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Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 18262; FCC 74-470]

FUTURE USE OF CERTAIN FREQUENCY BAND

Second Report and Order

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 service between 806 and 960 MHz; Docket No. 18262; FCC 74-470.

1. This rulemaking proceeding deals with the allocation of frequency spectrum in the 806-947 MHz band to the land mobile radio service and to the development of regulations pertaining to the future use of that spectrum. The first phase of the proceeding, initiated on July 17, 1968, with a notice of proposed rulemaking and notice of inquiry (33 FR 10807) and consummated on May 20, 1970, with a first report and order and second notice of inquiry (35 FR 8644), accomplished a general reallocation of spectrum in the 806-947 MHz band with the effect of providing an additional 115 MHz of spectrum to the land mobile radio service. It also provided a tentative sub-allocation of this spectrum within the land mobile service, with 75 MHz being allocated for the development of high capacity common carrier mobile communications systems to be operated by wireline common carriers and 40 MHz for the development of efficient private and shared systems for use by eligibles in the Industrial, Land Transportation and Public Safety Radio Services (Parts 89, 91 and 93 of the rules). The second and current phase of this proceeding was initiated with the second notice of inquiry, released coincident with the first report and order (38 FR 27082), and deals in greater detail with the questions of spectrum allocations within the land mobile service and the development of systems standards and other regulations applicable to the new 900 MHz land mobile bands.

2. In the second notice of inquiry, the Commission requested interested parties to undertake detailed technical and marketing studies looking toward the future use of the 900 MHz band to meet the public need for land mobile radio services to and beyond the year 1980. Special emphasis was placed on the need for greater spectrum efficiency in designing new systems for this band. In December of 1971, a number of parties submitted written reports describing the results of their developmental efforts. Supplemental filings and comments on the initial reports were received in July of 1972. Many of the technical reports and comments contained new data or raised policy questions which had not been previously addressed in this proceeding. Therefore, to allow interested parties an opportunity to present their views on these matter, the Commission received oral presentations on May 14 and 15, 1973.

3. During the course of the second phase of this proceeding some 58 parties filed written statements and/or were represented in oral arguments to the Commission. The names of these parties are listed in Appendix A. Numerous comments and letters have also been received from members of the public and Congress and have been taken into consideration. All of the information submitted to the Commission has been thoroughly analyzed and care taken to ensure that all positions and arguments are fully understood. We have now reached the point in this proceeding where we believe it appropriate to decide the major policy questions, to finalize the basic frequency allocation and to adopt specific regulations governing the licensing of 900 MHz land mobile systems. For convenience and clarity we have arranged our discussion of these matters in three sections. The first section deals with frequency allocation and related matters; the remaining sections deal with policies and regulations pertaining to the various systems to be accommodated in the 900 MHz band. Rules being adopted at this time are contained as follows.

4. The main areas of controversy throughout the current phase of this proceeding have centered on questions of spectrum allocations and Commission policies toward the regulation of the various land mobile systems which have been proposed for operation in the 900 MHz band. Before discussing our conclusions regarding those matters, we believe it will be useful to briefly define the land mobile systems which are being considered for this band.

5. The cellular system, as proposed by AT&T and others in this proceeding, is a sophisticated, high capacity land mobile system requiring a large capital investment and a substantial spectrum allocation. The spectrum assigned to such a system would be divided into discrete channels which are assigned in groups to small geographical cells covering a defined service area. The key to the cellular system's high capacity is its ability to shrink the size of those cells while holding the total amount of spectrum used by the system constant. What results is a multiple re-use of channels throughout a given geographical area and more traffic intensity per unit of spectrum in advanced stages of development than other land mobile communications system proposed to date. This is achieved, however, with considerable expense and technical complexity. Fortunately, the expense can be shared over a much larger user base than with other systems. To date, two companies, Bell Laboratories and Motorola, have submitted detailed cellular system proposals to the Commission. Although the basic systems concepts are identical, there are some technical differences which affect the amount of spectrum each system would need to operate efficiently. The primary technical difference lies in the bandwidth of the discrete channels. The AT&T proposal calls for channel widths which are 60 percent wider than those proposed by Motorola. On the surface it might appear that 60 percent more spectrum would then be needed for the AT&T proposal over that of Motorola. However, complicating the argument over bandwidth is the ability to re-use channels at close geographical spacing. According to AT&T, the wider bandwidth allows for more intensive channel re-use, which outweighs any initial spectrum saving due to the narrower channels. There is also a difference in the type of service to be provided on the two proposed systems. The AT&T system would be utilized for fleet dispatch as well as mobile telephone service, whereas Motorola's system is designed for mobile telephone service only. This difference has a significant impact on the amount of spectrum each would need. AT&T's dual purpose system calls for 64 MHz while the initially proposed Motorola telephone-only system would need 19 MHz.

6. The second class of system under consideration is the multichannel trunked system. This system is similar in concept to so-called community repeaters widely employed in the private dispatch service today except that the users would have access to a number of channels instead of just one. Actual channel access is controlled by a central computer, which gives a user the first available channel or places the user in a waiting line (queue) to be served in turn. This technique provides the user a higher grade of service than is possible in comparably loaded nontrunked systems by reducing the amount of time he must wait for a channel and/or reducing the probability that his call will be blocked. Small scale trunked land mobile systems are presently being used to a limited degree by common carriers providing mobile telephone services in the

450 MHz band. The innovation lies in its intended application to vehicular fleet dispatching and the potential of using many more channels per system than is now possible. As proposed by both General Electric and Motorola, trunked dispatch systems would be suitable either for large single users, cooperative groups or users on a cost shared basis, or commercial operators providing service for hire. The nature of trunked systems makes them particularly suitable for serving different types of users on the same group of channels without interference. With today's single-channel systems it is generally desirable to put similar types of users on the same channels in order to control interference. That approach, however, requires separate allocations of channels for the various classes of users which often leads to spectrum inefficiencies. In the trunked system, different types of users can be intermixed more readily as they operate essentially independently of each other, the computer assigning channels on demand. Once a user is assigned a channel, it is his exclusively for the duration of his call and no one else on the system can listen or interrupt during normal operation.

7. The final category of system proposed for the 900 MHz band is the basic conventional land mobile system in use today in the lower frequency bands. While these systems may also employ one or more channels, their distinguishing feature is manually controlled channel access as opposed to the computer control used in trunked systems. This makes the conventional system simpler and cheaper, but causes some loss of traffic efficiency resulting in either fewer mobiles per channel or lower service quality. The degree of such inefficiency depends largely upon the traffic characteristics of the users. Our analysis would indicate that for a significant segment of the land mobile requirement, particularly where short range, short message communications are involved, the conventional system can be as or more efficient than the trunked system. Therefore, considering its lower cost and greater operational simplicity, the conventional system, we feel, has a definite place in the 900 MHz band alongside the more sophisticated systems described above.

DISCUSSION OF ALLOCATIONS

8. In the past, the Commission has treated land mobile spectrum requirements from a service perspective, allocating blocks of spectrum, usually on a nation-wide basis, to each of the twenty or so radio service categories. This method of allocation has led to parochialism among the users and inequitable situations where spectrum shortage and abundance exist side by side in the same cities. In this docket, we are proceeding to meet land mobile spectrum requirements in a somewhat different manner. Rather than allocating according to user categories or services, we have chosen to allocate by system type and to allow the market to determine ultimately how much spectrum is utilized by the various types of users. With this in mind, the allocation problem becomes a matter of defining the systems to be accommodated, determining how much spectrum will be needed to satisfy the demand for such systems over a reasonable period of time, and arranging the separate allocations in an orderly plan, taking into account the technical characteristics of the systems and their electrical compatibility with each other and with systems in neighboring bands.

9. The concept of allocating spectrum for systems rather than services has been accepted or encouraged by many who have participated in this docket. To be sure, some of today's service groups have asked for their own private allocations of radio spectrum, but the weight of arguments in the proceeding recognizes the drawbacks of such allocations and supports specific allocation proposals along the lines of systems or broad types of service, e.g., dispatch or mobile telephone. A half dozen different allocation plans were proposed in the various filings in this proceeding, each of which has been carefully considered in developing our own plan.

10. Throughout this docket the Commission, industry, and the public have been dealing with innumerable unknowns, ranging from radio propagation phenomena and new system technologies to innovative service offerings and future market projections for these services. While we now believe that we have a better grasp of these factors through our analysis of the information submitted to the Commission and discussions with industry and user groups, there are still a number of technical questions which only further developmental work can answer, and the ultimate demand for the proposed systems can only be determined in the market itself. For these reasons it is important that any allocation plan be flexible enough to cope with new and often unforseen technological and economic forces. We feel the allocation plan which we are advancing provides us with that flexibility while amply satisfying presently defined needs.

I. *Frequency Allocations to Cellular Land Mobile Communications Systems.*

11. Originally in this docket the Commission tentatively allocated 75 MHz for the use of wireline common carriers to develop cellular land mobile and air/ground systems. The size of this allocation was generally supported by the wireline industry and by a number of radio equipment manufacturers. However, it was opposed as being excessive by the radio common carriers, most radio equipment manufacturers, independent equipment sales outlets, private user organizations, and a large number of private users themselves. The Department of Justice and Office of Telecommunications Policy also deemed this allocation to be excessive.

12. At the time the allocation was made, in 1970, there was very little evidence to indicate if 75 MHz of spectrum was too much or too little for the intended purpose. Little was known about cellular technology and even less about the potential market for such a system. Based on our current understanding of these factors, we have concluded that the 64 MHz which AT&T proposed for a domestic public cellular land mobile system is somewhat excessive.[1] According to most market projections, 64 MHz of spectrum would handle the foreseeable demand for mobile telephone and a substantial portion of the dispatch market to the end of this century in our biggest cities. In the medium to small urban areas, those of two million and under, such an allocation would give the operator enough capacity to handle the total land mobile demand, dispatch and telephone, far beyond the time frame contemplated in this proceeding. Consequently, we are reducing the size of the allocation for cellular systems to 40 MHz. In addition, we will not assign the full 40 MHz to any single operator all at once. Rather, in each area the system operator will be given the minimum amount of spectrum required for that area initially. Additional spectrum will be made available upon a showing of need. This plan is similar to AT&T's as outlined for Philadelphia in its December 1970 technical filing. In AT&T's plan a start-up system could be established by utilizing only 12.5 MHz. As the system grew it would utilize additional spectrum until the allocation was exhausted. After that, further expansion would require cell division. Our plan, therefore, differs from AT&T's in the size of the total allocation and in the fact that the Commission will retain control over the unused portion of the allocation until actually needed in each system. We note that our approach is similar in effect to the recommendation of the Office of Telecommunications Policy which called for an initial allocation of 14 MHz for cellular systems with additional reserve to be allocated as required.

