (1,000 hrs.); Truck Drivers	5.40	.35	1%		3/4%
Groundmen	4.79	.35	1%		3/4%
(Jobs over 69,000 volts)and/or (projects of $400,000 or over)					
Cable Splicers	7.92	.35	1%		3/4%
Line Equipment Operators; Powdermen	6.90	.35	1%		3/4%
Groundmen	5.69	.35	1%		3/4%

SUPERSEDEAS DECISION

STATE: Oklahoma COUNTY: Garfield
DECISION NO.: OK75-4133 DATE: Date of Publication
Supersedes Decision No. AR-85 dated December 6, 1974 in 39 FR 42801
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including four stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.95	.30	.60		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS - Stonemasons	6.85				
CARPENTERS:					
Carpenters	7.20				
Millwrights - piledrivermen	7.75				
ELECTRICIANS:					
Zone I	8.20	.30	1%+.50		1%
Zone II	8.45	.30	1%+.50		1%
Zone III	8.70	.30	1%+.50		1%
CABLE SPLICERS:					
Zone I	8.45	.30	1%+.50		1%
Zone II	8.70	.30	1%+.50		1%
Zone III	8.95	.30	1%+.50		1%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

Zone I - the area within the twelve mile radius of the main Post Office located in the City of Enid

Zone II -The area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area

Zone III - The area outside zone 1 and 2 within the local union area.

ELEVATOR CONSTRUCTORS	8.325	.445	.29	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.445	.29	2½%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS (Probationary)	50%JR				
GLAZIERS	7.20				
IRONWORKERS	8.90	.30	.35		.08
LABORERS:					
Group I - Unskilled laborers	4.40	.25	.20		
Group II - Air tool operators; mason tenders, mortar mixers, pipelayers & plasterers tender	4.60	.25	.20		
Group III - Powderman (make-up) blasterers and wagon drill op.	5.25	.25	.20		
LINE CONSTRUCTION:					
Linemen	8.00		1%		½%
Cable splicers	8.48		1%		½%
Hole digger operator	7.26		1%		½%
Heavy equipment operators (or pole cat equivalent)	7.26		1%		½%
Line truck driver (winch operator)	6.57		1%		½%
Jack hammerman	5.99		1%		½%
Powdermen	7.26		1%		½%
Truck driver (flat bed, ton and half and under)	5.70		1%		½%

DECISION NO. OK75-4133

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS	$8.05		.20		
PAINTERS:					
Group I	5.00				
Group II	5.50				
Group III	6.50				
Group IV	6.00				
Group V	6.35				
Group VI	7.00				
Group VII	7.35				

CLASSIFICATION DEFINITION
PAINTERS

Group I - Brush and tapers
Group II - Sandblasters
Group III - Swinging stage or chair up to 40 feet; Structural steel; Tanks and towers 25 feet and up to 40 feet (brush paid from ground)
Group IV - Sandblasters, on work over 40 feet (paid from ground)
Group V - Spray painting
Group VI - Swinging stage or chair over 40 feet
Group VII - Spray painting, swinging stage or chair over 40 feet structural steel and over 40 feet paid from ground

PLUMBERS-Pipefitters	8.76		.75		
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

POWER EQUIPMENT OPERATORS
POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

Group I - All crane type equipment with 100' of boom or over (including jib) all tower cranes and all crane type of 3 cu. yd. or more
Group II - Heavy duty mechanic, welder, crane hook and overhead monorail, whirley, panel board batch plant operator, derrick, piledriver; engineer, dragline, shovel, clamshell, backhoe, sideboom, gradall, hydro crane, cherry picker, hoists while operating 2 or more drums
Group III - Motor patrol (blade), dozer (engine h.p. 65 or over), Fordson tractor or like equipment with hoe or loader equipment or ditcher, scraper type equipment, Tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment, Euclid, TS-24 and similar, loader operator or hi-lift (engine h.p. 65 or over), power driven hole digger, trenching machine, concrete pump-boom type

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

Group IV - Locomotive engineer, boring machine, tug boat, mixer, 18 cu. ft. and over, sand barge, dredging machine, tugger, hoist when operating one drum, welding machine, 3 to 6; air compressor, 3 to 6, 500 cu. ft. and under air compressor, over 500 cu. ft. (1), pumps, battery, 3 to 6 fork lift, bobcat and similar equipment, generator plant engineer, Diesel electric, winch trucks with A-frame; rollers all types, outside elevator or building of personnel hoist, concrete buster or tamper, heater under jurisdiction of op.; engineers, fireman, boiler operator, crushing plants, oiler distributor, pulvimixer, farmer tractor with or without attachments, batch plant operator (portable), conveyor operator-duel, continous or belt, bulk handling, screened operator, concrete pump, form grader, screening plant, well point pump operator, signal man on large whirleys when and if required, operator for rotary drilling machine when operated from console or machines

Group V -Permanant elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor 500 cu. ft. and under (1 or 2); welding machine (1 or 2); fuelman, conveyor operator - single continuous belt bulk handling

Group VI - Greaser, tilt top trailer operator

Group VII - Asphalt lay machine back end man helpers

Group VIII - Truck crane oiler driver or truck crane oiler

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.

Engineers or all classifications when working in caverns or tunnels shall receive 25c per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	7.25	.25	.25		.04
SHEET METAL WORKERS	8.00	.40	.40		.05
SOFT FLOOR LAYERS (RESILIENT FLOOR LAYERS & CARPET LAYERS)	8.15	.45			
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	8.05		.20		
TERRAZZO WORKERS HELPERS	6.28				
TERRAZZO WORKERS HELPER, FLOOR MACHINE OPERATOR	6.38				
TERRAZZO WORKERS HELPERS, BASE MACHINE OPERATOR	6.58				
TILE LAYERS	8.05		.20		
TILE AND MARBLE HELPERS (EXPERIENCED HELPERS)	5.95				
TRUCK DRIVERS:					
Group I	6.52				
Group II	6.52				
Group III	6.22				

TRUCK DRIVERS CLASSIFICATION DEFINITIONS

Group I - Truck drivers for heavy equipment such as lowboys, heavy winch and floats

Group II - Heavy earth moving equipment such as dump trucks and euclids.

Group III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies and 3/4 and 1/2 ton pick-up trucks

Welders - receive rate prescribed for craft to which welding is incidental

FOOTNOTES:

a - 1st 6 mos. to 5 yrs. 2%; over 5 yrs. 4% of basic hourly rate.

b - paid holidays, A through F

PAID HOLIDAYS:

A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

SUPERSEDEAS DECISION

STATE: Oregon
DECISION NUMBER: OR75-5089
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. OR75-5055 dated May 2, 1975, in 40 FR 19360
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.96	.50	.80		.10
BOILERMAKERS	8.90	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clackamas, Clatsop, Columbia, Gillian, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, N½ of Yamhill Counties	10.13	.55	.75		.08
Marion, Polk, S½ of Yamhill Cos.	8.25	.40	.40		
Baker, Union, Umatilla, Wallowa, N½ of Malheur Counties	9.20	.40	.50		
Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and South thereof), and S½ of Malheur Counties	9.02	.50	.55		.08
CARPENTERS:					
Acoustical Applicator; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	7.79	.55	.65	.35	.03
Piledrivermen; Bridge, Dock and Wharf Builders	7.89	.55	.65	.35	.03
Floor Layers and Finishers; Stationary Power Saw Operators	7.94	.55	.65	.35	.03
Boom Men	7.99	.55	.65	.35	.03
Millwrights and Machine Erectors	8.04	.55	.65	.35	.03
Drywall Applicators	7.79	.55	.65	.35	.03
CEMENT MASONS:					
Cement Masons	7.14	.35	.35	.20	.03
Mastic Workers; Composition Worker; Gunnite Man; Power Machinery Operator	7.29	.35	.35	.20	.03

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DECISION NO OR75-5089

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Malheur County					
Electricians	$ 8.48	.40	1%+.25		1%
Cable Splicers	9.328	.40	1%+.25		1%
Baker, Gillian, Grant, Morrow, Umatilla, Union, Wallowa, Wheeler Counties					
Electricians	8.95	.35	1%+.40		.02
Cable Splicers	9.85	.35	1%+.40		.02
Coos, Curry, Lincoln, Those portions of Douglas and Lane Counties lying west of a line North and South from the NE corner of Coos County to the SE corner of Lincoln County					
Electricians	9.30	.45	1%		.04
Cable Splicers	10.23	.45	1%		.04
Benton, Crook, Deschutes, Jefferson, Lane (except coast portion), Linn, Marion, Polk, S½ of Yamhill Counties					
Electricians	9.85	.45	1%		.04
Lead Cable Splicers	10.64	.45	1%		.04
Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, N½ of Yamhill Counties					
Electricians	9.60	.45	1%+.40		.02
Lead Cable Splicers	10.35	.45	1%+.40		.02
Harney, Jackson, Josephine, Klamath, Lake, that portion of Douglas lying east of a line running north and south from the NE corner of Coos to the SE corner of Lincoln Counties					
Electricians	9.50	.45	1%		.04
Cable Splicers	10.15	.45	1%		.04
ELEVATOR CONSTRUCTORS	7.97	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.495	.32	3%+a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				

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DECISION NO. OR75-5089

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS:					
Wallowa County	$ 7.28	.31	.25	.28+b	
Remaining Counties	7.20	.26	.30	6.5%	.01
IRONWORKERS:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	8.90	.58	.90	.25	.05
LATHERS:					
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, Yamhill Counties	8.75	.30			
MARBLE SETTERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (North of the City of Maupin), Washington, N½ of Yamhill Counties	10.13	.55	.75		.08
Baker, Union, Umatilla, Wallowa, N½ of Malheur Counties	9.20	.40	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Linecoln, Linn, S½ of Malheur, Wasco (including the City of Maupin and South thereof), Wheeler Counties	8.05	.45	.60		
MASON TENDERS:					
(Including tenders to plasterers, bricklayers, tile setters, marble setters, and terrazzo work; Topping for cement finishers and mortar mixer)	7.30	.50	.65		.07
PAINTERS:					
Malheur County					
Brush; Paperhangers; Drywall Tapers	7.26	.25	.10		.02
Steel, Sign	7.36	.25	.10		.02
Application of toxic materials; Sandblasting; Spray	7.73	.25	.10		.02

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DECISION NO. OR75- 5089

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Umatilla (Township of Pendleton Only)					
Brush; Glazier; Sign Painter	$ 5.50				
Spray; Sandblasting; Swing Stage; Taping and Paperhanging	5.75				
Remaining Counties					
Brush	7.77	.35	.45	.30	.03
Spray, High Towers, ground to 100'	8.02	.35	.45	.30	.03
High Work over 100'; High Towers	8.27	.35	.45	.30	.03
High Towers, ground to over 300'	8.77	.35	.45	.30	.03
Drywall Finisher	7.81	.40	.40	.50	.06
PLASTERERS:					
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Malheur (south half), Wasco (including the City of Maupin and south thereof) and Wheeler Counties	8.50	.50	.60		.01
Remaining Counties	8.50	.50	.60		.01
PLUMBERS: Steamfitters:					
Baker; Harney (except NW portion); Malheur Counties	8.79	.37	.40		.10
Grant (except SW cromer); Morrow, Umatilla, Wallowa, Union Counties	10.11	.33	.85	.62	.10
N½ of Benton, Lincoln and Linn Counties; S½ of Tillamook and Yamhill Counties; Marion and Polk Counties	8.20	.51	.63	1.00	.08
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasco, Wheeler, Washington, N½ of Yamhill Counti, N½ of Tillamook County	9.97	.70	1.55		.08
Coos, Curry, West Coast portion of Douglas, Lane (City of Florence)	9.14	.66	.77		.0175

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DECISION NO. OR75-5089

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters (Cont'd)					
Lane (except City of Florence); Douglas (except coast portion), Crook, Deschutes, NW portion of Harney, Northern portions of Klamath and Lake Counties, S½ of Lincoln, Linn, Benton and Jefferson Counties, Sw corner of Grant County	$ 8.65	.41	.75		.05
Remainder of Klamath and Lake Cos.	8.96	.50	.75	1.00	.075
Jackson and Josephine Counties	7.05	.44	.84	.85	.02
ROOFERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, and Wheeler Counties					
Roofers	9.05	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	9.55	.45	.75		
Handling of irritating material (coal, tar or epoxy) in a confined area	9.80	.45	.75		
Wallowa County	7.45				
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, and Lane Counties					
Roofers	7.85	.30	.10		
Spray and/or application of irritating materials in a confined area	8.60	.30	.10		
Marion, Yamhill, Polk, Lincoln, Benton and Linn Counties	7.40	.22	.15	.25	
Malheur County	7.40	.33	.20	.30	
SHEET METAL WORKERS:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler and Yamhill Counties	8.71	.55	.51	1.00	.04

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DECISION NO. OR75-5089

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS: (Cont'd)					
Malheur County	$ 8.36	.32	.30		.04
Baker, Umatilla, Union, Wallowa Counties	9.95	.50	.78		
Coos, Curry, Douglas, Klamath, Lake and Lane Counties	8.67	.37	.34		.005
Jackson and Josephine Counties	8.08	.42	.40	.30	.005
SOFT FLOOR LAYERS:					
All Counties except Malheur	7.735	.45	.45		.05
SPRINKLER FITTERS	9.40	.50	.70		.08
TERRAZZO WORKERS:					
Baker, Umatilla, Union, Wallowa and N½ of Malheur Counties	8.53	.40	.50		
TILE SETTERS:					
Clatsop, Clackamas, Columbia, Gilliam, Hood River, Morrow, Multnomah, Sherman, Wasco (north of the City of Maupin), Washington Tillamook and N½ of Yamhill Co.	8.04	.35	.35	.25	
Baker, Umatilla, Union, Wallowa Counties and N½ of Malheur Cos.	8.53	.40	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (including the City of Maupin and south thereof) and S½ of Malheur Cos.	8.05	.45	.60		
WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer credits 4% basic hourly rate of employee with over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. Two weeks' Vacation with pay after 1 year of employment. Also seven (7) Paid Holidays: A through F plus Washington's Birthday.