13. A 40 MHz cellular system utilizing 40 KHz channeling should have an ultimate capacity to handle about 105,000 telephone subscribers and 105,000 dispatch users (see AT&T December 1970 filing, page 40). This is sufficient capacity to handle the predicted market for mobile telephone to the year 1990 in the largest cities, plus one quarter or more of the dispatch market in those areas. There is, however, considerable uncertainty involved in predicting the mobile telephone market. This uncertainty results primarily from the possibility of the service developing into a consumer item. For this reason we have also strategically placed spectrum reserves totalling 20 MHz in proximity to the cellular allocation which could be used in the event of unexpected growth. We must stress, however, that the marketing studies submitted to the Commission do not indicate that such would be the case, at least in the foreseeable future. Moreover, should a consumer market develop, it would most probably require spectrum in excess of the total available in the 900 MHz range. Therefore, we cannot realistically plan for that kind of growth in this proceeding but would have to look to other regions of the spectrum to obtain the necessary capacity.

[1] AT&T proposed to use the remaining 11 MHz for public air-ground service.

14. AT&T has argued that an allocation of less than 64 MHz for a cellular system would result in an increase in the cost of the service. The Commission has studied this point carefully, but we do not feel that the cost penalty of reduction from 64 to 40 MHz would be significant. Using AT&T's own data, the proposed reduction in available spectrum for the cellular system will raise the shared facility cost per mobile unit by about 20 percent. In as much as the shared facilities' cost represents only about one-half to one-third of the total cost to the user, the 20-percent cost penalty is reduced to less than 10 percent in his overall bill. Moreover, the capacity and ultimate cost of mobile telephone service in a celluar system is highly dependent on technology. For instance, a reduction in channel spacing, which some have argued is feasible, could increase the total system capacity and affect ultimate costs. The application of mass production techniques and competition in the production of mobile units for the cellular system could drive prices down below that which is presently foreseen. Despite these uncertainties over the future market for mobile telephone service, we believe the 40 MHz proposed for a cellular system is sufficient and will provide for adequate growth and reasonable costs over the foreseeable future.

II. *Frequency Allocations to Air/Ground Communications Systems.* 15. At this time we are making no allocation for a public air/ground system. AT&T had proposed that 11 MHz be used for such a system although it made no factual showing in this docket to substantiate any appreciable public demand for the service which cannot be met through the use of channels presently allocated for that purpose. Furthermore, ARINC, in its July 1972 comments, noted the Air Traffic Conference of 1963 adopted a resolution which, in effect, prevents the use of public air/ground systems in scheduled service. Therefore, the spectrum which might have been allocated for air/ground service is being incorporated into the several reserve bands mentioned earlier. Should it be warranted, a separate proceeding may be instituted in the future to consider the overall question of public air/ground communications spectrum requirements. Also, the proposals of ARINC for additional spectrum for general aviation use in this band are being denied on the grounds that such proposals were considered on their merits and denied in the First Report and Order herein (paragraphs 21 through 23). No new information has been submitted by ARINC which would alter that decision. Furthermore, this band is not well suited for aeronautical services which generally require a high degree of international standardization. The use of these frequencies for mobile services in the United States will be in derogation of ITU Region II allocations and coordination of aeronautical service with neighboring countries would be difficult, if not impossible.

III. *Frequency Allocations to Conventional and Trunked Land Mobile Communications Systems.* 16. The next allocation which we will discuss is for conventional and trunked systems. For the most part, we expect those systems to be used for fleet dispatch operations of the kind now accommodated under the so-called private land mobile services. In the 1970 Report and Order, the Commission tentatively allocated 40 MHz of the 900 MHz spectrum for private land mobile services. The size of this allocation has not been seriously disputed in this proceeding, although some parties, notably equipment manufacturers and user groups, urged that the private allocation be larger. These same parties later supported the OTP recommendation of 40 MHz to be allocated for "any mobile service to be offered on a non-rate regulated competitive basis".

17. At this time we are making available an allocation of 30 MHz of spectrum for conventional and trunked systems with additional reserve bands so placed as to be readily accessible for future growth if needed. Base don market projections given by industry, 30 MHz should be sufficient in most areas well into the 1980's, and the reserve bands will take care of any unforeseen growth within and beyond that time frame. As will be discussed further in a later section, it is our intent that the allocation for conventional and trunked systems be available for both private and commercial (third party) operation and used for either mobile telephone or fleet dispatch service. These provisions are discussed in more detail in the section below dealing with the regulation of these systems.

IV. *Frequency Provisions for Industrial Scientific and Medical (ISM) Devices.* 18. Throughout this proceeding the General Electric Company has urged us to reconsider our plan to reduce the size of the ISM (industrial, scientific and medical) spectrum provision from 50 MHz to 26 MHz. General Electric claims that such a reduction will make it impossible to continue manufacturing economical microwave ovens for this band. It argues that a minimum of 38 MHz is needed to make an oven which is competitively priced and capable of cooking all types of foods properly. Although there appears to be some merit to GE's arguments, we are not inclined to give up our ultimate goal of reducing the ISM emission limits to 26 MHz. To reopen all or a large part of the original ISM provision would cause a serious reduction in the amount of spectrum avaliable for land mobile communications services in this range. On the other hand, it is likely to be 10 to 15 years before the full land mobile allocation will be required and thus some interim provision can be made for continued use of wide-band ISM ovens during this period. This should provide necessary time for the production of ovens capable of utilizing the narrower emission, without crippling the industry by forcing it into tighter standards which are not now feasible. Our decision, therefore, is to establish a guard band 12 MHz wide immediately above the regular ISM provision so that the total spectrum available for microwave ovens would be 38 MHz. However, this guard band would carry a time limitation of 5 years, after which the band would revert exclusively to land mobile use. This will provide an opportunity for the oven industry to continue development of more spectrally efficient devices which can meet the narrower bandwidth. In the meantime, the temporary 12 MHz ISM guard band could be considered for sharing by land mobile or related services which can tolerate oven interference and which do not require a paired allocation.

V. *Land Mobile Reserve Allocations.* 19. Most parties who filed allocation proposals in this docket recommended the establishment of reserve bands to accommodate new land mobile services or unexpected growth in existing services. We feel that this concept is an excellent one and a generous amount of reserve spectrum has been incorporated into our allocation plan. Our plan calls for 8 reserve bands with a total of 45 MHz. The bands are so positioned as to allow the greatest flexibility in expanding the proposed services and for accommodating new services. The reserve bands also provide buffers between high and low power land mobile stations and provide some degree of flexibility in coping with special problems along the Canadian and Mexican borders. These reserve bands are not being allocated to any specific use at this time, but are merely designated as land mobile reserve. Their allocation in the future will be the subject of separate rule making as the need arises.

VI. *Treaty Considerations.* 20. Under present international treaty obligations land mobile operations in the 900 MHz band will be in derogation of the ITU allocation table for Region II. Such derogations are permitted under No. 115 of the International Radio Regulations, provided we afford protection to assignments operating in accordance with the ITU allocation table and accept any interference from such operations. The obligation to protect both Canadian and Mexican television assignments between 806 and 890 MHz will mean that the assignment of some types of land mobile operations, primarily high powered and/or omni-directional stations, will be impaired close to the border areas. This is especially true in Detroit and Buffalo, where even low powered mobile units might cause interference in certain nearby Canadian UHF–TV coverage areas. In exceptional cases such as these, the national allocation table we have outlined might be modified to provide land mobile spectrum relief in the reserve sections above 890 MHz. The need for such adjustment would be the subject of future rule making if necessary. In order to meet international commitments, we intend to examine all applications for land mobile stations within possible interference range of each border to ensure that harmful interference to Canadian or Mexican assignments will not result. This procedure will apply to land mobile operations within the entire band 806 to 947 MHz. More specific coordination procedures may be adopted at a later date as a result of our continuing discussions with the respective administrations.

POLICIES RELATING TO CELLULAR COMMUNICATIONS SYSTEMS

I. *Ownership of Cellular Systems.* 21. The parties filing comments have generally not questioned allowing wireline carriers to operate cellular systems. There has been a general feeling of malaise about letting wireline monopolies expand in the mobile communications market which has been traditionally served primarily by competitive entities. However, the wireline carriers are the only organizations which have demonstrated that they possess the resources and the expertise necessary to establish cellular systems which would have nationwide compatibility. AT&T was the only entity which submitted a comprehensive proposal for developing and implementing compatible cellular systems. Therefore, we have concluded that wireline carriers should be permitted to operate cellular systems. Moreover, since a cellular system is technically complex, expensive, and requires a large amount of spectrum to make it economically viable, competing cellular systems would not be feasible in the same area. Also, as these systems will require extensive interconnection with the wireline telephone system, and nation-wide compatibility is desirable, we have concluded that only wireline carriers should be licensed to operate them.

II. *Restrictions on Wireline Telephone Companies.* 22. A major concern voiced to the Commission by various parties to this proceeding deals with potential anticompetitive action on the part of wireline telephone companies through the use of cross-subsidies. It is feared that the guaranteed revenues generated by the telephone companies in their wireline operations will be used to give them an advantage in the sale of mobile dispatch services on the cellular system.

23. The Commission is fully aware of the danger of unchecked cross-subsidization in a competitive communication market and we fully intend to take appropriate steps to ensure that this practice does not take place. Therefore, as a minimum we shall require that any wireline telephone company establish a wholly separate operating company with separate books of account, separate officers and separate personnel in order to operate a cellular land mobile system as well as any other separation requirements we may deem necessary to prevent cross-subsidization. We shall establish detailed regulations and procedures for the separation of subsidiary and parent organizations at a later date.

24. While we think that establishment of separate operating companies with separate books of account, separate officers and separate operating personnel will go far to prevent the cross-subsidization feared by many parties, we will also impose certain other restrictions on the wireline companies. They, for the most part, have already been accepted by the Bell System and the independent telephone companies. Thus, the wireland companies will not be permitted, directly or indirectly, to manufacture, provide or maintain mobile equipment. In addition, the base station components must be manufactured by companies wholly independent of the wireline carriers.[3] All contracts between any telephone company and its mobile telephone affiliate or subsidiary shall be filed with the Commission and records of all money flows and exchanges or flows of property (of whatever kind) between them shall be maintained and reported periodically in accordance with rules specified by the Commission. Moreover, any telephone company will be required to offer interconnection services to the public on the same basis as it does to its mobile telephone affiliate or subsidiary. We should like to think that these measures are sufficient to provide regulatory control of the cross-subsidization problem.

25. A number of the parties filing comments expressed a concern that permitting the wireline carriers to offer dispatch services through their cellular systems could, because of their ability to cross-subsidize, result in anti-competitive practices and eventual market dominance by the wireline companies. On the other hand, dispatch or dispatch related service makes up a substantial part of the initial market for cellular systems proposed by the wireline carriers. To exclude dispatch-type services entirely could delay or even prevent the implementation of any cellular systems. Also, if cellular systems can, through natural economies, provide lower-priced dispatch services, the public should not be denied that benefit. We have therefore concluded that the operators of cellular systems should be allowed to provide some dispatch services. With regard to the cross-subsidization issue, we feel that the restrictive measures described above will greatly minimize the ability of wireline carriers to cross-subsidize. However, we think it desirable to place some restriction on "fleet type" automatic dispatch offerings by operators whereby a dispatcher can call several vehicles simultaneously. In this regard, there is technical evidence that the widespread use of "fleet call" in a cellular system would substantially reduce its efficiency, thus eliminating an important reason for having a cellular system at all. Therefore, we will not allow cellular systems to offer dispatcher-originated communications service with "fleet call" capability whereby a single dispatcher can automatically call several vehicles simultaneously.