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DECISION NO. OR75-5089

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Cable Splicers; Leadman Pole Sprayer	$11.12	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	7.96	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%
DREDGING:					
Leverman:					
Dipper	9.06	.55	.85	.35	.05
Hydraulic	8.40	.55	.85	.35	.05
Assistant Engineer (including watch engineer, welder, mechanic, and machinist); Mate	8.04	.55	.85	.35	.05
Tenderman (boatman, attending dredge plant); Fireman	7.80	.55	.85	.35	.05
Assistant Mate (deckhand); Oiler	7.54	.55	.85	.35	.05

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DECISION NO. OR75-5089

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Group 1	$6.55	.50	.65	.35	.07
Group 2	6.70	.50	.65	.35	.07
Group 3	6.85	.50	.65	.35	.07
Group 4	7.00	.50	.65	.35	.07
POWER EQUIPMENT OPERATORS:					
Group 1	7.30	.55	.85	.35	.05
Group 2	7.44	.55	.85	.35	.05
Group 3	7.54	.55	.85	.35	.05
Group 4	7.70	.55	.85	.35	.05
Group 5	7.72	.55	.85	.35	.05
Group 6	7.80	.55	.85	.35	.05
Group 7	7.86	.55	.85	.35	.05
Group 8	7.96	.55	.85	.35	.05
Group 9	8.02	.55	.85	.35	.05
Group 10	8.08	.55	.85	.35	.05
Group 11	8.10	.55	.85	.35	.05
Group 12	8.16	.55	.85	.35	.05
Group 13	8.24	.55	.85	.35	.05
Group 14	8.40	.55	.85	.35	.05
Group 15	8.56	.55	.85	.35	.05
Group 16	8.74	.55	.85	.35	.05
Group 17	8.88	.55	.85	.35	.05
Group 18	9.06	.55	.85	.35	.05
Group 19	9.20	.55	.85	.35	.05
TRUCK DRIVERS:					
Group 1	7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

DECISION NO. OR75- 5089

LABORERS

Group 1: Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush butner and cutters; Car and truck loaders; Carpenter tender; Change-house man or dry shack man; Choker setter; Clean up laborers; Concrete laborers; Crusher feeders; Culvert, hand labor; Curing, concrete; Demolition, wrecking, and moving laborers; Drill helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator feeders; Fence builder (including Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading spotters; Material yard man (including electrical); Pittsburg chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (including steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalman; Slopers; Spraymen; Stake chaser; Stake setter; Grade checker; Stockpiler; Timber faller and bucker (hand labor); Toolroom man (at job site) Tunnel bull gang (above ground); Weigh-man - Crusher (Aggregate when used)

Group 2: Applicator (including pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader and similar types; Clean-up nozzleman; Greencutter (Concrete rock, etc.); Concrete power buggyman; Demolition and wrecking-charred materials; Gunite nozzlemen tender; Gunite or sand blasting pot tender; Handlers or mixers of all materials of an irritating nature (including cement and lime); Manhole builder; Powertool operator, includes but not limited to: Chipping Guns; Jackhammer, Paving Breakers, Post Hole Digger, Air, Gas, or Electric; Tampers; Vibrating Screed; Vibrators (less than 4" in diameter); Post-Hole digger, air,gas or electric; Ribbon setter, head; Rip rap man (head), Hand placed; Sand blasting (wet); Sewer timbermen; Timber buckers and fallers, Brush cutters (power saw); Tunnel-muckers, Brakemen, Concrete crew, Bull gang (underground)

Group 3: Asphalt rakers; Bit grinder; Concrete saw operator; Drill doctor; Drill operator, Air tracks, Cat drills, Wagon drills, Rubber-mounted drills, and other similar types; Gunite nozzleman; High scalers, strippers and drillers (cover work in swinging stages, chairs or belts, under extreme conditions unusual to normal drilling, blasting, barring-down, or sloping and stripping); Powdermen; Power saw operators (Bucking and falling merchantable logs); Pumpcrete nozzlemen; Sand blasting (dry); Sewer pipe layers; Track liners, Anchor machines, Ballast regulators, Multiple tampers, Power jacks; Tugger operator; Tunnel -- Chuck tenders, Nipper and Timbermen; Vibrators (4" and larger); Water blaster; Laser beam (pipe laying)

Group 4: Tunnel miners; Tunnel powderman; Laser beam (tunnel)

POWER EQUIPMENT OPERATORS

Group 1: Oiler, including plant, crane, crusher, guardrail equipment, and trenching machine; Assistant Conveyor Operator; Crusher feederman; Deckhand; Self-propelled scaffolding operator; Guardrail punch oiler; Pump operator, under 4"; Brakeman; Switchman; Parts man (tool room)

Group 2: Blade Operator, pulled type; Truck Crane Oiler-Driver, 25 ton capacity or over; Crane Fireman, (all equipment except floating); A-Frame truck operator, single drum; Tugger or coffin type hoist operator; Drill helper; Auger oiler; Boatman; Fork Lift or Lumber Stacker operator (on job site); Oiler, combination guardrail machines; Temporary heating plant operator; Grade Oiler, required to check grade; Grade checker; Tar pot fireman; Tar pot fireman (power agitated); H.D. Repairman Helper; Welder's helper; Helicopter radioman (ground); Roller operator, grading of base rock (not asphalt);

Group 3: Asphalt plant fireman; Pugmill operator (any type); Truck mounted asphalt spreader, with screed; Compressor operator (any power), under 1,250 cu. ft. total capacity; Conveyor operator; Mixer box operator (C.T.B., dry batch, etc.); Cement hog; Concrete saw; Concrete curing machine (riding type); Wire mat or brooming machine; Ross carrier operator (on job site); Bucket elevator loader, Barber-Greene and similar types; Hydraulic pipe press; Pump operator (any power), 4" and over; Hydrostatic pump; Motorman; Ballast jack tamper; Bell Boy phones, etc.; Tamping machine, mechanical self-propelled; Hydrographic seeder machine, straw, pulp or seed; Broom operator, self propelled (on job site); Air Filtration equipment; Welding machine operator

Group 4: Screed operator; Compactor, including vibratory; Compressor (any power) over 1,250 cu. ft. total capacity; Combination mixer and compressor, gunnite work; Concrete mixer operator, single drum, under five bag capacity; Helicopter hoist operator; Floating Equipment fireman; Lull Hi-Lift operator or similar type; Fork Lift, over 5 ton; Service oiler (greaser); Hydra hammer or similar types; Pavement breaker; Pump operator, more than 5 (any size); Locomotive, under 40 tons; Roller Operator, Oiling, C.T.B.

Group 5: Extrusion machine; Wagner Factor or similar type (without blade); Concrete batch plant quality control operator; Power Jumbo, setting slip forms, etc., in tunnels; Slip form pumps, power driven hydraulic lifting device for concrete forms; Hoist, single drum; Elevator operator; Pulva-mixer or similar types; Chip spreading machine operator; Lime spreading (on job site); Sweeper (Wayne type) self propelled (on job site); Tractor, rubber-tired 50 H.P. Flywheel and under; Trenching machine, maximum digging capacity 3 ft. depth;

POWER EQUIPMENT OPERATORS (Cont'd)

Group 6: Asphalt paver (screed man required); Asphalt burner and reconditioner; Pavement grinder and/or grooving machine (riding type); Cast-in-place pipe laying machine; Maginnis Internal Full Slab Vibrator; Concrete finishing machine, Clary, Johnson, Bidwell, Burgess bridge deck or similar type; Curb machine, mechanical berm, curb and/or curb and gutter; Concrete joint machine; Concrete planer; Concrete paving machine; Concrete spreader; Loaders, rubber-tired type, 2 1/2 cu. yds. and under; Rock spreaders, self-propelled

Group 7: Roller (any asphalt mix); Asphalt plant operator; Beltcrete; Pumpcrete operator (any type); Cement pump, Fuller-Kenyon and similar; Concrete pump; Grouting machine; Concrete mixer, single drum, five bag capacity and over; Tower mobile operator; A-Frame truck, double drum; Boom truck; Churn drill and earth boring machine; Hydraulic backhoe, wheeltype 3/8 cu. yd. and under with or without front end attachments 2 1/2 cu. yds. and under (Ford, John Deere, Case type); Elevating Grader, Tractor towed requiring operator or grader; Pot rammer; Ballast regulator; Ballast Tamper Multi-purpose; Track liner; Tie spacer; Shuttle car; Locomotive, 40 tons and over;

Group 8: Diesel-Electric Engineer, Plant, Crusher, Generator, Floating; Batch plant and/or wet mix, one and two drum; Generator operator; Belt Loaders, Kolman and Ko Cal types

Group 9: Bulldozer; Drill Cat Operator; Side-Boom Cat; Compactor, with blade; Concrete cooling machine; Chicago boom and similar types; Lift Slab machine; Boom type lifting device, 5 ton capacity or less; Cherry picker or similar type crane-hoist, 5 ton capacity or less; Grizzley Crusher; Crusher plant; Drill doctor; Boring machine; Guardrail punch and auger (all types); Surface heater and planer; Hydraulic Backhoe, track type 3/8 cu. yd.; Loader, front end and overhead, 2 1/2 cu. yds. and under 4 cu. yds.; Hammer operator; Pipe Cleaning, Doping, Bending and Wrapping Machines; Bolt-Threading machine; Drill Doctor (bit grinder); H.D. Mechanic and welder; Machine tool operator; Stationary Drag Scraper; Tractor, rubber-tired over 50 H.P. flywheel; Tractor with boom attachment; Trench machine, maximum digging capacity over 3 ft. depth

Group 10: Bulldozer, twin engine (TC12 and similar); Cable plow (any type); Compactor, multi-engine; Jack operator, elevating barges; Barge operator, self-unloading; Combination H.D. Mechanic-Welder, when dispatched and/or when required to do both; Rubber-tired dozers and pushers (Michigan, Cat, Hough type); Driller-Percussion, Diamond, Core, Cable, Rotary and similar type

POWER EQUIPMENT OPERATORS (Cont'd)

Group 11: Mixer Mobile; Concrete breaker; Crane operator, 25 tons and under; Combination guardrail machines, i.e., punch, auger, etc.; Shovel, dragline, clamshell, hoe, etc., under 1 cu. yd.; Grade-alls, under 1 cu. yd.; Mucking machine (tunnel)

Group 12: Blade operator; Batch plant and/or wet mix, 3 units or more; Reinforced tank banding machine (K-17 or similar); Hoist, two or more drums; Elevating loader, Athey and similar; Piledriver (not crane type); Rubber-tired scraper, single and twin engine, single scraper, with push-pull attachments, Self-loading, paddle wheel, Auger type; Blade mounted spreaders, Ulrich and similar types; Shield operator

Group 13: Blade operator, finish; Blade, externally controlled by electronic, mechanical hydraulic means; Blade, multi-engines; Concrete paving road mixer; Derrick, under 100 tons; Hoist, stiff leg, Guy Derrick or similar, 50 tons and over; Cableway operator 25 ton and over; Crane, over 25 ton and including 40 tons; Piledriver (where deckhand required); Floating clamshell, etc., 1 cu. yd. and under, but less than 3 cu. yds.; Floating crane (derrick barge), less than 30 ton; Elevating grader, operated by tractor operator, Sierra, Euclid, or similar; Back filling machine; Shovel, etc., 1 cu. yd. and less than 3 cu. yds.; Grade-all, 1 cu. yd. and over

Group 14: Tower crane operator; Rubber-tired scraper, with tandem scrapers, Self-loading, paddle wheel, Auger type, finish and/or 2 or more units

Group 15: Rock hound operator; Loader, 4 cu. yds., but less than 6 cu. yds.

Group 16: Auto-grader or "trimmer"; Tandem bulldozer, Quad-nine and similar; Automatic concrete slip form paver; Concrete canal lone; Cableway, 25 ton and over; Crane, over 40 ton and including 100 ton; Whirley, 80 ton and under; Floating clamshell etc., 3 cu. yds. and over; Floating crane (derrick barge) 30 ton but less than 80 ton; Loader, 6 cu. yds., but less than 12 cu. yds.; Rubber-tired scraper, with tandem scrapers, multi-engine; Shovel etc., 3 cu. yds. but less than 5 cu. yds.; Wheel excavator, under 750 cu. yds. per hour

Group 17: Crane over 100 ton and including 200 ton; Whirley over 80 ton and including 150 ton; Floating crane (derrick barge) 80 ton but less than 150 ton; Loader, 12 cu. yds. and over; Shovel, etc., 5 cu. yds. and over; Canal trimmer

Group 18: Crane, over 200 ton; Whirley, 150 ton and over, Floating crane 150 ton but less than 250 ton; Wheel excavator, over 750 cu. yds. per hour; Band wagons, in conjunction with wheel excavator

Group 19: Helicopter, when used in erecting work; Floating crane 250 ton and over; Remote controlled earth moving equipment; Underwater equipment, remote or otherwise

TRUCK DRIVERS

Group 1: Battery rebuilders; Bus or manhaul driver; Concrete buggies (power operated); Dump trucks, side, end and bottom dumps, incl. semi trucks and trains or combinations thereof: 6 cu. yds. and under; Lift jitneys, fork lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck helper; Truck mechanic helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity), up to 1600 gallons

Group 2: "A" Frame or hydra-lift truck w/load bearing surfaces; Lubrication man, fuel truck driver, tireman, wash rack, steam cleaner or combinations; Team drivers

Group 3: Dump trucks, side, end and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry truck driver or leverman; Transit mix and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water wagons (rated capacity), 1600 to 3000 gallons

Group 4: Flaherty spreader driver or leverman; Low bed equipment, flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber carrier driver-Straddle carrier (used in loading, unloading and transporting of materials on job site); Oil distributor driver or leverman; Water wagons (rated capacity), 3000 to 5000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof, over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) 5000 to 7000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks, over 9 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity), over 7000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks, over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity), over 10,000 gallons to 15,000 gallons

TRUCK DRIVERS (Cont'd)

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks, over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

Winch truck - takes classification of truck on which winch is mounted.

STATE: Tennessee COUNTY: Hamilton
DECISION NO.: TN75-1072 DATE: Date of Publication
Supersedes Decision No:TN75-1059 dated June 13, 1975, in 40 FR-25407
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy Construction.

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	8.40	.30	.20		.01
Boilermakers	8.20	.60	.90		.02
Bricklayers; Concrete block layers; Marble setters; Stonemasons; Terrazzo workers; Tile setters	8.70	.30	.30		
Carpenters:					
Carpenters; Soft floor layers	7.58	.35	.30		.03
Piledrivermen	7.705	.35	.30		.03
Millwrights	8.03	.35	.30		.02
Cement masons:					
Cement masons	7.15				
Power machine operator; Swinging scaffold & bos'n chair	7.35				
Electricians:					
Electricians	8.45	.50	1%+.20		1%
Cable splicers	8.70	.50	1%+.20		1%
Elevator constructors	7.53	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	6.83			c	
Ironworkers	7.86	.40	.30		1%
Lathers	7.15	-			
Leadburners	7.80	.30		d	.01
Painters:					
Commercial	6.50		.25		
Industrial	6.75		.25		
Sandblasting	7.00		.25		
Plasterers	7.95				
Plumbers; Steamfitters	8.70	.35	.40	.20	.08
Roofers:					
Composition, damp & waterproofers	7.80		.10		
Slate and tile	7.60		.10		
Kettlemen	7.20		.10		
Sheet metal workers	7.85	.30	.50		.04
Sprinkler fitters	8.75	.50	.70		.08
Truck drivers:					
Up to 3 tons	4.58		e		
3 to 5 tons	4.73		e		
5 to 7 tons	4.88		e		
Helpers and warehousemen	4.58		e		
Special equipment	4.98		e		
Welders: Receive rate prescribed for craft performing operation to which welding is incidental.					

TN75-1072 (Cont'd)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Employee who has worked more than 1, but less than 5 years, 2% of gross wages. Employee who has worked 5 years or more, 4% of gross wages.

d. Holidays, A through F plus 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.

e. $3.00 per week for each employee.

f. Paid Holiday D provided employee has been on payroll for (2) two weeks prior to the holiday and works the regular scheduled work days immediately preceding & following the holiday.

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TN75-1072 (Cont'd)

BUILDING AND HEAVY CONSTRUCTION LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	5.20	.20	.20		
GROUP B	5.30	.20	.20		
GROUP C	5.40	.20	.20		
GROUP D	5.50	.20	.20		
GROUP E	5.55	.20	.20		
GROUP F	5.85	.20	.20		
GROUP G	5.90	.20	.20		
GROUP H	5.60	.20	.20		
GROUP I	5.75	.20	.20		
GROUP J	5.75	.20	.20		
GROUP K	6.00	.20	.20		

GROUP A: Concrete laborers, general laborers, carpenter tenders, window and floor cleaners, and flagman on road and street crossings, form strippers, handling of rope to clam bucket, grout men, laborers working on demolition work, handling, cleaning and pulling of nails from materials

GROUP B: Powder man helpers, vibrator operators, tenders to all trowel trades and terrazzo work, carrying re-inforced steel, operating motorized wheel barrows, doping and painting of pipe, railroad track laborers, air spade operators, snake men on pipe work

GROUP C: Sanitary and storm pipe layers or any other pipe outside of foundation, grade checker, yarner and pot man, steel form setters, mortar mixers by hand or machine, power saw operators, jackhammer operator, pavement breaker operator, air tool operators, regular air tamp operators, wacker tamp operator, chipping hammer operator, hand operated ditching machine operator, concrete grinder, floor sweeping machine operator, concrete buffer and grinder power operator, concrete pumping machine operator

GROUP D: Asphalt raker, wagon drill operator, sand blasting, track drill operator, concrete saw operator, using cutting torch or burner on demolition work, flagging of rigs

GROUP E: Barco tamp operator and specially designed tamp operator, black top or concrete curbing machine operator

GROUP F: Powder man, motorized post hole digger operator and terrazzo machine grinder

GROUP G: Pneumatic concrete gun operator and nozzleman

FREE AIR SHAFTS AND TUNNELS

GROUP H: Tunnel Laborer

GROUP I: Chuck Tender

GROUP J: Top Lander on Shaft Work

GROUP K: Tunnel miner, including men required to go down in pier holes drilled by machine

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TN75-1072 (Cont'd)

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$ 7.35	.25	.25		
GROUP B	6.55	.25	.25		
GROUP C	5.95	.25	.25		
GROUP D	5.65	.25	.25		

GROUP A: Backhoes, Cableways, Ross carrier, Clamshells, Cranes, Derricks, Draglines, Turnapulls, Pans, Scrapers, Scoops, Etc., Head tower machines, Endloaders, Locomotives (over 20 tons), Shovels, Dozers, Fork-lifts with over 8' lift, Core drills, Foundation drills, Graders, Mechanics, Welders, Winch truck with A Frame, Skimmer scoops, Locomotive cranes, Overhead cranes, Skid rigs, Pile drivers, Side boom tractors, Euclid loaders, Derrick boat, Dredge boats, Hoist (any size handling steel or stone), Engines used in connection with hoist material with an attached device on tower or engine, Mucking-machines, Hi-lifts or end loaders, Finish graders on bluetop, Trenching machines, Cherrypickers, Tower crane, Skylift, Gradall

GROUP B: Tractors, Farm type tractors with attachments, Central compressor plants, Elevators used for hoisting building materials, Central mixing plants, Hoist, Pump crete machine, Concrete pumps, Backfillers (other than cranes), Tracmobile, Crushing plant operators, Elevating graders, Earth augers, Forklifts, Paving machines (Blacktop), Paving machines (Concrete), Boat operator or engineer (30 tons or over), Blacktop rollers, Switchman, Locomotive under 20 tons and maintainers

GROUP C: Asphalt plant operators, Barber green type loaders, Engine tender other than steam, Mixers (over 2 bags, not to include central plants), Pumps (2 not more than 3, Scarifiers, Spreader box (Bituminous), Asphalt mixers, Portable compressors (2 not more than 3), Rollers, Sub-grader machine, Tractors (Farm-type without attachments), Cable head tower engineman, Dredge booster pump operator, Boat operator or engineers (under 30 tons), Finishing machine, Fireman & Oiler (Combination), Motor crane oiler & driver, Welding machine (2 not more than 3), Heaters, Stationary or portable (to 5), Compressors (Portable, 2 not more than 3), Greaser or fuel trucks

GROUP D: Air compressor (1 portable), Fireman, Portable crushers, Welding machine (1), Conveyors, Pumps (1), Oiler, Heater (1)

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler

DECISION NO.: TX75-4135

DATED: Date of Publication

Supersedes Decision No. TX75-4105, dated May 23, 1975, in 40 FR 22797.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories). (See current heavy & highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.00	.35	.30		.02
BOILERMAKERS	8.00	.50	.76		.02
BRICKLAYERS & STONEMASONS	8.35		.20		
CARPENTERS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Carpenters	8.10				
Millwrights	8.45				
ZONE 2 - Childress County:					
Carpenters	7.60	.30	.30		.07
Millwrights	8.09	.30	.30		.07
CEMENT MASONS:					
Cement masons	7.40				
Machine operators	7.65				
ELECTRICIANS:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Electricians	8.08	.30	1%		1/2%
Cable splicers	8.88	.30	1%		1/2%
ZONE 2 - Childress County:					
Electricians	9.25	.20	1%		1/4%
Cable splicers	9.50	.20	1%		1/4%
ELEVATOR CONSTRUCTORS	4.06	.175	.20	2%+a+b	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b	
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

DECISION NO. TX75-4135

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS	$5.75				
IRONWORKERS	7.90	.55	.60		.10
LABORERS:					
GROUP 1 - Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading & unloading materials, wrecking buildings & all structures & all unskilled laborers	4.25	.30	.10		
GROUP 2 - Air tool operator (jackhammer, tamper, brush hammer, chipping hammer, air or electric), sand blasterer, power buggy man, pipelayer (concrete & clay & all non-metallic pipe), & pipe wrappers; mortar mixers, mason tenders, plasterer tenders, cement finisher tenders, lather tenders, asphalt rakers, tampers, well drillers, bell hole men, dumpers, spotters	4.40	.30	.10		
LATHERS	7.75				.01
LINE CONSTRUCTION:					
ZONE 1 - Armstrong, Carson, Castro, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Cos.:					
Lineman	8.08	.30	1%		1/2%
Cable splicers	8.88	.30	1%		1/2%
Groundman, more than 1 year experience	5.42	.30	1%		1/2%
Groundman, less than 1 year experience	4.73	.30	1%		1/2%
Operator-hole digger, line truck	6.28	.30	1%		1/2%
Flat bed truck driver	4.73	.30	1%		1/2%