III. *Developmental Authorization of Cellular Systems.* 26. Initially, we will authorize only developmental systems until we are reasonably sure that all factors necessary for regular implementation are accomplished. Developmental systems will be authorized on a one-to-a-market basis and only one system per telephone company. For system planning purposes the entire 40 MHz of spectrum may be considered as being available although the Commission may limit initial assignments of spectrum to less than 40 MHz. Therefore, any proposal for an initial developmental authorization must include a request for the minimum amount of spectrum required for the area proposed to be served. Additional spectrum, beyond that specified in initial developmental authorizations, will be made available upon a demonstrated showing of need and in accordance with criteria to be set forth in a subsequent rule making proceeding to amend Part 21 of the rules to provide for the regular licensing of cellular systems. That proceeding will also provide technical standards, loading criteria, etc. It will be instituted when more detailed technical information becomes available through the developmental systems.

27. The guidelines under which developmental cellular systems will be authorized are contained in Appendix B.

THE ASSIGNMENT PLAN FOR PRIVATE, SHARED, AND COMMON USER COMMUNICATION SYSTEMS IN THE 900–MHZ BAND

Preliminary Comments. 28. In the past we have made separate allocations and provided different regulatory schemes for private systems of communication and for radio facilities used to provide service to the public. The former were authorized in the Safety and Special Radio Services and the latter in the Common Carrier Services. Nevertheless, over the years, especially during the course of the decade just passed, hybrid arrangements for radio communication facilities have evolved in the private services, particularly under our cooperative use and multiple licensing practices.

29. We have examined what we plan to do, here, in the light of the history of the foregoing regulatory framework and of the development of the land mobile services, and we have decided to modify, considerably, the traditional scheme of regulation we have followed in the past. Thus, while we still believe, as we have made clear in prior portions of this Report and Order, that common carrier-type regulation is appropriate for the large cellular land mobile radio systems (which, because of their design, can most effectively be operated by a single entity), we have determined that such manner of administrative control is neither appropriate or desirable for the variegated systems of communication we plan to authorize in the 806–821 MHz and 851–866 MHz bands.

30. In this connection we would point out that while some systems of land mobile radio communication have been authorized as common carriers, the vast majority of those employing radio are licensed in the private services. These private systems serve vital needs and requirements of governmental, industrial, and land transportation entities, but, unlike facilities licensed in the Domestic Public Radio Services, they operate under restrictions and limitations as to the persons who may employ them; as to the purposes for which they may be used; and as to the kind of messages that may be transmitted. The scheme of regulation we adopt here parallels that used in the private services. Accordingly, while our action departs from the traditional approach to administrative control over

[3] Wireline carriers will be allowed to manufacture and maintain radio equipment for use in initial developmental cellular systems. However, this equipment may not be used when the system becomes operational or in developmental systems offering service to the public.

public and private systems of radio communication, it does follow closely assignment policies and practices used in the private services. Thus, in major respects, our plan is not entirely new or untried; rather, it arises out of and amplifies and builds on what we have found to be an effective and efficient method of management of the radio spectrum.[3]

31. To explain, our new plan is designed to permit the establishment of a large variety of systems of radio communication to meet the many and varied requirements of different users. The assignment plan is flexible. It will allow police eligibles (and other classes of users, as well) to establish their own radio facilities and to manage them in ways they think best meet their individual requirements. Also, they may share facilities with other classes of users on a cooperative basis; or form nonprofit corporations or associations to serve as licensee and to manage their systems for them. In this way they will be able to spread the costs over a broader base and reduce capital and operating expenses proportionally. Finally, under certain conditions, we would license a person to provide service, on a commercial basis, to a single customer, say a large metropolitan police department. That is one possibility. Another would be to license a common user system to provide service to a number of small police forces, which may be operating in adjacent jurisdictions, under some arrangement which would afford all the means of communication they require at low cost and in an efficient manner. And, of course, many other variations of such arrangements will be possible. Our plan provides for this.

32. In addition, eligibiles will have the choice of trunked or conventional systems. Further, within each of those modes of operation, they will have a variety of ways in which to use radio, and this will permit them to tailor, to a fine degree, the communication systems they elect to establish. Added to this, overlaying all of these alternatives, they will have an option to switch from one type of system to another, and then back again, should any prove to be unsatisfactory or not to work out as expected.

33. A plan of this kind is feasible, for we now have sufficient spectrum space to offer a large number of options to the land mobile community. Thus, in any one area, and in adjacent areas, too, we have the potential for 600 single-channel conventional systems; or 30, 20-channel, or 60, 10-channel, or 120, 5-channel trunked systems. There are other combinations, too. Therefore, overall, with the spectrum we are making available for immediate use and with what we are holding in reserve, we are assured, perhaps more so than ever before, that we will be able to accommodate the needs and requirements of land mobile operations, in a most effective and efficient manner (with little or no congestion), for many years to come.

34. We are fully aware (the parties have not failed to remind us of this) that some of the entities we propose to license, i.e., entrepreneur-operated, common-user systems, could be licensed as common carriers and regulated under Title II of the Communications Act, However, our basic goal in this proceeding is, as it has been since its inception, to make available to the land mobile service additional spectrum and to do this in a way that would promote the larger and more effective use of this spectrum in the public interest, all in conformity with our duties, obligations, and responsibilities under Title III of the Act. Moreover, the type of radio operations planned, here, for the land mobile services at 900 MHz, were not envisioned by the original drafters of the Communications Act. In this instance, the radio services we are establishing fall somewhere between what Congress had in mind in framing the provisions of Title II and what it intended to cover under Title III of the Act. In these circumstances, then, we feel we have the discretion necessary to select the regulatory tools we believe will most effectively promote the public interest.

35. In accomplishing this goal, we are free, we believe, to adopt whatever comprehensive regulatory scheme is best suited for the purpose. In this instance, on the basis of the extensive record in this rule making, and also in light of our experience, particularly that over the past two decades, we find that our plan for the use of the MHz spectrum would not be best implemented by restricting the number of licensees. We are of the view, rather, that reliance should be placed on the competitive forces present in the communications market to give land mobile users the options and choices we feel should be theirs. In this connection, then, we have concluded that we do have the necessary statutory authority to choose one regulatory process which is preferable, on demonstrable grounds, over another which is not at all suited to the objectives of the action we propose to take. This, we think, is the central holding in United States v. Southwestern Cable Co., et al., 392 U.S. 157 (1968); and Philadelphia Television Broadcasting Co. v. Federal Communications Commission, 123 U.S. App. D.C. 298, 359 F. 2d 282 (1966).

36. In this connection, we have, of course, addressed ourselves to the argument advanced by a number of the parties that the Communications Act, together with certain precedents cited in support of the proposition, compel the conclusion that we do not have discretion in this matter to select one regulatory scheme over another; that we must treat any entity offering commercial service to eligibles or licensees in the private services or to the public as a common carrier and regulate that entity as a common carrier. But we do not think we are restricted or limited in this way in carrying out our duties and responsibilities under the Act of assuring the most effective and efficient use of the radio spectrum under whatever controlling circumstances exist. We believe, rather, that the Communications Act, read as a whole, directs us to regulate the use of the radio frequencies that are available in the way that affords maximum benefits to the public, and that is what we have done, here.[4]

37. In this connection, we would point out that we have allocated 30 MHz of spectrum space, or an equivalent of 600 25 kHz voice-grade channels, for the future development of mostly dispatch-type land mobile radio communications systems. Further, this is a new range of spectrum for land mobile use, much higher than that used in these services in the past. Thus, as we have mentioned, new system design; new equipment; and new marketing practices are to be worked out as the frequencies are placed in use. In these circumstances, we cannot predict with any degree of certainty what types of communication systems will emerge or what methods of marketing will make them most available to the land mobile communication users. However, our experience over the past 25 years teaches us that detailed subdivision of the spectrum, with attendant restrictions, does not always promote the fullest and most efficient utilization of radio frequencies. Accordingly, we have grouped varying classes of users and varying methods of use together and we have allocated for their use the entire band of 30 MHz. We did this specifically and intentionally, for we wanted the competitive forces in the market place and the relative needs of each user or group of users to decide what assignments are made first and to whom such assignments are made. In this way the three basic types of eligibles are placed

[3] The Commission has long treated private and land mobile communication systems under a specialized regulatory scheme. Basically, we have expanded that plan, here, to cover a wider range of alternatives for establishing or obtaining communication services. In accomplishing this objective, we have abandoned, to a large degree, the service categories employed in the past, and we have also combined private, shared, and common user systems under a single assignment and regulatory plan which we believe to be more efficient than that used in the past.

[4] It is pointed out that such a licensing practice would be at variance with that presently used in authorizing service in the Domestic Public Radio Services, under Part 21 of our rules. This is so. But where we find it necessary, in achieving a desirable goal, to abandon a trail once followed, and to turn to a new one, we must have the right to do so. There must be progress, and we must be able to learn through experience what is good and what is not, and to act upon that experience. For this reason and others set out, above, in our opinion, we deny the "Motion for Severance of the Issue of Multiple-User Licensees from the Frequency Allocation Aspects of this Proceeding and for Resolution of that Issue in an Evidentiary Hearing," filed herein on October 19, 1973, by the National Association of Radiotelephone Systems (NARS). The issue NARS points to has been debated at length. Parties, including NARS, have addressed themselves to it in their comments and pleadings and in oral argument, too, and we see no need for further proceedings to decide this legal question. Accordingly, as stated, the referenced motion is denied.

on equal footing, i.e., private, shared, and common user systems have commensurate or corresponding opportunities to apply for and to establish systems of radio communication required to carry out authorized functions and activities. No person is excluded and no person can exclude, by recourse to challenges on economic or other grounds inconsistent with this plan, so there will be open entry to the market and competition among users, but all this on a fair basis as we have just described.

38. With this spectrum, with the combinations mentioned, we believe that the competitive forces of the market place can be relied upon to provide the foundation upon which we may properly rest our regulatory approach. To illustrate, as to the cost and quality of service, or as to the form it takes, there is no need for regulatory measures like those imposed on common carrier operations, for each user will be free to negotiate with multiple suppliers and communication companies for the facilities he needs. Also, in certain circumstances, he may apply for and construct his own system, should he find that mode of operation to his advantage. Or he may join with others to bring together the necessary elements of a radio system under our "cooperative use" practices; or form a nonprofit association or corporation for the purpose; or rely on a trade organization, which may offer communication services to its members on a nonprofit, cost-shared basis. All of these avenues are open to the user; and with them we feel he is protected from those abuses that might arise, were the circumstances other than what they are.