DECISION NO. TX75-4135

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION (CONT'D):					
ZONE 2 - Childress County:					
Lineman; Operator	$9.21		1%		1/2%
Cable splicer	10.13		1%		1/2%
Groundman, 1st 6 months	5.53		1%		1/2%
Groundman, 2nd 6 months	5.99		1%		1/2%
Groundman, 1 year & over	6.45		1%		1/2%
MARBLE MASONS (EXTERIOR)	8.35		.20		
MARBLE MASONS (INTERIOR)	4.60				
PAINTERS:					
GROUP 1 - Brush & roller; paperhangers; perfa-tapers	6.60		.20		
GROUP 2 - Structural steel painters; swinging stage or chair below 50 ft.	6.725		.20		
GROUP 3 - Spray painters & sandblasters	7.35		.20		
GROUP 4 - Perfa-tape machine operator	6.85		.20		
PLASTERERS	7.75				.01
PLUMBERS & PIPEFITTERS	8.18	.25	.55	.30	
POWER EQUIPMENT OPERATORS:					
GROUP 1	6.49	.30	.35		.05
GROUP 2	6.34	.30	.35		.05
GROUP 3	6.15	.30	.35		.05
GROUP 4	6.05	.30	.35		.05
GROUP 5	6.01	.30	.35		.05
GROUP 6	5.90	.30	.35		.05
GROUP 7	5.71	.30	.35		.05
GROUP 8	5.51	.30	.35		.05
GROUP 9	5.40	.30	.35		.05
GROUP 10	5.53	.30	.35		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Utility operator

GROUP 2 - Blade grader, self-propelled; Clam shells; Cableways; Cranes, power operated (all types); Air compressors; Pumps, welding machines and light plants; Derricks, power operated (all types); Draglines; Elevating graders, self-propelled; Hoist, 2 drum or more; Locomotive; Mixmobiles; Paving mixers, all types; Pile drivers; Scrapers; Bulldozers; Side boom; Cherry pickers; Shovels; Heavy duty mechanic; All welders; All tractors with power attachments (crawler type); Ditching machine; Farm type tractor (loader, 1 yd & over) with backhoe; All other equipment of similar nature coming within the heavy class, when power operated

DECISION NO. TX75-4135

CLASSIFICATION DEFINITIONS FOR POWER EQUIPMENT OPERATORS (CONT'D)

GROUP 3 - Air compressors, pumps, welding machines, throttle valves, light plants (3 - 6); Farm type tractor (loader, under 1 yd.) with backhoe; Go-devil; Mixer, 14 cu. ft. or over; Rollers, over 10 tons; Air compressors and one tugger; 2 or more boilers; All other equipment of similar nature coming within the light class, when power operated

GROUP 4 - Winch trucks

GROUP 5 - Front end scoopmobile, loader & payloader

GROUP 6 - Blade grader, wood; Elevators, building; Fork lifts; Hoist, single drum or one line hoisting (1 tugger); Mixers, less than 14 cu. ft.; Rollers; Screening plants; Crushing plants; Tractors wheel type except when hauling material; Truck crane driver and/or oiler; Front end crane

GROUP 7 - Mechanic helper; Welder helper; Fireman

GROUP 8 - Greasers

GROUP 9 - Oilers, 1st year

GROUP 10 - Oilers, 2nd year

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$4.50				
SHEET METAL WORKERS	8.68		.20		.07
SPRINKLER FITTERS	10.10	.50	.80		.08
TERRAZZO WORKERS	4.60				
TILE SETTERS	4.60				
TRUCK DRIVERS:					
1/2 ton to 3 tons	2.88				
3 to 5 tons	3.13				
5 tons and over	3.38				
Ready mix concrete to 3 yds.	2.88				
Ready mix concrete over 3 yds.	3.13				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

SUPERSEDEAS DECISION

STATE: Washington
DECISION NUMBER: WA75-5090
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. WA75-5070 dated June 13, 1975, in 40 FR 25049
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments, up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Chelan, Clallam, Douglas, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Okanogan, Pacific (Northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties	$10.11	.51	.75		
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	9.96	.50	.80		.10
Remaining Counties	9.65	.44	.80		
BOILERMAKERS	8.90	.65	1.00	.50	.02
BRICKLAYERS:					
Adams (except City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties and Grand Coulee Dam area in Okanogan County	9.69	.55	.50		.04
Benton, Franklin, and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.12	.55	.35		.02
Clark, Cowlitz, Pacific (Southern portion), Skamania, Wahkiakum Counties and ten mile strip bordering the Columbia River in Klickitat County	9.42	.50	.55		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except a ten-mile strip bordering the Columbia River) Counties	8.75	.50	.50		

DECISION NO. WA75-5090

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BRICKLAYERS: (Cont'd)					
Grays Harbor, Lewis, Mason, Thurston, and Northern portion of Pacific County	$8.45	.55	.30		
Pierce County	9.79	.55	.65		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Wooley, Concrete and north thereof), and Whatcom Counties	9.10	.45	.45		
CARPENTERS:					
All Counties and parts of Counties east of the 120th Meridian (except those parts of Kittitas, Klickitat and Yakima)					
Carpenters	9.04	.55	.55		.045
Piledriver; Floor Sanders; Saw Filers; Stationary Power Woodworking Tool Operator	9.19	.55	.55		.045
Shingler (wood or composition)	9.24	.55	.55		.045
Boom Men; Carpenters (Creosoted material)	9.29	.55	.55		.045
Piledriver (creosoted material)	9.44	.55	.55		.045
Millwright and Machine Erector	9.54	.55	.55		.045
All Counties and parts of Counties west of the 120th Meridian except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters	9.10	.50	.65		.02
Carpenters on Creosoted material	9.20	.50	.65		.02
Sawfilers; Stationary power saw; Floor finisher; Floor layer; Shingles; Floor sander and other stationary power woodworking tools	9.23	.50	.65		.02
Millwrights and machine erectors	9.60	.50	.65		.02
Piledrivers; Bridge, dock and wharf builders	9.25	.50	.65		.02
Acoustical Workers	9.26	.50	.65		.02
Boommen	9.30	.50	.65		.02
Drywall Applicators	9.10	.50	.65		.01

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DECISION NO. WA75-5090

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Carpenters; Form stripper; Manhole builders; Acoustical applicators	$7.79	.55	.65	.35	.03
Piledrivermen, bridge, dock and wharf builders	7.89	.55	.65	.35	.03
Floor layers; Floor finishers; Stationary power saw operator	7.94	.55	.65	.35	.03
Boomman	7.99	.55	.65	.35	.03
Millwrights; Machine Erectors	8.04	.55	.65	.35	.03
Drywall Applicator	7.79	.55	.65	.35	.03
CEMENT MASONS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas (except for western portion lying one mile west of City of Easton), Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	8.93	.50	.65		.04
Clallam, Grays Harbor, Island, Jefferson, King (except City of Auburn), Kitsap, Kittitas, (Western portion lying one mile west of the City of Easton), Mason, Pacific (northern portion) San Juan, Skagit, Snohomish, and Whatcom Counties	9.02	.55	.90		.01
Clark, Cowlitz, Klitkitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.14	.35	.35	.20	.03
Lewis, Pierce, Thurston and the City of Auburn in King County	8.25	.50	.65		.02
ELECTRICIANS:					
Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.45	.35	1%+.40		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Walla Walla and Yakima Counties					
Electricians	$8.95	.35	1%+.40		.02
Cable Splicers	9.85	.35	1%+.40		.02
Chelan, Douglas, Grant and Okanogan Counties					
Electricians	8.95	.35	1%+.40		.02
Cable Splicers	9.85	.35	1%+.40		.02
Clallam, Jefferson, King and Kitsap Counties					
Electricians	9.45	.25	1%+.40		.03
Cable Splicers	10.395	.25	1%+.40		.03
Clark, Klickitat and Skamania Counties					
Electricians	9.60	.45	1%+.40		.02
Cable Splicers	10.35	.45	1%+.40		.02
Cowlitz and Wahkiakum Counties					
Electricians	8.86	.25	1%	5%	.02
Cable Splicers	9.75	.25	1%	5%	.02
Grays Harbor, Lewis, Mason, Pierce, Pacific and Thurston Counties					
Electricians	8.92	.45	1%+.45	.36	.04
Cable Splicers	9.81	.45	1%+.45	.36	.04
Island, San Juan, Skagit, Snohomish and Whatcom Counties					
Electricians	8.93	.45	1%+.40		.01
Cable Splicers	9.82	.45	1%+.40		.01
ELEVATOR CONSTRUCTORS:					
Adams, Asotin, Benotn, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Elevator Constructors	8.975	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS: (Cont'd)					
Chelan, Clallam, Grays Harbor, Island, Jefferson, King, Kitsap, Kittitas, Lewis, Mason, Pacific, (northern portion), Pierce, San Juan, Skagit, Snohomish, Thurston, Whatcom and Yakima Counties					
Elevator Constructors	$ 9.275	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
Clark, Cowlitz, Klickitat, Pacific, (southern portion), Skamania and Wahkiakum Counties					
Elevator Constructors	7.97	.445	.29	3%+a	.02
Elevator Constructors' Helpers	70%JR	.445	.29	3%+a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Adams, (northeastern portion), Lincoln (eastern half); Pend Oreille, Spokane, and Stevens Counties	7.455	.31	.10	.545	
Adams (Southeastern portion), Benton, Columbia, Franklin and Walla Walla Counties	7.47	.31	.35	.53	
Adams (Southwestern corner), Chelan, Douglas, Grant, Lincoln, (western half) and Okanogan Cos.	7.08	.31	.55	.50	
Asotin, Garfield, and Whitman Cos.	7.28	.31	.25	.28+b	
Clallam, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific (Northern portion), Pierce, San Juan, Snohomish and Thurston Cos.	8.05	.22	.40	b	.02
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties	7.20	.26	.30	6.5%	.01
Kittitas and Yakima Counties	6.41	.25	.25		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
Statewide except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers and Signalmen	$ 10.15	.58	1.00		.05
Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties					
Reinforcing; Structural; Fence Erectors; Ornamental; Riggers; Signalmen	8.90	.58	.90	.25	.05
LATHERS:					
Adams, Asotin, Benton, Chelan, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	8.88	.45			
Clallam, Island, Jefferson, King, Kitsap, Pacific (Northern portion), San Juan, Skagit, Snohomish and Whatcom Counties	7.50	.40			
Pierce County	7.25	.40	.50		.02
MARBLE SETTERS:					
Adams (except that portion including the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, and Whitman Counties, and Grand Coulee Dam Area in Okanogan County	9.69	.35	.40		.04
Benton, Franklin, and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, and Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Snohomish and Skagit (South of the Cities of Burlington, Sedro-Woolley and Concrete) Counties	10.12	.55	.35		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
MARBLE SETTERS: (Cont'd)					
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum Counties and a ten mile strip bordering the Columbia River in Klickitat County	$ 9.42	.50	.55		.08
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Yakima and Klickitat (except ten mile strip bordering the Columbia River) Counties	7.25	.50	.50		
Grays Harbor, Lewis, Mason, Thurston and Northern half of Pacific Counties	8.45	.55	.30		
Pierce County	9.66	.55	.65		.02
San Juan, Skagit, (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.10	.45	.45		
MARBLE, TILE AND TERRAZZO WORKERS HELPERS:					
All Counties east of the Cascade Mountain Range in Washington	6.55				
Remaining Counties west of the Cascade Mountain Range (except Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiamum Counties)	8.12	.55			
MASON TENDERS:					
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties (including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo workers; topping for cement finishers and mortar mixers)	7.05	.60	.80		.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman Counties					
Brush	$ 8.46	.31	.60		.02
Steel; Spray; Steam Cleaning; Roller over 9" or 10' handle; Drywall Taper	8.71	.31	.60		.02
Swing Stage work or high rate (over 30')	8.81	.31	.60		.02
Bitumastic; Sandblasting; Bridge; Tanks on legs; Tower; Stacks; Steeples	8.86	.31	.60		.02
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties					
Brush	7.77	.35	.45	.30	.03
Spray; High towers, ground to 100'	8.02	.35	.45	.30	.03
High work over 100'; High towers, ground to 300'	8.27	.35	.45	.30	.03
High towers, ground to over 300'	8.77	.35	.45	.30	.03
Drywall Tapers	7.81	.40	.40	.50	.06
Grays Harbor, Island, King, Kitsap, Lewis, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, Pacific (Northern portion) and Whatcom Counties					
Brush; Drywall Tapers	7.75	.40	.49		.02
Spray; Structural Steel; Bridge; Sandblasting; Stacks; Steam Cleaning; Steeples; Swing Stage; Tanks on legs; Tower; Toxic Material	8.00	.40	.49		.02
Clallam and Jefferson Counties					
Brush	7.50				
Spray, Steel, Sandblasting, and bitumastic	7.75				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Kittitas and Yakima Counties					
Brush	$7.95	.31	.45		.02
Spray; Steel; Roller 9" or 10' handles; Drywall Taper; Steam Cleaning	8.20	.31	.45		.02
Swing Stage over 30' high	8.30	.31	.45		.02
Bitumastic; Bridges; Towers; Tanks on legs; Steeples; Stacks; Sandblasting	8.35	.31	.45		.02
PLASTERERS:					
Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Grant, Kittitas (including the City of Ellensburg and south thereof); Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman, and Yakima Counties	8.88	.45			
Chelan, Douglas, Kittitas (north of the City of Ellensburg), and Okanogan Counties	8.28	.45	.60		
Clallam, Island, Jefferson, King, (except the City of Kent), Kitsap, Pacific (Northern portion), San Juan, Skagit and Snohomish Counties	9.35	.55	.80		.04
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	8.50	.50	.60		.01
Grays Harbor, King (City of Kent), Lewis, Mason, Pierce and Thurston Counties	9.50	.50	.70		.04
PLASTERERS' TENDERS:					
All Counties and portions of Counties East of the 120th Meridian	8.00	.50	.70		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS:					
Chellan, Clallam, King, Kittitas (north of 47°15' N. Lat.), Douglas (west of 119°30' W. Long.), Jefferson and Okanogan (except the area lying between 119°30' W. Long. and south of 48°30' N. Lat.) Counties	$9.61	.58	.95	.75	.06
Adams (except area between a line drawn south from the western boundary of Ferry County to Highway #10 eastward to Whitman County), Asotin, Benton, Columbia, Franklin, Garfield, Grant, Klickitat, Walla Walla, Yakima, Douglas (east of 119°30' W. Long.), Ferry (west of a line drawn from Creston in Lincoln County Northward to the Canadian Border), Kittitas (south of 47° 15' N. Lat.), Lincoln (west of a line drawn from Schrag in Adams County northward to the Ferry County Line), and Okanogan (east of 119°30' N. Lat.) Counties	10.66	.65	1.10	1.00	.10
Adams (area between a line drawn south from the western boundary of Ferry County to Highway #10 and eastward to Whitman County), Asotin, Cowlitz, Ferry (east of a line drawn from Creston in Lincoln County northward to the Canadian Border), Grays Harbor, Kitsap, Lewis, Lincoln (east of a line drawn from Schrag in Adams County northward to the Ferry County Line), Mason, Pend Oreille, Pierce, Skagit, Snohomish, Spokane, Stevens, Thurston, Wahkiakum, Whatcom, Whitman, and Clark and Skamania (those portions lying north of an east-west line drawn through Woodland eastward to the Klickitat County Line)Cos.	10.02	.65	1.10	1.00	.11
Clark and Skamania Counties south of an east-west line drawn through Woodland eastward to the Klickitat County Line.	9.37	.70	1.00		.08

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	$7.64	.50	.30		.01
Asotin and Garfield Counties	8.25				
Benton, Franklin, Kittitas, Klickitat and Yakima Counties					
Roofers; Kettlemen; Waterproofers; Shinglers; Spraying	8.25	.30	.30		
Clallam, Cowlitz, Grays Harbor, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, Snohomish, Thurston, and Wahkiakum Counties					
Roofers; Waterproofers	8.45	.30	.20		
Slate and Tile Roofers	8.70	.30	.20		
Island, San Juan, Skagit and Whatcom Counties					
Roofers and Waterproofers	7.60	.45	.30		
Slate and Tile Roofers	8.10	.45	.30		
Clark, and Skamania Counties					
Roofers	7.80	.45	.75		
Handling of irritating material (coal, tar or epoxy) in unconfined area	8.30	.45	.75		
Handling of irritating material (coal, tar or epoxy) in confined area	8.55	.45	.75		
SHEET METAL WORKERS:					
Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman and Yakima Counties	9.95	.32	.50		
Clallam, Jefferson, Kitsap and Mason Counties	9.28	.37	.50	.50	.03
Clark and Skamania Counties	8.27	.55	.41	.57	.04
Cowlitz, Grays Harbor, Lewis, Pacific, Pierce, Thurston and Wahkiakum Counties	9.45	.37	.77	.47	.02
King County	9.78	.47	.50		.02
Island and Snohomish Counties	9.68	.47	.60		.01
Whatcom, Skagit and San Juan Cos.	10.17	.57	.60		.04

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS:					
Adams, Asotin, Chelan, Columbia, Douglas, Ferry, Garfield, Grant, Kittitas, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens, and Whitman Counties	$ 7.89	.25	.40	.31	
Benton, Franklin and Walla Walla Counties	7.29	.40	.40	1.21	
Clallam, Island, Jefferson, Lewis, San Juan, Skagit, Whatcom, King, Kitsap and Snohomish Counties	8.49	.41	.65		.05
Clark, Cowlitz, Klickitat, Pacific (southern portion), Skamania and Wahkiakum Counties	7.735	.45	.45	c	.05
Grays Harbor, Mason, Pacific (northern portion), Pierce and Thurston Counties	8.39	.41	.65		.05
Yakima and Kittitas Counties	7.43	.25	.25	.23	
SPRINKLER FITTERS:					
Skagit, Snohomish, King, Island, Kitsap, Pierce and Thurston Cos.	10.88	.50	.70		.07
Remaining Counties	9.40	.50	.70		.08
TERRAZZO WORKERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	9.50	.55	.40		
Benton, Franklin and Walla Walla Counties	9.20	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40		.25
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	9.93	.55	.35		
Grant County and that portion of Adams County including the City of Othello	8.25	.45			

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS: (Cont'd)					
Kittitas, Klickitat (except ten-mile strip bordering Columbia River), Yakima Counties	$ 7.25	.50	.50		
Grays Harbror, Lewis, Mason and Thurston Counties	8.45	.55	.30		
Pierce County	9.66	.55	.65		.02
San Juan, Skagit (including the Cities of Burlington, Sedro-Woolley, Concrete and north thereof) and Whatcom Counties	9.10	.45	.45		
TILE SETTERS:					
Adams (except that portion incl. the City of Othello), Asotin, Columbia, Ferry, Grafield, Lincoln, Pend Oreille, Spokane, Stevens, Whitman and Grand Coulee Dam area in Okanogan Co.	9.50	.55	.40		
Benton, Franklin, and Walla Walla Counties	8.53	.40	.50		
Chelan, Douglas, Okanogan (except area of Grand Coulee Dam)	8.27	.45	.40	.25	
Clallam, Island, Jefferson, King, Kitsap, Skagit (south of the Cities of Burlington, Sedro-Woolley and Concrete) and Snohomish Counties	9.93	.55	.35		.04
Clark, Cowlitz, Pacific (southern portion), Skamania, Wahkiakum and a ten-mile strip bordering the Columbia River in Klickitat County	7.84	.35	.35	.25	
Grant County and that portion of Adams County including the City of Othello	8.25	.45			
Kittitas, Klickitat (except ten-mile strip bordering the Columbia River) and Yakima Cos.	7.25	.50	.50		
Grays Harbor, Lewis, Mason and Thurston Counties	7.65	.40	.30		.02
Pierce County	9.66	.55	.65		.02
WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

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*STATEWIDE -
Where Pacific County is stated as "Northern portion" or "Southern portion" such areas are defined as follows:

Pacific (Northern portion) - North of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

Pacific (Southern portion) - South of Wahkiakum County Northern boundary extended due West to the Pacific Ocean

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.
b. Two weeks' vacation with pay after 1 year of employment. Also seven Paid Holidays: A through F plus Washington's Birthday.
c. 4% of all gross wages to be placed to the credit of the employee with less than one year's service - 6% of all gross wages to be placed to the credit of the employee with more than one year of service.

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicers; Leadman Pole Sprayer	$ 11.12	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	10.04	.35	1%	.10	1/2%
Tree Trimmer	9.06	.35	1%	.10	1/2%
Line Equipment Man	8.65	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer man	7.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	7.12	.35	1%	.10	1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Area 1)					
(All Counties and portions of Counties East of the 120th Meridian)					
Group 1	$7.50	.50	.70		.02
Group 2	7.65	.50	.70		.02
Group 3	7.75	.50	.70		.02
Group 4	7.80	.50	.70		.02
Group 5	7.85	.50	.70		.02
Group 6	7.90	.50	.70		.02
Group 7	7.95	.50	.70		.02
Group 8	8.15	.50	.70		.02
Group 9:					
Class A	7.55	.50	.70		.02
Class B	7.60	.50	.70		.02
Class C	8.00	.50	.70		.02
Class D	8.05	.50	.70		.02
LABORERS (Area 2)					
(All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific Co.)					
Group 1	7.66	.65	.95		.06
Group 2	7.76	.65	.95		.06
Group 3	7.81	.65	.95		.06
Group 4	7.86	.65	.95		.06
Group 5	7.91	.65	.95		.06
Group 6	7.96	.65	.95		.06
Group 7	8.01	.65	.95		.06
Group 8	7.71	.65	.95		.06
Group 9	7.76	.65	.95		.06
Group 10	7.86	.65	.95		.06
Group 11	7.96	.65	.95		.06
Group 12	8.01	.65	.95		.06
Group 13	8.11	.65	.95		.06
LABORERS (Area 3)					
(Clark, Cowlitz, Klickitat, Skamania, Wahkiakum and the Southern portion of Pacific Counties)					
Group 1	6.40	.60	.80	.25	.07
Group 2	6.55	.60	.80	.25	.07
Group 3	6.70	.60	.80	.25	.07
Group 4	6.85	.60	.80	.25	.07

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (Area 4)					
(Those portions of Chelan, Douglas, Kittitas, Okanogan, and Yakima Counties West of the 120th Meridian)					
Group 1	6.65	.60	.80		.06
Group 2	6.75	.60	.80		.06
Group 3	6.80	.60	.80		.06
Group 4	6.85	.60	.80		.06
Group 5	6.90	.60	.80		.06
Group 6	6.95	.60	.80		.06
Group 7	7.00	.60	.80		.06
Group 8:					
Class A	6.70	.60	.80		.06
Class B	6.75	.60	.80		.06
Class C	6.85	.60	.80		.06
Class D	6.95	.60	.80		.06
Class E	7.00	.60	.80		.06
Class F	7.10	.60	.80		.06

POWER EQUIPMENT OPERATORS (AREA 1)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
(All Counties and portions of Counties East of the 120th Meridian)	ZONE 1	ZONE 2	ZONE 3				
Group 1	$8.05	$8.55	$9.00	.75	.85		.03
Group 2	8.35	8.85	9.30	.75	.85		.03
Group 3	8.90	9.40	9.85	.75	.85		.03
Group 4	9.05	9.55	10.00	.75	.85		.03
Group 5	9.20	9.70	10.15	.75	.85		.03
Group 6	9.45	9.95	10.40	.75	.85		.03
Group 7	9.70	10.20	10.65	.75	.85		.03

*ZONE 1: Within a 15 mile radius from the Center of the following Cities: Moses Lake, Pasco, Spokane and Walla in Washington - and Coeur d' Alene and Lewiston in Idaho.

*ZONE 2: From a 15 to 45 mile radius from the center of the above named cities.

*ZONE 3: Over a 45 mile radius from the center of the above named cites.