39. Additionally, we think it very important that we exercise our authority and adopt a regulatory plan which is greatly simplified. We want the burden on the applicant to be significantly less. We would like to cut down on the costs to the public, particularly in the case of those seeking to bring service to it through common user systems. Also, we find it imperative to adopt procedures which will enable us to authorize eligible persons to establish the radio stations applied for at a much earlier date than is possible under current processes that now apply to radio common carriers.[5]

[5] We would note that, over the years, where procedures have been followed that provided for consideration of economic impact on common carriers, we have witnessed what seems to us are interminable delays in the authorization of service, in some cases extending up to 4 or 5 years and at times longer. Many of these delays, in our view, had or have little or nothing to do with the ultimate merits of any given proposal; rather, they are primarily the result of efforts on the part of existing carriers to keep out competition. These efforts have been effective in delaying, if not limiting competition; and, in some cases, they have frustrated the actions of persons interested in establishing what might very well have been a valuable service to the public, all with few, if any, corresponding benefits in terms of the overall public interest, convenience, and necessity. We believe this can be best accomplished by adopting our plan—a plan we have modeled and fashioned on our practices and procedures in the private services, where a higher level of administrative efficiency does obtain.

40. On that point, we think it clear that no one user will necessarily have to look to a single business entity for service. This is as it should be, at least in the context of the fundamental objectives we have set for ourselves in the formulation of our 900 MHz assignment plan. Those objectives, we will mention again, are to provide a maximum number of ways under which a maximum number of qualified persons may, at the earliest date possible, with the least administrative delay and under minimum procedural restraints, provide themselves with the means of radio communication they may require to enable them to conduct their affairs in an efficient and effective manner.

41. Furthermore, there are great advantages to the public in having at 900 MHz a multiplicity of sources for the kinds of equipment and related facilities needed to meet the requirements of land mobile users. Companies of this kind—providing such services and facilities—can and do function independently, competing with one another for business, all without any adverse impact on the public. This being so, our plant is premised in part on the nature of the requirements of land mobile users; and we think it clear that "limited competition" or "natural monopoly" approaches, where detailed and complex regulatory procedures are imposed, would be antithetical to the best interests of these users and to the public, too.

42. Further, we are convinced that we, for our part, must not carry forward to the 900 MHz band the burdens and delays inherent in present procedures, used in regulating common carriers, except, of course, with regard to cellular service to be provided by wire line telephone companies. It is our view that it is very much in the public interest to shed this heavy cloak and exchange it for one with far greater flexibility and far greater promise for maximizing the potential of utilization of the radio spectrum at 900 MHz.[6]

43. Finally, we emphasize that our new assignment plan and the scheme of regulation we have devised to implement it are designed to be carried out on a national basis. All of the 600 radio channels are made available nationwide. The frequency assignment methodology and technical standards and our operational rules are to apply nationwide, where each frequency assignment will control where the next may be made—this without regard to state boundaries or varying local jurisdictions. In these circumstances, the methods which potential users may employ to make use of radio frequency must also be compatible on a nationwide basis. If they are not, we will not be able to achieve the goals we have set for ourselves—goals which we feel certain will bring to the public what we foresee to be means for efficient, effective, and low cost communications.

[6] In this regard, our 900 MHz plan will require a minimum of time for adjustments to service parameters, because we have, in our technical and loading standards, built-in allowances to permit expansion of service as it is required, all without major study or evaluation on our part. That is one of the features of the new plan, i.e., it has been conceived in a way which will permit us to eliminate the costly, time consuming, case-by-case treatment of every change or variation in the method of operation or in the charges or types of service provided by the licensee.

44. We recognize that some state and local authorities, in exercising jurisdiction over intrastate common carrier communications, may attempt to impose regulations and controls over some or all types of common user systems which would be inconsistent with our allocation scheme for 900 MHz. In this regard we are particularly concerned about regulation which may take the form of limiting or excluding potential users or classes of users from utilizing this band.[7] Such action would be in direct conflict with our attempt in this proceeding to establish a nationwide system of radio communications consistent with our obligation under Title III of the Communications Act. Both sections 2(b) and 221 (b) of the Act, which reserve to the states jurisdiction to regulate intrastate common carrier communications, begin with language that makes it clear that state action must yield to the sole jurisdiction and power of the Commission to provide for allocation of the radio spectrum and to issue radio licenses. We think both these sections make it clear that Congress did not intend that such regulatory powers the state may be given with respect to intrastate communications be used to inhibit or thwart the Commission in exercise of its obligations in establishing a uniform national plan for use of radio frequencies. We stated in Telerent Leasing Corp., 45 FCC 2d 204, 220, 223: "State action must yield to the sole jurisdiction and powers of the Commission to license radio facilities in the public interest" and that "no state regulation can oust this Commission from its clear jurisdiction."[8] Moreover, the Supreme Court has held that federal exclusion of state law is inescapable where compliance with both federal and state regulation is impossible. Florida Lime & Avocado Growers, Inc. *v.* Paul, 373 U.S. 132,

[7] In addition to generally frustrating the objectives of this proceeding, any state restriction limiting the number of users would have a negative impact on frequency allocation. Rather than attempting to determine by administrative process the best use of the radio spectrum, our new plan at 900 MHz harnesses the competitive forces of the market place as a regulatory tool to insure efficient and effective frequency use. If those that are first licensed do not effectively utilize frequencies or provide for public need, opportunity will encourage others to seek radio facilities which, under free competition (and the rules we have designed), will supplant the less effective radio users.

[8] Under appeal, U.S. Court of Appeals for the Fourth Circuit.

142–143 (1963). Accordingly, we assert Federal primacy in this area and declare that any state regulatory action that may be taken with regard to users or potential users of the 900 MHz band that is inconsistent with the rules and policy promulgated in this proceeding is unlawful. While we are reluctant to take such preemptive action, we believe it imperative to the success of this program.

LICENSING 900-MHZ STATIONS

Eligibility. 45. Under our assignment plan, there will be three basic license classifications. Facilities will be authorized either as private, or shared, or common user stations. Under the first heading, private systems, we will license any person or entity eligible in any of the radio services included under Parts 89, 91, and 93 of the rules.

46. In the second license classification, we include, as eligibles, any person or entity offering to provide communication services and facilities, on a not-for-profit, cost-shared basis, to persons eligible under either Part 89, 91, or 93 of the rules. Thus, the licensee may be an individual licensee; a non-profit corporation or association, formed for the purpose of providing radio facilities to qualified participants; or it may be an entity such as a medical society or industry organization which has as its primary purpose some function other than the provision of communication services for their members.

47. Under the third and last license category, we have grouped commercial common user systems. These include any commercial concern offering to provide service to persons eligible under either Part 89, 91, or 93 of the rules, on the one hand, and on the other, to the public, in general, without regard to the eligibility factor. As we will point out, later, arrangements of the first type will be regulated differently from those of the other type; but in neither case will the licensee be subject to regulation as a common carrier.

48. Reviewing, then, there are to be three license categories, that is, one for private systems; another for shared systems; and the third for commercial common user facilities. Private systems, we envisage, will not be unlike those authorized under our present rules. Shared systems are to be operated on a not-for-profit, cost-shared basis, and they are to be available only to persons eligible in the private services. But the third license category is a new one, for under it commercial concerns will be able to provide communications services for profit, either to eligibles under Parts 89, 91, and 93, or, alternatively, to the public, in general.[9]

Policy on Interconnection. 49. Our new rules also place restrictions on interconnection. In this regard, our policy will be to permit full interconnection only in those cases in which the licensee provides radiotelephone services, on a commercial basis, to the public. Thus, where the licensee serves himself (a private system), or where he provides service to eligibles on a not-for-profit, cost-shared basis (a shared system), or where service is offered to a restricted class of eligible users, but on a commercial basis (one of the two forms of common user systems), interconnection with the wire line facilities of the telephone company serving the area will be limited to those situations in which it is accomplished manually, by a person in the employ of the licensee or user, at the licensee's or user's principal place of business. Interconnection at a control point common to more than one licensee or user will not be allowed.[10]

50. Our policy on interconnection is being adopted because our continuing experience with it, in the private services, has convinced us that the mode of operation is basically incompatible with dispatch-type requirements. Thus, where interconnection is used, message time invariably increases, and, further, it brings into play a number of factors which decreases system efficiency. These factors include dial-up time requirements; use of "hold" features of telephone facilities; and a tendency not to monitor the channel before transmission, even in those cases in which the equipment employed is designed to permit it. Accordingly, while we know that interconnection is desirable in certain situations and necessary in others, we make limited provision for it, as previously explained.

Other Restrictions on Operation and Use of 900-MHz Systems. 51. We have said that we plan to license 900-MHz stations under three basic categories, namely, as private systems, where licensees use their stations in carrying out authorized activities and functions; next, as shared systems, where service and facilities are provided to eligible persons on a not-for-profit, cost-shared basis; or, finally, as common user systems, where commercial firms offer facilities and services either to eligibles in the private services or to the public.

52. Now, in every instance in which service is to be provided solely to eligibles in the private services (in three of the four use categories just mentioned), there are to be three additional license restrictions. First, radio facilities so authorized may only be used for purposes expressly allowed in the radio services included under Parts 89, 91, and 93 of the rules. Second, each licensee or user must be shown to be eligible for facilities, either under this subpart or in the radio services, listed, above. Third, all messages and transmissions must be limited to those permitted in the services in which the participants are eligible.

53. These license restrictions are in contrast to those governing stations employed to provide radiotelephone services to the public. In the latter system, interconnection is to be allowed. There are to be no restrictions on the class of persons served, and messages of all types may be transmitted. In brief, common user systems of this type are to have the maximum degree of flexibility in the way, and by whom, they are employed; whereas, private, shared and common user facilities, used to serve specific classes of eligibles, are to be restricted and designed in a way that will permit qualified persons to conduct certain activities and functions in an efficient manner.[11]

Filing and Processing of Applications for 900 MHz Facilities. 54. Applications for stations are to be submitted to the Commission at its offices in Washington, D.C.[12] All applicants are to use FCC Form 400, along with the additional information which must be submitted in connection with 900-MHz facilities.[13]

55. Our plan is to process these applications essentially in the order in which they are received. Once received, the proposal will be reviewed to determine whether it is acceptable for filing, i.e., not deficient in any material respect. If it is acceptable, it will be assigned a "priority", based primarily on the date and time it was filed. It will then be placed on our "processing line" for consideration "in turn". Where possible, the application will be granted. Should this not be possible, the proposal will be dismissed or denied, depending on the circumstances, and returned to the applicant, and, in this event, he will lose his assigned "priority".

56. These procedures will be followed until all of the channels available in the

[9] While, as we have indicated, we will not treat these commercial ventures as common carriers, this does not mean that they will not be regulated. They will be, but in a way which will promote, in our view, the fuller and more effective use of the new spectrum in the public interest.

[10] This practice is now being followed in connection with shared community repeaters authorized in the Business Radio Service in the 450–470 MHz band. It has worked well, and we have received no complaints from licensees that the restriction interferes in any meaningful way with their traditional dispatch-type operations.

[11] This point may be illustrated by the use made of radio systems by public utilities, eligibles in the Power and Petroleum Radio Services. There, radio is used as a "tool", so that these enterprises may provide utility service on a more effective and efficient basis. And in the Fire and Police Radio Services, where, again, radio is used as a "tool," not in the conduct of the personal affairs of policemen and firemen, but to allow officials to carry out their governmental functions in a more effective and efficient manner. That is the essence of the private services, and we preserve it in the 900-MHz licensing processes through the limitations and restrictions placed on systems operated for, or by, groups eligible in these services.