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POWER EQUIPMENT OPERATORS (Area 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.32	.60	.90		.11
Group 2	9.42	.60	.90		.11
Group 3	9.53	.60	.90		.11
Group 4	9.58	.60	.90		.11
Group 5	9.60	.60	.90		.11
Group 6	9.65	.60	.90		.11
Group 7	9.66	.60	.90		.11
Group 8	9.70	.60	.90		.11
Group 9	9.72	.60	.90		.11
Group 10	9.85	.60	.90		.11
Group 11	9.88	.60	.90		.11
Group 12	9.91	.60	.90		.11
Group 13	9.96	.60	.90		.11
Group 14	9.98	.60	.90		.11
Group 15	10.00	.60	.90		.11
Group 16	10.03	.60	.90		.11
Group 17	10.06	.60	.90		.11
Group 18	10.10	.60	.90		.11
Group 19	10.17	.60	.90		.11
Group 20	10.18	.60	.90		.11
Group 21	10.23	.60	.90		.11
Group 22	10.28	.60	.90		.11
Group 23	10.50	.60	.90		.11
Group 24	10.54	.60	.90		.11
Group 25	10.59	.60	.90		.11
Group 26	10.67	.60	.90		.11
Group 27	10.89	.60	.90		.11
Group 28	11.09	.60	.90		.11
Group 29	11.20	.60	.90		.11
Group 30	11.22	.60	.90		.11
Group 31	11.50	.60	.90		.11

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POWER EQUIPMENT OPERATORS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$7.30	.55	.85	.35	.05
Group 2	7.44	.55	.85	.35	.05
Group 3	7.54	.55	.85	.35	.05
Group 4	7.70	.55	.85	.35	.05
Group 5	7.72	.55	.85	.35	.05
Group 6	7.80	.55	.85	.35	.05
Group 7	7.86	.55	.85	.35	.05
Group 8	7.96	.55	.85	.35	.05
Group 9	8.02	.55	.85	.35	.05
Group 10	8.08	.55	.85	.35	.05
Group 11	8.10	.55	.85	.35	.05
Group 12	8.16	.55	.85	.35	.05
Group 13	8.24	.55	.85	.35	.05
Group 14	8.40	.55	.85	.35	.05
Group 15	8.56	.55	.85	.35	.05
Group 16	8.74	.55	.85	.35	.05
Group 17	8.88	.55	.85	.35	.05
Group 18	9.06	.55	.85	.35	.05
Group 19	9.20	.55	.85	.35	.05
POWER EQUIPMENT OPERATORS (AREA 1) (DREDGING) (All Counties and portions of Counties East of the 120th Meridian - except that portion of Klickitat County)					
Group 1	8.24	.60	.90		.07
Group 2	8.34	.60	.90		.07
Group 3	8.68	.60	.90		.07
Group 4	7.73	.60	.90		.07
Group 5	8.78	.60	.90		.07
Group 6	9.10	.60	.90		.07
Group 7:					
(a)	9.49	.60	.90		.07
(b)	10.04	.60	.90		.07
DREDGING (AREA 2) (All Counties and portions of Cos. West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County)					
Group 1	8.24	.60	.90		.07
Group 2	8.34	.60	.90		.07
Group 3	8.68	.60	.90		.07

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DREDGING (AREA 2) (Cont'd) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern Portion of Pacific County) and all of Kittitas and Yakima Counties	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 4	$8.73	.60	.90		.07
Group 5	8.78	.60	.90		.07
Group 6	9.10	.60	.90		.07
Group 7:					
(a)	9.49	.60	.90		.07
(b)	10.04	.60	.90		.07
DREDGING (AREA 3) (Clark, Cowlitz, Klickitat, Pacific (Southern portion), Skamania and Wahkiakum Counties)					
Group 1	8.40	.55	.85	.35	.05
Group 1A	9.06	.55	.85	.35	.05
Group 2	8.04	.55	.85	.35	.05
Group 3	7.80	.55	.85	.35	.05
Group 4	7.54	.55	.85	.35	.05
TRUCK DRIVERS (AREA 1) (All Counties and portions of Counties East of the 120th Meridian)					
Group 1	8.00	.82	.65		
Group 2	8.05	.82	.65		
Group 3	8.10	.82	.65		
Group 4	8.20	.82	.65		
Group 5	8.40	.82	.65		
Group 6	8.45	.82	.65		
Group 7	8.50	.82	.65		
Group 8	8.55	.82	.65		
Group 9	8.65	.82	.65		
Group 10	8.70	.82	.65		
Group 11	9.00	.82	.65		
Group 12	9.15	.82	.65		
Group 13	9.30	.82	.65		
Group 14	9.45	.82	.65		

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TRUCK DRIVERS (AREA 2) (All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and all of Kittitas and Yakima Counties)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$9.39	.80	.65		.09
Group 2	9.44	.80	.65		.09
Group 3	9.49	.80	.65		.09
Group 4	9.60	.80	.65		.09
Group 5	9.66	.80	.65		.09
Group 6	9.70	.80	.65		.09
Group 7	9.71	.80	.65		.09
Group 8	9.77	.80	.65		.09
Group 9	9.82	.80	.65		.09
Group 10	9.84	.80	.65		.09
Group 11	9.87	.80	.65		.09
Group 12	9.97	.80	.65		.09
Group 13	9.99	.80	.65		.09
Group 14	10.03	.80	.65		.09
Group 15	10.15	.80	.65		.09
Group 16	10.19	.80	.65		.09
Group 17	10.31	.80	.65		.09
Group 18	10.36	.80	.65		.09
Group 19	10.52	.80	.65		.09
Group 20	10.68	.80	.65		.09
Group 21	10.84	.80	.65		.09
TRUCK DRIVERS (AREA 3) (Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties)					
Group 1	7.23	.45	.65	.30	.03
Group 2	7.28	.45	.65	.30	.03
Group 3	7.33	.45	.65	.30	.03
Group 4	7.38	.45	.65	.30	.03
Group 5	7.43	.45	.65	.30	.03
Group 6	7.53	.45	.65	.30	.03
Group 7	7.63	.45	.65	.30	.03
Group 8	7.73	.45	.65	.30	.03
Group 9	7.83	.45	.65	.30	.03
Group 10	8.00	.45	.65	.30	.03
Group 11	8.10	.45	.65	.30	.03
Group 12	8.20	.45	.65	.30	.03
Group 13	8.30	.45	.65	.30	.03
Group 14	8.40	.45	.65	.30	.03

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 9: Boring Machine; Bulldozer; Clearing Equipment (including Log Skidders, Chippers, Incinerators, and Stump Splitters); Compactor, with blade; Concrete Cooling Machine; Cranes (Chicago Boom and similar types, Lift Slab Machine, Boom type Lifting Device - 5 ton capacity or less, and Cherry Picker or similar type crane - Hoist - 5 ton capacity or less); Crusher Plant Operator; Drill Cat; Drill Doctor (including Bit Grinder); Grizzley Operator; Guardrail Punch Operator; Guardrail Auger Operator; Hammer Operator; Heater and Planer Operator (surface); Hydraulic Backhoe (track type 3/8 cu. yd.); Loader (front end and overhead - 2½ cu. yds. and under 4 cu. yds.); Machine Tool; Mechanic (H.D.); Pipe Cleaning Machine; Pipe Doping Machine; Pipe Bending Machine; Pipe Wrapping Machine; Side-boom Cats; Stationary Drag Scraper; Tractor (rubber-tired over 50 h.p. flywheel); Tractor (with boom attachment); Trenching Machine (maximum digging capacity over 3 feet depth)

Group 10: Barge Operator (self-unloading); Bulldozer (twin engine-TC 12 and similar); Cable-plow (any type); Compactor (multi-engine); Dozers and Pushers (rubber-tired-Michigan, Cat, Hough type); Driller (percussion, diamond, core, cable, rotary, and similar); Jack Operator (elevating barges)

Group 11: Concrete Mixer Mobile Operator; Concrete Breaker; Crane (25 ton and under); Grade-all (under 1 cu. yd.); Guardrail Machine Combination (i.e., Puncher, Auger, etc.); Mucking Machine (tunnel); Shovel, Dragline, Clamshell, Hoe, etc., under 1 cu. yd.

Group 12: Blade Operator; Concrete Batch Plant and/or Wet Mix (3 or more units); Hoist Operator (two or more drums); Loader (elevating - Athey and similar type); Piledriver Operator (not crane type); Reinforced Tank Banding Machine (K-17 or similar); Scrapers (rubber-tired - single engine, single scraper: and Self-loading, Paddle wheel, Auger type: and Twin engine: and Scraper with push-pull attachments); Shield Operator (tunnel)

Group 13: Backfilling Machine; Blade Operator, finish; Blade Operator (externally controlled by electronic, mechanical hydraulic means); Blade Operator (multi-engine); Cableway (up to 25 tons); Concrete Paving Road Mixer; Crane (over 25 ton to and including 40 ton); Derrick (under 100 tons); Floating Equipment Piledriver; Floating Clamshell (under 3 cu. yds.); Floating Crane (derrick barge - less than 30 tons); Grade-all (1 cu. yd. and over); Hoist (Stiffleg, Guy Derrick or similar, 50 tons and over); Loader (Elevating grader - operated by tractor operator, Sierra, Euclid, or similar types); Shovel, Dragline, Clamshell, Hoe, etc., 1 cu. yd. and less than 3 cu. yds.)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 14: Crane - tower; Scraper (rubber-tired self loading paddle wheel, Auger type, finish and/or 2 or more units); Scraper (rubber-tired with tandem scraper)

Group 15: Loader (4 cu. yds. but less than 6 cu. yds.); Rock Hound Operator

Group 16: Auto Grader or "Trimmer" Operator; Bulldozer (Tandem, Quad-mine and similar type); Cableway (25 tons and over); Concrete Slip Form Paver (automatic); Concrete Canal Line Operator; Crane (over 40 tons and including 100 tons); Floating Clamshell (3 cu. yds. and over); Floating Crane (Derrick barge - 30 tons but less than 80 tons); Loader (6 cu. yds. but less than 12 cu. yds.); Scraper (rubber-tired, with Tandem Scrapers, multi-engine); Shovel, Dragline, Clamshell, Hoe, etc., 3 cu. yds. but less than 5 cu. yds.; Wheel Excavator (under 750 cu. yds. per hour); Whirley (80 tons and under)

Group 17: Canal Trimmer; Crane (over 100 tons to and including, 200 tons); Floating Crane (Derrick barge, 80 tons but less than 150 tons); Loader (12 cu. yds. and over); Shovel, Dragline, Clamshell, Hoe, etc., 5 cu. yds. and over; Whirley (over 80 tons to and including, 150 tons)

Group 18: Band Wagons (in conjunction with wheel excavator; Crane (over 200 tons); Floating Crane (150 tons but less than 250 tons); Wheel Excavator (over 705 cu. yds. per hour); Whirley (150 tons and over)

Group 19: Floating Crane (250 tons and over); Helicopter, when used in erecting work; Remote controlled earth-moving equipment; Underwater equipment (remote or otherwise)

POWER EQUIPMENT OPERATORS (AREAS 1 and 2)
(DREDGING)

Group Descriptions for Areas 1 and 2 covering Statewide Washington

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (Electric, Diesel, Steam or Booster Pump); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (Electric Generator Operator for primary pump, power barge or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper:
(a) 5 yards and under
(b) Over 5 yards

POWER EQUIPMENT OPERATORS(AREA 3)
(DREDGING)

Group Descriptions for Area 3 Covering Statewide Washington

Group 1: Leverman, Hydraulic

Group 1A: Leverman, Dipper

Group 2: Assistant Engineer (including Watch Engineer, Welder, Mechanic, and Machinist) and Mate.

Group 3: Tenderman (Boatman, attending Dredge Plant); Fireman

Group 4: Assistant Mate (Deckhand); Oiler

TRUCK DRIVERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer); Helper and Swamper; Leverperson loading trucks at bunkers; Pick-up hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

Group 2: Bus Driver or Employeehaul Driver; Flat bed truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, low bed, truck and trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yds.); Water tank truck (1,801 - 4,000 gallons).

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat bed truck (using power take off); Fork lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubber-tired tunnel jumbo; Scissor truck; Slurry Truck Driver; Transit Mixers and trucks hauling concrete (over 3 yds. to 6 yds.); Water tank truck (4,001 - 6,000 gallons); Wrecker and Tow Trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2; Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit Mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

TRUCK DRIVERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian (except those portions of Kittitas, Klickitat, and Yakima Counties)

Group 8: Low Boy (over 50 tons); Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water tank truck (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water tank truck (12,001 - 14,000 gallons)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 1: Leverman and Loaders at bunkers and batch plants; Pickup truck, Escort or Pilot Car; Swampers; Warehouseman and Checkers

Group 2: Team Drivers

Group 3: Bull Lifts and similar equipment used in loading and unloading trucks, transporting materials on job site, warehousing; Dumpsters, and similar equipment (including Tournarockers, Tournawagon, Turnatrailer, Cat DW series, Terra Cobra, LeTourneau, Westinghouse, Athey Wagon, Euclid, two and four-wheeled power tractor with trailer and similar top-loaded equipment transporting material: Dump trucks - side, end and bottom dump, including semi-trucks and trains or combinations thereof) - up to and including 5 yards; Flatbed, single rear axle; Fuel truck; Grease truck; Greaser, Battery Service Man and/or Tire Service Man; Scissor truck; Spreader, Flaherty; Tractor (small, rubber-tired); Vacuum truck; Water Wagon and tank truck (up to 1,600 gallons); Winch truck, single rear axle; Wrecker, tow truck and similar equipment

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portion of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County and including all of Kittitas and Yakima Counties

Group 4: Flatbed, dual rear axle

Group 5: Buggymobile; Hyster Operators; Straddle Carrier (Ross, Hyster, and similar equipment); Water Wagon and Tank Truck, 1,600 gallons to 3,000 gallons

Group 6: Transit-mix, 0 to and including 4½ yards

Group 7: Dumpsters, and similar equipment (as listed in Group 3) - over 5 yards to and including 12 yards; Explosive truck (field mix) and similar equipment; Lowbed and heavy duty trailer, under 50 tons gross; Road Oil Distributor Driver; Slurry Truck; Sno-go and similar equipment; Winch Truck, dual rear axle

Group 8: Dumpster, and similar equipment (as listed in Group 3) - over 12 yards to and including 16 yards

Group 9: Bulk Cement Tankers; Dumpsters, and similar equipment (as listed in Group 3) - over 16 yards to and including 20 yards; Water Wagon and Tank Truck, over 3,000 gallons

Group 10: Bull Lifts or similar equipment used in loading or unloading trucks transporting materials on job site, other than warehousing

Group 11: Transit-mix, over 4½ yards to and including 6 yards

Group 12: "A" Frame or Hydralift Trucks or similar equipment

Group 13: Dumpsters, and similar equipment (as listed in Group 3) - over 20 yards to and including 30 yards; Lowbed and heavy duty trailer, over 50 tons gross to and including 100 tons gross

Group 14: Transit-mix, over 6 yards, to and including 8 yards

Group 15: Dumpsters, and similar equipment (as listed in Group 3) - over 30 yards to and including 40 yards; Lowbed and heavy duty trailer, over 100 tons gross

Group 16: Transit-mix, over 8 yards to and including 10 yards

Group 17: Dumpsters, and similar equipment (as listed in Group 3) - over 40 yards to and including 55 yards

TRUCK DRIVERS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 18: Transit-mix, over 10 yards to and including 12 yards

Group 19: Transit-mix, over 12 yards to and including 16 yards

Group 20: Transit-mix, over 16 yards to and including 20 yards

Group 21: Transit-mix over 20 yards

TRUCK DRIVERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Battery Rebuilders; Bus or Manhaul Driver; Concrete Buggies (power operated); Dump Trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: 6 cu. yds. and under Lift Jitneys, Fork Lifts (all sizes used in loading, unloading and transporting material on job site); Loader and/or Leverman on concrete dry batch plant (manually operated); Pilot car; Solo flat bed and misc. body trucks, 0-10 tons; Truck Helper; Truck Mechanic Helper; Warehouseman (warehouse parts, tool men and parts chaser, checkers and receivers); Water wagons (rated capacity) - up to 1,600 gallons

Group 2: "A" Frame of Hydra-lift Truck with load bearing surface; Lubrication Man, Fuel Truck Driver, Tireman, Wash Rack, Steam Cleaner or combinations; Team Drivers

Group 3: Dump trucks, side, end, and bottom dumps, including semi-trucks and trains or combinations thereof: over 6 cu. yds. and including 10 cu. yds.; Slurry Truck Driver or Leverman; Transit mix, and wet or dry mix trucks: 5 cu. yds. and under; Tireman (full-time basis); Water wagons (rated capacity) - 1,600 to 3,000 gallons

Group 4: Flaherty Spreader Driver or Leverman; Low bed equipment, flat bed semi-trailer, truck and trailer or doubles transporting equipment or wet or dry materials; Lumber Carrier Driver - Straddle carrier (used in loading, unloading and transporting or materials on job site); Oil Distributor Driver or Leverman; Water wagons (rated capacity) - 3,000 to 5,000 gallons

Group 5: Dumpsters or similar equipment, all sizes; Transit mix and wet or dry trucks, over 5 cu. yds. and including 7 cu. yds.

TRUCK DRIVERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 6: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: Over 10 cu. yds. and including 20 cu. yds.; Transit mix and wet or dry mix trucks, over 7 cu. yds. and including 9 cu. yds.; Truck mechanic-welder-body repairman; Water wagons (rated capacity) - 5,000 to 7,000 gallons

Group 7: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 20 cu. yds. and including 30 cu. yds.; Transit mix and wet or dry mix trucks - over 9 cu. yds. and including 11 cu. yds.; Water wagons (rated capacity) - over 7,000 gallons to 10,000 gallons

Group 8: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 30 cu. yds. and including 40 cu. yds.; Transit mix and wet or dry mix trucks - over 11 cu. yds. and including 13 cu. yds.; Water wagons (rated capacity) - over 10,000 gallons to 15,000 gallons

Group 9: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 40 cu. yds. and including 50 cu. yds.; Transit mix and wet or dry mix trucks - over 13 cu. yds. and including 15 cu. yds.

Group 10: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 50 cu. yds. and including 60 cu. yds.

Group 11: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 60 cu. yds. and including 70 cu. yds.

Group 12: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 70 cu. yds. and including 80 cu. yds.

Group 13: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combination thereof: over 80 cu. yds. and including 90 cu. yds.

Group 14: Dump trucks, side, end and bottom dumps, including semi trucks and trains or combinations thereof: over 90 cu. yds. and including 100 cu. yds.

Drivers and Helpers (handling sacked cement add $.15 per hour)

LABORERS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right of wag markers); General Laborer; Grout Machine Header Tender; Hipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhoseman (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechanical; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move position machine); Nozzleman, water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher; Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

LABORERS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 7: Brush Machine (to include horizontal construction joint clean-up brush machine, power propelled); Drills (to include down-the-hole drills with 3" inch piston or larger and out-of-the-hole drills with 4! inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, air track or similar mounting; Nozzleman (to include jet blasting nozzleman over 1200 pounds, jet blast machine power propelled, sand blast nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

Group 9: Tunnel and Shaft, Free Air
Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and laser beam operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4)

Group 1: General Laborer; Nipper; Truck Spotter; Pitman; Brush Cutter; Choke Setter; Concrete and Monolithic Laborer; Pot Tender; Asphalt Laborer; Ditch Digger; Drierman; Concrete Form Stripper; Carpenter Helper; Track Laborer; Wellpoint; Header Laborer and Guardrail Erector

Group 2: Dumpman; Faller and Bucker; hand; Powderman's Helper; Sloper (over 20'); Wagon Driller and Air Trac Helper

Group 3: Groutman (pressure) including post tension beam; Power Tools (light duty) Chippers, Grinders, Tampers, and similar electric and air operated tools; Swinging Scaffold or Boatswain Chair over water or over 25' in height; Topman

Group 4: Concrete Saw Operator; Pipe Pot Tender; Power Wheel Barrow or Buggy; Power Tools (heavy duty); Jackhammer, Pavement Breaker, Vib-Vibrators, Tampers (multiple and self-propelled); Railroad spike puller; Rakers-asphalt

LABORERS (AREA 2) (Cont'd)

All Counties West of the 120th Meridian (except those enumerated in Areas 3 and 4) and the Northern portion of Pacific County

Group 5: Form Setter (steel forms); Grademan and Stake Hopper; Rodder; Nozzleman (concrete pump, green cutter when using combination of high pressure air and water on concrete and rock, sandblast, gunnite, shotcrete); Spreader (carrier grade with Rodder)

Group 6: Faller and Bucker; Chain Saw; High Scaler; Mortarman and Hod Carrier; Pipe Layer and Caulker; Pipe Wrapper; Timberman - sewer; Wagon Driller and Air Track; Manhole Builder; Laser Beam Operator

Group 7: Cement Dumper - paving; Powderman

TUNNEL WORK

Group 8: Topman and Bull Gang

Group 9: Chuck Tender; Mucker and Laborer; Nipper; Brakeman

Group 10: Powderman's Helper

Group 11: Miner (including monolithic work); Spader; Re-timberman; Maintenance Man; Laser Beam Operator

Group 12: Miner, Shaft and Raise

Group 13: Powderman

LABORERS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Asphalt Plant Laborers; Asphalt Spreaders; Batch Weighman; Brooners; Brusher Burners and Cutter; Car and Truck Loaders; Carpenter Tender; Change-house man or Dry Shack Men; Choker Setters; Clean Up Laborers; Concrete Laborers; Crusher Feeders; Culvert, hand labor; Curing, concrete; Demolition, Wrecking, and Moving Laborers; Driller Helpers; Dumpers, road oiling crew; Dumpmen (for grading crew); Elevator Feeders; Fence Builder (including guard rail, median rail, reference post, guide post, right-of-way marker); Fine Graders; Form Strippers (not swinging stages); General Laborers; Landscaping or Planting Laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading Spotters; Material yard man (including electrical); Pittsburgh Chipper Operator or similar types; Powderman Helper; Railroad Track Laborers; Ribbon Setters (including steel forms); Rip Rap Man (hand placed); Road Pump Tender; Sewer Labor; Skipmen; Signalmen; Slopers, Spraymen; Stake Chaser-Stake Setter-Grade Checker; Stockpiler; Timber Faller and Bucker (hand labor); Toolroom Man (at job site); Tunnel Bull Gang (above ground); Weightman-Crusher (aggregate when used)

LABORERS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 2: Applicator (including pot tender for same); applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker Splicer; Clary Power Spreader and similar types; Clean-up Nozzleman - Greencutter (concrete rock, etc.): Concrete Power Buggyman; Demolition and wrecking charred materials; Gunite Nozzleman Tender; Gunite or Sand Blasting Pot Tender; Handlers or mixers of all materials of an irritating nature (including cement and lime); Manhole Builders; Power Tool Operator, includes but not limited to: Chipping Guns, Dry Pack Machine, Jackhammer, Paving Breakers, Post Hole Digger, (air, gas, or electric); Tampers, Vibrating Screed, Vibrators (less than 4" in diameter); Ribbon Setter, head; Rip Rap Man (head), hand placed; Sand Blasting (wet); Sewer Timbermen; Timber Buckers and Fallers, Brush Cutters (power saw); Tunnel - Muckers, Brakemen, Concrete Crew, Bull Gang (under - ground)

Group 3: Asphalt Rakers; Bit Grinder ; Concrete Saw Operator; Drill Doctor; Drill Operators, Air Tracks, Cat Drills, Wagon Drills, Rubber-mounted Drills and other similar types; Gunite Nozzleman; High Scalers, Strippers and Drills (covers work in swinging stages, chairs, or belts, under extreme conditions unusual to normal drilling, blasting, barring-down or sloping and stripping); Powdermen; Power Saw Operators (bucking and falling merchantable logs); Pumpcrete Nozzlemen; Sandblasting (dry); Sewer Pipe Layers; Track Liners, Anchor Machines, Ballast Regulators, Multiple Tampers, Power Jacks; Tugger Operator, Tunnel-Chuck Tenders, Nippers and Timbermen; Vibrators (4" and larger); Water Blaster, Welder; Laser Beam (pipe Laying)

Group 4: Tunnel Miners; Tunnel Powderman; Laser Beam (Tunnel)

LABORERS (AREA 4)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 1: General Laborer; Carpenter Tender; Form Stripper; Track Laborer; Choker Setter; Fence Laborer

Group 2: Air Track and Wagon Drill Helper; Crusher Feeder; Dumpman; Powderman Helper; Sloper, over 20 feet, Faller and Bucker, hand

Group 3: Drill Chipper; Grinder, Tampers and similar light power tools; Faller and Bucker (hand); Grout Man (power); Top Man, Swinging Scaffold or Boatswain Chair over water or over 25' in height

Group 4: Asphalt Raker and Spreader; Cement Handler, cask or bulk; Dope Pot Tender; House Wreckers; Jackhammer; Pavement Breaker; Vibrator; Track Spike Puller; Concrete Saw and similar heavy power tools; Power Buggy Tampers (multiple and self-propelled)

LABORERS (AREA 4) (Cont'd)

Those portions of Chelan, Douglas, Kittitas, Okanogan and Yakima Counties West of the 120th Meridian

Group 5: Form Setter, Steel Forms; Grademan, Stake Hopper; Spreader, Rodder, Nozzleman: Concrete Pumps, Gunnite, Sand Blast, Shot-crete, Green Cutter when using combination of high pressure air and water on concrete and rock

Group 6: Air Track and Wagon Drill Operator; High Scaler; Pipe Layer and Caulker; Pipe Wrapper; Timber Man; Mortar Man and Hod Carrier; Faller and Bucker; Chain Saw