[12] Applicants proposing operation within the Chicago Spectrum Management Region as defined in the First R&O Docket No. 19150, adopted Oct. 28, 1971, 36 FR 2167 shall file their application on Form 425 with the Chicago Regional Office. A subsequent order will be issued delegating authority to the Chicago Regional Office for the processing of such applications. Rules adopted herein will apply in the Chicago Region pending possible future rule making dealing specifically with 900 MHz land mobile operation in that Region.

[13] While we have not established a schedule of fees for filing or grant of applications for 900 MHz facilities, we plan to do so following the issuance of our report and order in this proceeding. Meanwhile, we will accept applications for filing, subject, however, to the payment of the required fees at such time as they are established.

area are assigned. At that time, all applications on file, proposing operation in the area in question, will be placed in "pending status", if the applicant has made this election. Following this, each application in "pending status" will be considered "in turn" at such time as additional frequencies become available.[14] Where the applicant has not made this election (that his proposal be retained in "pending status"), it will be returned to him. He may, then, either file it at a later date or submit it, in modified form, for consideration for grant in some other area or region.[15]

57. We should emphasize, here, that applications for stations in the 900–MHz band will be processed and considered within the framework of specific standards, those set out in our rules. If the proposal meets these specifications, it will be granted. If it does not, it will either be dismissed, or denied, or kept in pending status, whichever action the facts of the case demand. In general, then, there are to be no hearings on comparative or economic issues, as such; and petitions to deny, in general, will not be entertained nor will other procedural or administrative remedies be available, except where the law so prescribed.[16]

58. These practices have been worked out, with care, to enable us to attain our primary objectives, i.e., to provide the maximum number of channels for communication to the maximum number of qualified users at the earliest possible date, all with a minimum of regulatory "red tape", but with options as to how, and from whom, service may be obtained.

59. Achievement of these goals is possible, we think for we have sufficient spectrum space, with additional channels in reserve, to permit the establishment of multiple facilities in any one area or region and to duplicate them in adjacent cities and communities. With this, and with the licensing alternatives provided for, there will be no need for comparative consideration of proposals. Besides, such hearings would preclude implementation of our scheme of regulation, since it rests, in an essential way, on there being free and open competition in each area between persons offering equipment and services.[17]

SELECTION AND ASSIGNMENT OF FREQUENCIES IN THE 900–MHZ BAND

Preliminary Considerations. 60. As pointed out, we have allocated 30 MHz for use in providing service to persons qualified to operate at 900-MHz. This has been done in two bands, with 15 MHz allocated in the 806–821 MHz band and 15 MHz in the 851–866 MHz band.

61. In both trunked and conventional systems, mobile station transmitting frequencies will be selected from those available in the 806–821 MHz band and base station transmitting frequencies, from those allocated in the 851–866 MHz band. There will be uniform 25-kHz channeling; and the spacing between associated mobile and base station frequencies, in each instance, will be 45 MHz.

62. This 30-MHz allocation makes possible a number of options for system design. For example, we could authorize 600, single-channel conventional stations. On the other hand, we could have 30 trunked systems, with 20 channels each; or 60, with 10 channels; or 120 with 5 channels. There are other combinations, too; but the important feature of our plan is its flexibility. This flexibility gives assurance that competitive forces in the market place can operate freely and allow the establishment of the best combination of services and facilities possible under the present state-of-the-art.

63. But, initially, as a matter of policy, we have decided not to authorize, in any one area or region, more than 100 25-kHz channel pairs for conventional use and 200 25-kHz channel pairs for trunked systems. The remaining 300 25 kHz frequency pairs will be temporarily reserved to give us an opportunity to study system development trends in the available spectrum. Further, we do not want to allow one type of system to dominate the market, where the other might better serve the needs and requirements of eligible users. Accordingly, as an interim safeguard, we will impose the restriction mentioned.

Frequency Assignments for Trunked Systems. 64. Applicants for trunked systems will be assigned frequencies in groups, from 5 to 20 channels, depending on the nature of the service to be provided; the area to be served; the class and number of users or customers to be offered facilities; and a number of other factors.

65. Mobile station transmitting frequencies for trunked operation will commence with Channel No. 1 at 820.9875 MHz, followed by Channel No. 2 at 820.9625 MHz, and proceed to the band end with uniform 25-kHz channeling. Base station transmitting frequencies will commence with 865.9875 MHz, Channel No. 1, followed by 865.9625 MHz, Channel No. 2, and proceed to the band end with uniform 25-kHz channeling.[18]

Frequency Assignments for Conventional Systems. 66. Applicants for conventional systems will be assigned channel pairs in accordance with applicable loading criteria.[19] Where justified, on the basis of the showing made by the applicant, one or more channel pairs will be made available to him for use in his system of communications. However, the absolute maximum number of channels that will be made available for use in a conventional system will be five, regardless of the number of mobile units the applicant plans to serve.[20]

67. Mobile station transmitting frequencies for conventional systems will commence with Channel No. 1 at 806.0125 MHz, followed by Channel No. 2 at 806.0375 MHz, and proceed to the band end with uniform 25-kHz channeling. Base station transmitting frequencies will commence with Channel No. 1 at 851.0125 MHz, followed by Channel No. 2 at 851.0375 MHz, and proceed to the band end with uniform 25-kHz channeling.[21] As in the case of trunked systems, discussed immediately, above, the spacing between associated mobile and base station frequencies will uniformly be 45 MHz.

Authorization of Operational Fixed Stations in the 900-MHz Band. 68. Much thought has been given to whether operational fixed stations should be permitted in the 900–MHz band. However, for the same reasons that have persuaded us in the past, we will only allow control stations and then only with specific limitations similar to those now applying to such stations in the 450–470 MHz band.

69. These limitations require that the control station operate on the assigned frequency of the associated mobile station. Also its use is subject to the condition that harmful interference not be caused to stations of licensees authorized to use the frequency for mobile service communications. Further, and in order to minimize potential interference, directional antennas will be required at control stations and their power output will have to be adjusted so that the control station's signal at the controlled station will not exceed by more than 6

[14] We should add, "together with those submitted at a later date, seeking facilities in the same area." We do not intend to preclude the filing of applications even where the frequencies allocated for use in a given region have been exhausted.

[15] This may be an alternative course of action an applicant may wish to follow, because we will not permit anyone to file multiple applications for radio facilities where such proposals are situated so that if one application is granted, some other one, filed by the same applicant in an adjacent area, would have to be denied or dismissed.

[16] These procedures parallel those employed by us in licensing radio facilities in the private services. There, we have found they work well, enabling us to license facilities with the minimum delay, for the benefit not only of the licensee but, ultimately, for the public, as well.

[17] Our experience under the licensing procedures presently employed in the private services, where hearings have not been necessary, contrasted to the administrative delays occasioned by the processes applicable to common carrier regulation, confirms our views in this regard. We see no reason why the same benefits should not be translated to apply at 900 MHz.

[18] The band ends referred to will be determined by the policy mentioned, above, at para. 63.

[19] See § 89.802, et seq., of the new rules.

[20] Where an eligible has requirements for additional frequencies, he must meet those needs through the use of a trunked system. We emphasize a maximum of 5 channel pairs will be assigned to any one licensee for use in a conventional system.

[21] As in the case of trunked systems, the interim criteria will apply, here, too. See para. 63, supra.

dB the signal of an associated mobile transmitting from the same location as the control station.

PROTECTION PARAMETERS FOR OPERATION IN THE 900-MHZ BAND

In General. 70. We gave much thought to the development of appropriate protection parameters for stations operating at 900 MHz. In doing so, we kept in mind our basic objective of authorizing multiple systems of communication capable of providing a variety of services to a large number of eligible persons and, also, to the public, in general. To attain this objective, we knew we would have to have a regulatory plan which would be relatively simple to implement and which would allow us to pass on each proposal in an orderly but expeditious manner, without recourse to highly complex and time consuming procedural and adjudicatory processes.[22]

71. With this in mind, we first looked into the question of whether protection should be accorded both co-channel and adjacent channel operations. We concluded that adjacent channel protection would not be necessary in making frequency assignments. Our plan of placing all base station transmitters in one band separated by 45 MHz from the base station receiving band eliminates the potential for adjacent channel interference between base stations. We recognize the potential of random adjacent channel interference when a mobile receiver is in close proximity of a base station transmitting on an adjacent channel. We believe, however, that the probability of intersystem interference to be so small and random as not to be a serious problem. Also, the possibility of intersystem adjacent channel interference within a trunked group of frequencies, in our view, can and should be minimized or eliminated by the system operator. Our greatest concern (with regard to adjacent channel interference possibilities) had been that control stations, operating at fixed points, might cause harmful interference of this type. But by limiting power and by our other requirements, we feel that the adjacent channel interference potential will be controlled. Accordingly, we have concluded that adjacent channel interference need not be taken into account in 900 MHz channel assignments, and we have not done so.[23] And, by taking this approach, we will be able to achieve great flexibility in the assignment and use of frequencies in both conventional and trunked systems of communications.

72. We also concluded that transmitter intermodulation interference would not be a factor in making frequency assignments. The principal source of this interference stems from high powered base stations operating in close proximity, both physically and frequency wise. Trunked systems will create this situation by their very nature. But odd order transmitter intermodulation products of the magnitude to cause a problem will fall outside this particular band and the overall allocation structure is such as to minimize the problem.

73. In summary, we have concluded that adjacent channel interference and possible interference from intermodulation can be disregarded, in this instance, in establishing protection parameters for 900-MHz systems.[24] It follows that our assignment plan is based primarily on co-channel operating characteristics, particularly in terms of propagation of signals and on the design of available receiving equipment. With this decided, we turn to a discussion of the various considerations which went into determining the specific co-channel separation requirements for trunked and conventional systems of communication.

Co-Channel Station Separation. 74. As just mentioned, in establishing mileage separations for co-channel stations, a number of factors were taken into consideration. Among these were permissible power and antenna height. Next, whether the same maxima should be specified for trunked and conventional systems; and, in addition, whether these maxima should be identical for urban, in contrast to suburban, operations. Also, the quality of service and the related consideration, interference levels, are important parameters.

75. As to the specification of permissible power and antenna height, propagation characteristics at 900 MHz and probable station locations were looked into.[25] On the latter point, we have concluded that most trunked and conventional stations will be established in areas of relatively high population density. It would seem certain that trunked systems would be located there, since they will be expensive to construct and operate and only in the larger markets will there be present an economic base sufficient to support them. Further, it is most likely that the majority of conventional systems will also be located in heavily populated areas, because it is in such locations that greatest frequency shortages have been experienced.

76. Our study of the desirable level of signals in 900-MHz systems, led us to conclude that we should set maximum power and antenna height at 1 kilowatt (ERP) and 1000 feet (AAT), or the equivalent, respectively.[26] This will be for all trunked operations and for those conventional systems with transmitter sites located within 15 miles from the geographic center of the Urbanized Areas listed at Table 1 of § 89.751(g) of our new regulations. For conventional systems with transmitter sites more than 15 miles from the geographic center of the referenced Urbanized Areas, we felt lower power and antenna height could be used. In those regions there are generally fewer tall buildings; line-of-sight conditions are not uncommon; and the absorption factor is down. Accordingly, we felt it reasonable to set the limits at 500 watts (ERP) and 500 feet (AAT), respectively.[27] Nonetheless, should these power and antenna height parameters for suburban stations prove to be unduly restrictive, we will take the steps neces-

[22] In the future, when our computer procedures and capabilities are advanced further, new licensing and assignment methodology will be utilized. But, for the present, we must evaluate proposals on the basis of the standards and criteria set out in our opinion and our new 900 MHz rules.