Group 7: Cement Dumpers - Paving

Group 8: Tunnel Work:
Class A: Topman and Bull Gang
Class B: Chuck Tender; Mucker and Laborer; Nipper; Brakemen
Class C: Powderman Helper
Class D: Miner (including Monolithic Worker); Re-Timberman; Maintenance Man; Spader, Laser Beam Operator
Class E: Miner; Shaft and Raise
Class F: Powderman

POWER EQUIPMENT OPERATORS (AREA 1)

All Counties and portions of Counties East of the 120th Meridian

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all types on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more-gas, deisel or electric power); Concrete Saw (multiple cut); Distributor Levetman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drums; Loader (bucker elevator and conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self propelled); Railroad Power Tamper Operator (self-porpelled); Railroad Power Tamper Jack Operator (self-propelled); Spray Curing Machine (concrete); Spreader Jack Operator (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except backhoe); Tugger Operator; Ditch Witch or similar

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 8" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Linning Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pump-crete, Whitman and similar); Drills (Churn, Core, Calyx or Diamond); Elevating Belt-type Loader (Euclid, Barber Green, or similar); Elevating Grader-type Loader (Tamor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist, (2 or more drums or tower hoist); Loader (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixermobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (grout or jet); Rollerman (finishing Pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including dozer, scraper, drills, booms, rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H.D. Mechanic; H.D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine Power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's reverse circulation and similar); Loader Operator (front end and overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar), Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with tow scrapers; Shovels (under 3 yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

All Counties and portions of Counties East of the 120th Meridian

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 1: Mechanics' Helpers (Heavy Duty)

Group 2: Oilers, Grade Checkers and Stakemen and/or Brakemen

Group 3: Firemen; Firemen (drier and hot plant)

Group 4: Rollers, Tampers and Vibrators (other than plant, road mix or multi-lift materials); Tractor (farmall type, 60 h.p. and under); Compressor (excavating and general purposes)

Group 5: Oiler Driver on Truck Cranes (over 45 tons up to 100)

Group 6: Blower Distributors and Mulch Seeding Operator; Oil Distributors

Group 7: Locomotives (Dinkey-air, diesel, electric, gas, steam)

Group 8: Equipment Service Oiler; Oiler Driver on Trucks Cranes (100 tons and over)

Group 9: Pump (water); Tractors (Farmall type, over 60 h.p)

Group 10: Post Hole Diggers (mechanical)

Group 11: Brooms (power, Wayne, Saginaw, and similar types); Bulldozers (under D9 or similar); Loaders (Fork Lifts or Lumber Stacker - on construction job site - Drot Travel Lift); Rollers, Tampers and Vibrators (twin engine); Saw (concrete); Scrapers (carry-all type, single)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 12: Batch Plant (batch and mixer, 200 yards per hour and under); Cranes ("A" Frame Trucks, single power drum); Conveyors; Crusher (rock); Washing and Screening Plants; Finishing Machine Operator, Concrete Paving; Hoists, Air Tuggers, Strato Tower Bucket, Elevators and Deck Winches (power); Loaders (Elevating-Athey, Barber Greene, and similar types, and overhead and front-end, under 2½ yards); Mixers (asphalt up to 4 tons per batch, and concrete mixer and batch - 200 yards per hour and under); Power Plant Operators; Pumps (Fuller Kenyon, and Concrete and pump crete); Rollers, Tampers and Vibrators (on plant, road mix or multi-lifts materials); Screed man; Spreaders (Blaw Knox, Cedarpids, Jaeger, Flarrety or similar types); Trenching Machine (under 16 inches)

Group 13: Mechanics or Welder (heavy duty)

Group 14: Motor Patrol Graders (including Model 14 and similar); Tournapulls, Caterpillar, Euclid Scrapers, and similar type equipment (25 yards and under)

Group 15: Compressor (steel erection including sandblasting, painting of the same); Hoists on steel erection, Air Tuggers and Towermobiles; Loaders (fork lifts with tower)

Group 16: Cement Hogs; Loaders (Elevating Grader type, Dumor and similar); Locomotive (geared or rod engine); Mixers (paving); Scraper (carryall type, double)

Group 17: Tractors (Farmall type, used as Backhoes, Rubber-tired, Ford, Ferguson, Case, and similar type 60 h.p. and under)

Group 18: Dull Dozer (D-9 or similar)

Group 19: Trenching Machines (16 inches and over)

Group 20: Bump Cutter (Concut, Christianson or similar types)

Group 21: Batch Plant (batch and mixer, over 200 yards per hour through 400 yards per hour); Conveyors (Beltcrete with power pack and similar types); Loaders (elevating belt type - Euclid and similar types); Mixer (asphalt, 4 tons and over, per batch, and concrete mixers and batch - over 200 yards per hour through 400 yards per hour, and paving dual)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 22: Bulldozer engaged in Yo Yo Operation (while clearing and scaling); Cableways (3 yards and under); Cranes ("A" frame trucks, double power drum: and Crawler, truck type, floating, Locomotive, Whirley, either 3 yards and under, or 150' of boom including jibs and under, or 45 tons and under: and Hydralifts, Hyster Cat Cranes and attachments and Chipper, wood with boom attachment); Derricks, all; Drilling Machine (core, cable rotary and exploration); Loaders (fork lift with power boom and swing attachment, and overhead and front end, 2½ yards and up to 4 yards); Mixers (mobile type with hoist combination); Motor Patrol Graders (over Model 14 and similar); Mucking Machines (mole, tunnel drill, and/or shield); Paydozer and Linker Pusher (Quad-9 and similar); Piledriver Engineer, (L.B. Foster Puller or similar, Paving Breaker); Shovels (Crawler and truck types, all attachments, 3 yards and under); Sub Grader (Gurries, CMI and similar types); Tractors (Farmall type, used as backhoes, rubber tired - Ford, Ferguson, Case and similar types - over 60 h.p.); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment - over 25 yards through 40 yards

Group 23: Loaders (overhead and front end, 4 yards up to 8 yards)

Group 24: Mixer (concrete mixers and batch over 400 yards per hour through 600 yards per hour)

Group 25: Tournapulls, Caterpillar, Euclid, Scarpers and similar type (over 40 yards through 55 yards)

Group 26: Cableways (over 3 yards); Cranes (Crawler, truck type, floating, Locomotive, Whirley, either over 3 yards, or over 150' of boom including jibs or over 45 tons up to 100 tons: and, Tower Cranes, Pecco, Lorraine, Bucyrus and similar types); Helicopter Winch Operator; Remote Control Operator on Rubber-tired Earth Moving Equipment; Shovels (Crawler and truck type, all attachments, over 3 yards up to 6 yards); Slip Form Paver (Zimmerman, CMI and similar types)

Group 27: Tournapulls, Caterpillar, Euclid, Scrapers, and similar type equipment (over 55 yards through 70 yards)

Group 28: Loaders (overhead and front end 8 yards and over)

Group 29: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 70 yards through 85 yards)

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

All Counties and portions of Counties West of the 120th Meridian (except those enumerated in Area 3) and including the Northern portion of Pacific County

Group 30: Cranes (Crawler, Truck type, Floating, Locomotive, Whirley, either 5 yards and over, 200' of boom including jibs and over, or 100 tons and over); Shovel (Crawler and Truck type, all attachments, 6 yards and over)

Group 31: Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment (over 85 yards through 100 yards)

POWER EQUIPMENT OPERATORS (AREA 3)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 1: Assistant Conveyor Operator; Crusher Feederman; Oilers (including asphalt and concrete plant, crane, crusher, guardrail equipment - including punch, shovel, dragline, clamshell backhoe, skooper, railroad equipment, and trenching machine); Parts Man (tool room); Pump (under 4 inches); Railroad Equipment (Brakeman and Switch Man); Self-propelled Scaffolding Operator (on job site)

Group 2: Auger Oiler; Blade Operator (pulled type); Combination Guardrail Machines Oiler; Crane (Truck crane oiler - driver 25 ton capacity or over: and Fireman, all equipment: and A-Frame Truck, single drum: and Tugger or Coffin type Hoist); Drill Helper; Floating Equipment Boatman; Fork Lift or Lumber Stacker Operator (on construction job site); Grade Checker; Grade Oiler (required to check grade); Helicopter Radioman (ground); Repairman Helper (H.D.); Roller Operator (grading of base rock - not asphalt); Shovel Fireman; Tar Pot Fireman (including power agitated); Temporary Heating Plant Operator

Group 3: Asphalt (including plant fireman, pugmill operator - any type, and truck mounted asphalt spreader, with screed); Broom Operator (self-propelled - on construction job site); Compressor Operator (any power - under 1,250 cu. ft. total capacity); Concrete (including Conveyor Operator, Mixer Box - CTB, Dry Batch, etc., Cement Hog, Concrete Saw, Concrete curing machine - riding type, and Wire mat or Brooming machine operator); Fork Lift (Ross Carrier, on construction job site); Hydraulic Pipe Press Operator; Loader (Bucket elevator, Barber-Greene and similar type); Pump, (any power - 4 inches and over, and Hydrostatic pump); Railroad Equipment (Motorman and Ballast Jack Tamper); Seeder Machine - Hydrographic (straw, pulp, or seed); Signalman (Bell Boy, phone, etc.); Tamping Machine (Mechanical, self-propelled); Tunnel (Conveyor operator - any type, and air filtration equipment)

POWER EQUIPMENT OPERATORS (AREA 3) (Cont'd)

Clark, Cowlitz, Klickitat, Skamania, Wahkiakum, and the Southern portion of Pacific, Counties

Group 4: Asphalt Screed Operator; Compactor (self-propelled - including Vibratory); Compressor (any power - over 1,250 cu. ft. total capacity); Concrete (Combination mixer and Compressor operator, Gunite work); Concrete Screed Operator; Concrete Mixer (single drum under five bag capacity); Floating Equipment Fireman; Fork Lift (over 5 tons); Helicopter Hoist Operator; Hydra Hammer or similar; Locomotive (under 40 tons); Lull Hi-lift Operator; Oiler (service, greaser); Pavement Breaker; Pump (more than 4 - any size); Roller (oiling, CTB)

Group 5: Asphalt Extrusion Machine; Chip Spreading Machine; Compactor (Wagner Pactor or similar type - without blade); Concrete Batch Plant quality control; Concrete (Power Jumbo Operator - Setting Slip Forms etc., in tunnels); Concrete (Slip Form Pumps - power driven Hydraulic Lifting Device for concrete forms); Crane (Hoist - single drum and Elevator Operator); Line Spreading Machine; Pulva Mixer (or similar type); Sweeper (Wayne type - self-propelled, on construction job site); Tractor Operator (Rubber-tired 50 h.p. flywheel and under); Trenching Machine (maximum digging capacity 3 feet depth)

Group 6: Asphalt Paver; Asphalt Burner and Reconditioner (any type); Concrete Pavement Grinder and/or Grooving Machine Operator (riding type); Concrete (Cast-in-place Pipe Laying Machine and Maginnis Internal Full Slab Vibrator Operator); Concrete Finishing Machine (Clary, Johnson, Bidwell, Burgess Bridge Deck or similar type); Concrete Curb Machine (mechanical berm, curb and/or gutter); Concrete Joint Machine; Concrete Planer; Concrete Paving Machine; Concrete Finishing Machine; Concrete Spreader; Loaders (rubber-tired, 2½ cu. yards and under); Rock Spreaders, self-propelled

Group 7: Asphalt Plant Operator (any type); Asphalt Roller Operator (any mix); Beltcrete Operator; Concrete, Cement Pump (Fuller-Kenyon and similar); Concrete Grouting Machine; Concrete Mixer (single drum, five bag capacity and over); Crane (A-frame Truck double drum, and Boom Truck); Drill (Churn drill and Earth boring machine); Hydraulic Backhoe (wheel type 3/8 cu. yds. and under, with or without front end attachments 2½ cu. yds. and under - Ford, John Deere, Case type); Loader (Elevating Grader, tractor towed requiring operators on grader); Pot Rammer; Pumpcrete (any type); Railroad Equipment (Ballast regulator, Ballast Tamper multi-purpose, Track Liner, Tie Spacer, Shuttle Car, Locomotive - 40 ton and over)

Group 8: Concrete Batch Plant and/or Wet Mix Operator (one and two drum); Diesel - electric engineer (including asphalt plant, crusher, floating equipment generator, shovel, dragline, clamshell, backhoe, skooper, etc.); Generator Operator; Loader (belt loaders, Kolman and Ko Cal types)

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