[23] This is our present thinking, nevertheless we may make a further evaluation of this factor in our Chicago Spectrum Management Region.

[24] As in the case of potential adjacent channel interference, the possible impact of intermodulation interference may be studied further in our Chicago Spectrum Management Region.

[25] On propagation at 900MHz, we studied both our own R–6602 curves and the so-called Okumura curves, referred to an relied on by a number of the parties filing comments. We found no great differences in the signal levels predicted. The major distinction between them involved the dissimilar receiving environment in which the test data was gathered. As to this, we applied a correction factor; and with it, there was very close correspondence in the two sets of data. Overall, we believed the data to be highly reliable, and we used it in predicting signal level contours and corresponding service area mileages.

[26] Our objective is to provide a high quality signal to about 50 percent of the locations, 50 percent of the time, within the service area of the stations. To accomplish this objective would require a signal approximately 20 dB above receiver threshold, at the edge of the service area. We have also assumed, based upon the record of this proceeding, that receivers will be available with a sensitivity of 0.45 microvolts across a 50 ohm antenna terminal for 20 dB SINAD. On this basis, the average desired signal level should be 40 dBu at the edge of the service area. Based on available propagation data, R–6602 curves modified to account for mobile antenna receiving heights, urban, suburban, or rural environments, terrain, roughness, etc., this quality of service could be afforded in the order of 20 miles in an urban environment with a 1000 feet (AAT) antenna and 1 kilowatt power (ERP). To maintain this quality of service with a margin to permit solid capture of the FM receiver, the interfering signal from a distant co-channel station should be 10 dB less than the desired signal at the boundary of the service area of the protected station. This would mean that the interfering signal could not exceed 30 dBu in 10 percent of the locations, 50 percent of the time.

The value of 40 dBu was employed for a number of reasons, but in simple terms we selected it because we determined that it would, in the absences of interference, enable the licensee of a 900-MHz facility to give a high level of service in the area in which he planned to operate. At 900 MHz this is important, because systems and equipment will be relatively expensive; and there must be some compensating factor for the investment required to establish service.

[27] While it might be argued that greater range in suburban areas is desirable, because the distances between points of communication would seem likely to be more than that found in urban areas, we still believe the lower limits are warranted. In part, our reason has to do with our plan for loading suburban-conventional systems, where 25-mile radii will be employed, not 15-mile radii used in connection with urban-conventional systems. In any event, under suburban/rural conditions, we would expect a useable signal to be received at essentially the same levels as for urban stations with greater power and antenna height.

sary to adjust these values. These are maximum values for power and antenna height; and the applicant, of course, must justify his request based on his coverage requirement.

77. Summarizing on this aspect of the rule making, we have set 1 kilowatt (ERP) and 1000 feet (AAT) as the maximum permissible power and antenna height for trunked systems and for urban-conventional facilities. For suburban-conventional systems, we selected 500 watts (ERP) and 500 feet (AAT) as the limits.[28] With these powers and antenna heights we are certain all classes of stations will offer satisfactory service to those using them.[29] But there is one further matter to take into account, establishing limits on interference.

78. As to interference, we concluded that the undesired signal should be 10 dB down from the desired one. This will mean that at the 40 dBu contour, of the protected station, the signal strength of the lower priority facility should not exceed 30 dBu. Translated in terms of mileage, it simply means that the two facilities, to afford one another the protection required, must be 70 miles apart. For suburban conventional stations, the distance is less, 45 miles. This is due to the use of lower power and antenna height. Accordingly, these are the values we will use, but they will not be applied in the same manner to trunked and conventional systems, due to the complexity of the loading problem, to be discussed, below.

Trunked Systems. 79. As just stated, the separation between co-channel trunked systems is to be 70 miles. This standard is to apply in every case, regardless of where the trunked facility is located. This is feasible in trunked operations, because the applicant must make an initial showing that the facilities requested will be occupied in conformity with the applicable loading criteria.

Conventional Systems. 80. As we have said, for urban-conventional systems, a basic co-channel separation of 70 miles is required to enable the licensee to produce signal levels sufficient to give good, or highly reliable, service. For suburban-conventional systems, the separation is 45 miles. But we cannot apply this criterion directly, because, for conventional system, special provisions must be made to make loading feasible. For this purpose, for now, we have decided to use a simple protected-area approach. For urban-conventional systems, this will be that area circumscribed by a circle with 15 mile radaii. This will be measured from the designated geographic center of the Urbanized Area involved, as set out in § 89.751(g), Table 1, of the new rules. Accordingly, all applications for urban-conventional systems (those specifying a transmitter site within 15 miles from the geographic center of the mentioned Urbanized Areas) will be considered, for loading purposes, with any existing or proposed co-channel facility in that area until the channel in question is fully occupied in accordance with the loading criteria set out in our new rules. Further, once a channel pair is assigned for use within the reference 15 mile radaii, it will be treated as unavailable for use by any applicant specifying an antenna site outside the 15 mile area, in that vicinity, of course.

81. For suburban-conventional systems (those with transmitter sites more than 15 miles from the geographic center of the mentioned Urbanized Areas), we have decided to consider, for loading purposes, all proposals for facilities specifying a tranmitter site within 25 miles of the site of an existing suburban station or within 25 miles of the site specified in a prior filed proposal. Once the channel pair in question is occupied, in accordance with applicable standards, it will be treated as no longer available. Further, once a channel has been selected for occupancy by suburban-conventional stations, it will be unavailable for assignment for use in an urban-conventional system, that is, in the same general area.[30]

82. As stated, these measures are necessary to allow us to load conventional systems vertically. To do this, we must have some area or point of reference. The latter would be a more desirable approach; but as the number of co-channel stations multiplied, the problem of determining which systems should be taken into consideration in deciding whether a given channel was fully occupied or not rapidly becomes an impossible one, at least at the present stage of development of our frequency management program.

83. Accordingly, we plan to use the 15 and 25 mile radaii specification. With this decided, it is necessary to adjust mileage separations for conventional stations to account for the protected areas. Therefore, in the case of urban-conventional systems, assignments on occupied co-channel frequencies will not be made unless the proposed site of the new facility is at least 85 miles from the geographic center of the Urbanized Area involved. As to suburban-conventional systems, assignments on occupied co-channel pairs will not be made unless the site of the proposed station is at least 70 miles from the first suburban co-channel station authorized and this is to be the rule regardless of whether the channel assigned to that station is fully occupied or not.[31]

CHANNEL LOADING STANDARDS

In General. 84. For channel loading, in the absence of actual experience and data, especially for trunked systems of radio communication of the type we have under consideration at 900 MHz, we felt we should rely on the number of mobile units in operation as a base from which to set up channel occupancy figures. We have used mobile units, for, over the years, in the land mobile services, we have developed a series of guides for determining the channel requirements of licensees in the several services.

85. For example, in the Police Radio Service, we have found that, as a general rule, a channel pair can be employed in an effective manner in dispatching 50 mobile units of the vehicular type and an even greater number of portable or hand carried units. In this we recognize that there are no two situations exactly alike and that there are many factors to be taken into account. Among them are average message length; the number of units in operation in any given time period; the number of times, each hour, the dispatcher and mobiles originate calls; the number of dispatchers on duty at any one time; the size of the system (the number of communication channels available for use at any one point in time); and, certainly, the nature of the functions and activities of the licensee. All of these factors have an impact on system capacity. Nevertheless, as an overall or average measure, we have determined that in the Police Radio Service, 50 vehicular mobile units per channel is a reasonable and realistic criterion to apply in licensing stations in that service.

86. This may be contrasted to the Business Radio Service. There, the frequencies allocated were intended to be shared more intensively, because they were designated to serve a much broader group of eligibles and there were inherent differences in the nature of the communications of businessmen and of

[28] The Commission, however, is concerned with the practice of serving mobile users who require small areas of coverage on trunked systems which are essentially wide area coverage systems. Such situations are known to exist in the operation of wide-area repeaters in the lower land mobile bands. While not prohibited, this practice should be discouraged in the 900 MHz band, as it could lead to serious deficiencies in overall spectrum utilization. Accordingly, the Commission will be watchful of the effects of such practice on the efficient development of the 900 MHz band and may impose corrective regulation in the future if warranted.

[29] As previously mentioned, equivalent power for antenna heights in excess of 1000 feet are established and set out at § 89.651 (c), Table 1 of the new rules. For a trunked or urban-conventional station, 1 kilowatt (ERP) is the maximum power regardless of whether an antenna of less than 1000 feet is employed. For suburban-conventional stations, the same principle applies, that is, the maximum power is 500 watts (ERP) regardless of the height of the antenna above average terrain, even when it is less than 500 feet (AAT).

[30] We wish to be clear on what we mean here. We do not intend to imply that a frequency pair, once designated for use in either an urban-conventional, or suburban-conventional system, may not be used elsewhere for one type of system or another. This is not the case. Locally, its use will be restricted. Nationally, it will not be.

[31] In any case in which the proposed transmitter site is within the 15 and 25 mile radaii, such application, of course, will be studied with co-channel stations in the protected areas, until such time as the channel is loaded in accordance with applicable standards. We would note, however, that all of these procedures are subject to further study and review, and based on day-to-day operating data, we may find they can be improved. Should this be so, appropriate steps will be taken to reflect this experience.

police departments. Consequently, higher loading standards were employed, with each frequency or channel licensed to serve approximately 90 mobiles. In densely populated areas, where the demand for business frequencies turned out to be very great and message loads correspondingly heavy, this norm did not always provide licensees with the communication capabilities they felt they needed. Nonetheless, overall, the 90 mobile criterion proved to be a good guide in licensing stations in the Business Service.

87. Similar conclusions have been arrived at as to frequency loading in the other services. To illustrate, in the Taxicab Radio Service, we know that a frequency pair can be employed effectively in dispatching 150 mobiles or more; and we have set channel loading in that service at a higher level. Further, the communication needs and requirements of licensees in the Power and Petroleum Radio Services are not the same as those in other radio services. This is in part due to the fact that radio facilities are used in different ways and for different purposes by licensees in the several services. But we have found that users can be grouped together for loading purposes; and that mobile units can serve as a good guide for frequency assignment purposes.

88. There is an added factor of some significance. Where a channel is assigned for the exclusive use of a particular licensee, circuit discipline of a high order can be maintained. It is relatively easy to do so, for the employees using the system are under the direct control of the licensee; and he has an interest in seeing to it that his messages to and from his mobile units are not delayed. Also, system monitoring can be performed in a more efficient manner, since station operators do not have to listen for the signals of other licensees. This eliminates, to a high degree, objectionable interference and message interruptions which cause inefficiencies. With these considerations in mind, we have differentiated between systems which are licensed to provide service to a single entity and those serving several licensees. In doing this, we have designated categories for single licensees; for 2 to 5 licensees; and for over 5 licensees.[32]

89. Summarizing, then, on the basis of the foregoing considerations and also from what we have learned from the vast record in this proceeding, we have developed the norms or general rules to assist us in determining when an assigned frequency is to be treated as occupied, or not occupied, in terms of its capacity to serve in an effective way the requirements of the users. We used this background in assisting us in setting the loading requirements at 900 MHz.

Loading Trunked Systems. 90. For trunked operations, we have separated user groups under five major headings, with police and fire eligibles in one group; business licensees in another; inter-urban and urban passenger motor carriers in the third group; and, in the fourth group, the "all other" classification, we would include the remaining service categories. For radiotelephone operations, a special criterion is used, due to the nature of such systems of communication.[33]

91. While we recognize that trunking provides added efficiencies in the use of the spectrum and improved communication service, to the present time we are not certain of the degree of improvement in channel capacity. In this regard, while we recognize certain data does exist as to wire line telephone operation, we are not sure that the same criteria can be applied to the types of 900-MHz systems with which we are concerned, here. There are many variables, and we feel that we do not have sufficient experience with the interplay of these factors to permit us to establish definite loading standards at this time.

92. In the light of these considerations, but using such information as has been made available to us on this subject, we have designated levels for channel loading which we believe most closely approach what actual operating experience will indicate. Accordingly, although these criteria must be treated as interim in nature, we will require, until operating data becomes available, that they be followed. In this connection, we will ask our licensees to maintain traffic records to assist us in any future re-evaluation of our standards.

93. For the purpose, then, we require trunked system serving the various user groups to be loaded as follows: [34]

	5 channels	10 channels	20 channels
Police and fire group	300	750	1,500
Business group	500	1,000	2,000
Passenger motor carriers	800	1,600	2,500
All other groups	400	800	1,600
Radiotelephone group	200	400	800

94. It is our belief that these interim loading parameters will provide users with high quality service on an efficient basis. But, as we have said, we consider these measures as interim ones, which, if necessary or desirable, will be modified to conform with what actual operating conditions show loading should be. Further, as we have indicated, we will not permit conventional systems to be used for radio-telephone operations. Our basic reason for this is that in conventional mode, principally because of the nature of telephonic communication, use of single channels or groups of single channels is inefficient for that purpose.

Loading Conventional Systems. 95. Loading standards for conventional systems were developed out of the general considerations which we have outlined, above. As in the case of trunked facilities, we have grouped together users which we feel have similar or at least compatible communication requirements. Thus, police and fire users are grouped together. For them, the loading criterion will be 50 mobiles or 100 portable units. This standard is to apply only where the system is not shared with other police and fire users.

96. We have pointed out that some conventional systems will be vertically loaded. In such cases, it is appropriate to use different criteria; and we have done so. Thus, where a channel is shared by 2 to 5 licensees, the 40 vehicular, 80 portable rule will apply. Where it is used by over 5 licensees, the standard will be 30 vehicular and 60 portable units. This is for the police and fire group. The requirements for other groups are set out in the pertinent loading table.[35]

97. There is one difference in loading trunked and conventional systems which we will mention. In the former, no provision is made for eligibles in the Taxicab Radio Service. This is because the method of communication used by taxicab companies is such that no improvement in it can be achieved through trunking. This is the case in that communications generally flow from the dispatcher to the mobile units. Also, we have made no provision in the Taxicab Group for "portables". This is based on the fact that this kind of use is not usual in taxicab operations.

98. In order to qualify for a channel pair for use in a conventional system, an applicant must certify that, in his service category, whatever that might be, he will have a minimum of 70 percent of the mobiles specified in operation not later than 8 months from the date of the grant of his proposal. If 70 percent of the mobiles specified in the applicant's proposal equals 70 percent of the occupancy requirement of the applicant's service category or group, then the channel pair or pairs involved will be assigned for his exclusive use. Also, just as in the case of trunked operations, when a licensee is able to show that his facility is loaded to 90 percent of its assigned capacity, he may then apply for an additional channel pair or pairs, depending on the facts of the case.

LOADING SYSTEMS SERVING MULTIPLE SERVICE GROUPS

Trunked Systems. 99. As we have indicated, we have not allocated the frequencies to the various land mobile services. Therefore, all persons will be permitted to share systems with other eligibles in the private services. Systems serving this type of mix of eligibles in the private services will be loaded in accordance with the "Business Radio

[32] See § 89.802 of the new rules which deals with loading requirements for conventional systems.

[33] Applicants may apply for radiotelephone systems only where trunked operation is planned. Conventional systems, because of the efficiency element, may not be employed for this mode of use.

[34] See § 89.801 of the new rules which sets out loading requirements for trunked facilities.

[35] See § 89.802 of the new rules which sets out the various user groups and gives loading requirements for each.

Group". This will mean for a 5-channel system, loading will be set at 500 units; for a 10-channel system, at 1,000 units; and for a 20-channel trunked system, 2,000 mobile units.

Conventional Systems. 100. The same principle as used in trunked operations will apply to conventional systems serving a mix of users. There, we will apply the 70/140 criterion, that is 70 mobiles, and 140 portables, where shared by two through five users, and the 50/100 criterion where shared by more than five licensees, are the standards for channel occupancy.

Other Considerations Applying to Loading Trunked and Conventional Systems. 101. In loading trunked and conventional systems there are certain additional considerations which must be given attention. In this connection, we will examine each proposal to determine the mode of operation asked. Where, for example, an applicant requests a mobile relay facility, if he is to share, it must be with others using the same mode of communication, i.e., mobile relay with mobile relay.[36]

102. Further, two-frequency simplex operation will not be combined with mobile relay use; nor will we combine either of these modes of operation with full duplex systems. They are not compatible with one another.

103. In general, then, we will only assign the same frequencies for systems which involve the same mode of operation. In addition, we will not, where possible, mix user groups in vertical loading. This is because the loading criteria applicable varies, and this makes it undesirable and, at times, impossible to mix users. However, where this becomes necessary, the loading standard for the "mixed group" will be used. Also, in assigning frequencies for shared use in conventional systems in any one particular area, we will consider, among other things, the nature of the applicant's activities.

104. These are the major factors that we will take into account in loading channels. But we should note that where an applicant demonstrates that he can meet the requirement for occupancy in the group in which he applies, he will be permitted to use the license facility in any way permitted in the service in which he is eligible.

105. Accordingly, in loading 900 MHz systems, we will not only be concerned with the number of vehicles or portables the applicant plans to use, but we will also take into consideration the planned mode of operation; the service group into which the applicant falls; and, among other features, the number of persons licensed to use a given frequency in a given area. We plan to build our assignment plan on this basis; however, we will continue to examine our methodology, and we will take corrective steps to improve it when we can.

Additional Requirements for Common User Systems. 106. One further matter, in order to promote the competition envisioned at 900 MHz and, also, to prevent manufacturers or equipment companies from gaining dominance in this market, we will limit such concerns to a single trunked system in a market and to no more than a total of 5 trunked systems nation-wide, except on a showing that the limitation should not apply in a given case. This approach will offer the opportunity to potential competitors to enter the field and to compete successfully with entities of the type mentioned. We are permitting equipment companies into this field, because we want to bring to bear their experience and know-how in the development of trunked and conventional systems. We feel this approach has advantages, for these facilities will be expensive to construct and we are not certain that the means of financing them will be otherwise available at initial stages. Once proven out, and the manufacturers will have an incentive to make the investment to accomplish this, a greater amount of capital will most surely be available. Further, we want pilot systems to be established at an early date; and the manufacturers have clearly demonstrated a willingness to enter the market immediately. While we proceed along these lines with caution, because of possible adverse impacts on competition, with the safeguards we have built into our rules we foresee no problems. Also, we will watch the progress made; study any effects; and take remedial action. However, we wish to observe that we may find no adverse impact; and, in that case, we would extend the privilege to manufacturers to operate in additional markets.

107. In addition to the foregoing, we will expect manufacturers providing commercial service to so design their systems that equipment obtainable from different companies can be readily used in it. We anticipate that an effort toward this end will be undertaken at an early date. However, should this not turn out to be the case, we may find it necessary to develop system standards, ourselves.

108. Finally, we wish to be clear that it is our intention to review and study continually all aspects of our assignment plan. In this regard, we fully recognize that the subject concept is new. It is in part untried and untested. Most likely changes and modifications will have to be made; and we will be alert to adjust our policies, standards, and criteria to what the public interest requires. This will be done on our own motion; and, in addition, we would expect, and we request, significant input from the land mobile industry and from land mobile users and those representing them. However, we are confident of the soundness of the structure of the measures we have adopted; of the desirability of the goals and objectives we have set for ourselves; and of the benefits to the public that will flow out of our approach to licensing at 900 MHz.

Subpart S. 109. Subpart S will only be added to Part 89. However, it should be understood that the rules set out in Subpart S are to apply to all systems of communication included under Parts 91 and 93 of the rules. In the future, we plan to incorporate these rules with those of Parts 91 and 93.

110. We would also point out that some of the procedural rules set out in Subpart S may not be in complete harmony with the procedural rules contained in Subpart F of Part 1. Where there is a conflict, the rules in new Subpart S will, of course, be controlling.

General Accounting Office Requirements. 111. Our new rules will require applicants and licensees of 900 MHz systems to submit certain information and data in addition to that now furnished. This, of course, is subject to approval by the General Accounting Office (GAO). Steps will be taken to obtain the necessary clearance. When GAO has decided the matter, a public notice will be issued. Until then applications may not be filed.

112. *Accordingly, it is ordered,* effective June 17, 1974, that Parts 2, 89, 91, and 93 of the rules are amended as follows; and that the interim guidelines governing the developmental authorization and operation of cellular systems, set forth in Appendix B, are adopted. Authority for this action is found in sections 4(i) and 303 of the Communications Act of 1934, as amended.

113. *It is further ordered,* That the proceeding in Docket No. 18262 is terminated.

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

Adopted: May 1, 1974.

Released: May 2, 1974.

FEDERAL COMMUNICATIONS COMMISSION[37],
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2, 89, 91, and 93 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

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

1. In § 2.106, columns 5–11 of the table are amended to read as follows:

[36] We wish it to be very clear that we will authorize radiotelephone service only on trunked systems.

[37] Commissioners Reid and Hooks concurring; Commissioner Quello not participating.

§ 2.106 Table of frequency allocations.

* * * * * * *

United States		Federal Communications Commission					
Band (MHz)	Allocation	Band (MHz)	Service	Class of station	Frequency (MHz)	Nature	OF SERVICES of stations
5	6	7	8	9	10		11
*	*	*	*	*	*	*	*
470-902	NG (NG30) (NG43) (US36) (US88) (US100) (US116) (NG63) (NG65)	***	***	***	***	***	
		806-821	LAND MOBILE	Land Mobile			Conventional and trunked systems.
		821-825	LAND MOBILE				Reserve.
		825-845	LAND MOBILE	Land Mobile			Cellular systems.
		845-851	LAND MOBILE				Reserve.
		851-866	LAND MOBILE	Base			Conventional and trunked systems.
		866-870	LAND MOBILE				Reserve.
		870-890	LAND MOBILE	Base			Cellular systems.
		890-902	LAND MOBILE				Reserve.
902-928	G (US36) (US115)					915	Industrial, scientific, and medical equipment.
928-960	NG (US36) (US116) (US—)	928-947	LAND MOBILE				Reserve.
		***	***	***	***	***	

2. In the list of footnotes immediately following the table in § 2.106, footnote US115 is amended and a new US footnote is added in proper numerical sequence, to read as follows:

US115 The Frequency 915 MHz is designated for industrial, scientific, and medical purposes. Except as provided by US215, emissions must be confined within the limits of ± 13 MHz of that frequency. Radiocommunications services operating within those limits must accept any harmful interference that may be experienced from the operation of industrial, scientific, and medical equipment.

* * * * *

US215 Emissions from microwave ovens manufactured on and after January 1, 1980, for operation on the frequency 915 MHz must be confined within the band 902–928 MHz. Emissions from microwave ovens manufactured prior to January 1, 1980, for operation on the frequency 915 MHz must be confined within the band 902–940 MHz. Radiocommunications services operating within the band 928–940 MHz must accept any harmful interference that may be experienced from the operation of microwave ovens manufactured before January 1, 1980.

PART 89—PUBLIC SAFETY RADIO SERVICES

2. In § 89.103(a), the table is amended to read as follows:

§ 89.103 Frequency stability.

(a) * * *

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 W	3 W or less
MHz	*Percent*	*Percent*	*Percent*
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.005
50 to 450	[1] .0005	.0005	.005
450 to 470	[2,4] .00025	.0005	.0005
470 to 512	.00025	.0005	.0005
806 to 820	.00015	.00025	.00025
851 to 866	.00015	.00025	.00025
950 to 1,427	[3]	[3]	[3]
1,427 to 1,435	[5] .03	.03	.03
Above 1,435	[3]	[3]	[3]

* * * * *

3. In § 89.105, paragraph (a) is amended and paragraph (e) is added to read as follows:

§ 89.105 Types of emission.

(a) Except as provided in paragraphs (c), (d), and (e) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephoney. The authorization to use A3 or F3 emission is construed to include the use of tone signals or signalling devices the function of which is limited to establishing or maintaining voice communications or to actuate emergency warning devices used solely for the purpose of advising the general public or emergency personnel of an impending emergency situation.

* * * * *

(e) Operation in the frequency bands 806 to 821 and 851 to 866 MHz is limited to F3 emission.

4. In § 89.107(b)(2), the Table is amended to read as follows:

§ 89.107 Emission limitations.

* * * * *

(b) * * *

(2) * * *

Frequency band (MHz)	Authorized bandwidth (kHz)	Frequency deviation (kHz)
25 to 50	20	5
50 to 150	[1] 20	[1] 5
150 to 450	20	5
450 to 470	[2] 20	[2] 5
470 to 512	20	5
806 to 821	20	5
851 to 866	20	5

* * * * *

5. In § 89.109, Paragraphs (d) and (i) are amended to read as follows:

§ 89.109 Modulation requirements.

* * * * *

(d) Each transmitter in the frequency ranges 25 to 50, 150.8 to 162, 450 to 512, 806 to 821, and 851 to 866 MHz shall be equipped with an audio low-pass filter. Such filter shall be installed between the modulation limiter and the modulated stage and shall meet the specifications contained in paragraph (h) or (i) of this section. The provisions of this paragraph do not apply to transmitters of licensed radio-communications systems operated wholly within the limits of one or more of the territories or possessions of the United States or Alaska, or Hawaii, except those systems operating in the frequency ranges 806 to 821 MHz, and 851 to 866 MHz.

* * * * *

(i) For stations authorized in the 450–470 MHz band on or after November 1, 1967, and for all stations authorized in the 470–512, 806–821, and 851–866 MHz bands, at audio frequencies between 3 kHz and 20 kHz, the low-pass filter required by the provisions of paragraph (d) of this section shall have an attenuation greater than the attenuation at 1 kHz by at least: 60 $\lg_{10}$ (f/3) decibels. Where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

* * * * *

6. In § 89.111(b), the Table is amended to read as follows:

§ 89.111 Power and antenna height.

* * * * *

(b) * * *

Frequency range (MHz)	Maximum plate power input to the final radio frequency stage (watts)	Maximum effective radiated power (watts)
1.3 to 3	2,000	
3 to 25	1,000	
25 to 100	500	
100 to 470	600	
470 to 512		1,000
806 to 821	[2]	[2]
851 to 866	[2]	[2]
Above 950	[1]	[1]

[1] To be specified in the station authorization.
[2] For power limitations see § 89.651.
[3] The output power of a transmitter on any authorized frequency in this service shall not exceed 250 W (24 dBW).

* * * * *

7. In Part 89, a new Subpart S is added to read as follows:

Subpart S—Special Regulations Governing Licensing and Use of Frequencies in the 806–821 MHZ and 851–866 MHZ Bands

GENERAL INFORMATION

Sec.
89.601 Purpose.
89.602 Definitions.
89.603 Organization and applicability of rules.
89.604. Eligibility.
89.605 Station identification.

GENERAL RESTRICTIONS AND LIMITATIONS ON OPERATION OF CONVENTIONAL AND TRUNKED SYSTEMS AUTHORIZED IN THE 806–821 MHz AND 851–866 MHz BANDS

Sec.
89.651 Limitations on power and antenna height.
89.652 Restrictions on operational fixed stations.
89.653 Restriction on interconnection.
89.654 Restriction on permissible communications.
89.655 Limitations on use and mode of operation of systems licensed in the 896–821 MHz and 851–866 MHz bands.
89.656 Special conditions governing the furnishing of radio equipment by licensees.
89.657 Restriction on licensing manufacturers and equipment suppliers to furnish service in the 806–821 MHz and 851–866 MHz bands.
89.658 Acceptability of transmitters for licensing in the 806–821 and 851–866 MHz bands.

APPLICATION AND PROCESSING PROCEDURES

89.701 Forms to be used.
89.702 Supplemental information to be furnished by applicants for facilities under this subpart.
89.703 Supplemental reports required of licensees authorized under this subpart.
89.704 Processing of applications.

POLICIES GOVERNING THE SELECTION AND ASSIGNMENT OF FREQUENCIES FOR USE IN THE 806–821 MHz AND 851–866 MHz BANDS

89.751 Selection and assignment of frequencies.

CHANNEL LOADING REQUIREMENTS FOR TRUNKED AND CONVENTIONAL SYSTEMS

89.801 Trunked systems.
89.802 Conventional systems.
89.803 Other criteria to be applied in assigning channels for use in conventional systems of communication.
89.804 Other criterion to be applied in licensing channels for use in trunked systems of communication.

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

Subpart S—Special Regulations Governing Licensing and Use of Frequencies in the 806–821 MHz and 851–866 MHz Bands

GENERAL INFORMATION

§ 89.601 Purpose.

The purpose of this subpart is to set out the regulations governing licensing and use of conventional and trunked systems of communication to operate in the 806–821 MHz and 851–866 MHz bands.

§ 89.602 Definitions.

Channel loading. The number of mobile stations assigned to operate on a co-channel basis within the same service area.

Co-channel interference. Interference caused in one communication channel by a transmitter operating on the same channel.

Conventional radio system. A method of operation in which one or more radio frequency channels are assigned to mobile and base stations but are not employed as a trunked group. An "urban-conventional system" is one whose transmitter site is located within 15 miles of the geographic center of any of the first 50 urbanized areas (ranked by population) of the United States. A "suburban-conventional system" is one whose transmitter site is located more than 15 miles from the geographic center of the first 50 urbanized areas. See Table 21, Rank of Urbanized Areas in the United States by Population, page 1–87, U.S. Census (1970).

Duplex radio communication. A method of radio communications, commonly used in radiotelephone systems, involving simultaneous two-way independent transmission in both directions accomplished through the use of two radio frequency channels, one for each direction of transmission.

Geographic center. The geographic center of an urbanized area is defined by the coordinates given at Table 1 of paragraph (g) of § 89.751 of this subpart.

Trunk (telephony). A one- or two-way channel provided as a common traffic artery between switching equipment.

Trunk group. All of the trunks of a given type or characteristic that extend between two switching points.

Trunked radio system. A method of operation in which a number of radio frequency channel pairs are assigned to mobile and base stations in the system for use as a trunk group.

§ 89.603 Organization and applicability of rules.

The rules in this subpart set forth the procedural and substantive regulations which apply, distinctly, to land mobile systems licensed to operate in the 806–821 MHz and 851–866 MHz bands. They are to be read in conjunction with applicable requirements contained in Parts 89, 91, and 93 of this chapter; however, to the extent the provisions of this subpart conflict with those set out in Parts 89, 91, and 93 of this chapter, the former are to be treated as controlling, insofar as licensing and use of frequencies in the 806–821 MHz and 851–866 MHz bands are involved.

§ 89.604 Eligibility.

The following persons and entities are eligible for licensing in the 806–821 MHz and 851–866 MHz bands.

(a) Any person or entity eligible for licensing under either Part 89, 91, or 93 of this chapter.

(b) Any person or entity proposing to provide dispatch service, subject to the restrictions set forth in this subpart, to any person or entity eligible for licensing under either Part 89, 91, or 93 of this chapter on a not-for-profit, cost-shared basis.

(c) Any person or entity, except wire line telephone common carriers, proposing to provide dispatch service, subject to the restrictions set forth in this subpart, to any person or entity eligible under Part 89, 91, or 93 of this chapter.

(d) Any person or entity, except wire line telephone common carriers, proposing to provide radiotelephone service to the public over trunked systems of communication.

§ 89.605 Station identification.

(a) Conventional systems of communication shall be identified in accordance with existing regulations governing such matters.

(b) Trunked systems of communication shall be identified through the use of an automatic device which transmits the call sign of the base station facility at 30-minute intervals. Such station identification shall be made on the lowest frequency in the base station trunk group assigned to the licensee. Should this frequency be in use at the time station identification is required, such identification may be made at the termination of the communication in progress on this frequency. Identification may be by voice or International Morse Code. When the call sign is transmitted in International Morse Code, it should be at a rate of between 15 to 20 words per minute; and it should be transmitted by the means of tone modulation of the transmitter, the tone frequency being between 800 and 1000 hertz. The level of modulation is to be high enough to be clearly discernible, but low enough not to be disruptive of voice communications in progress.

GENERAL RESTRICTIONS AND LIMITATIONS ON OPERATION OF CONVENTIONAL AND TRUNKED SYSTEMS AUTHORIZED IN THE 806–821 MHz AND 851–866 MHz BANDS

§ 89.651 Limitations on power and antenna height.

(a) The maximum effective radiated power and antenna height, respectively, for base stations used in suburban-conventional systems of communication operating in the 851–866 MHz band shall be no greater than 500 watts (27 dBw) and 500 feet above average terrain (AAT). These are maximum values; and applicants, of course, will be required to justify power levels and antenna heights requested.

(b) The maximum effective radiated power and antenna height, respectively, for base stations used in trunked and urban-conventional systems authorized in the 851–866 MHz band shall be no greater than 1 kilowatt (30 dBw) and 1000 feet above average terrain (AAT), or the equivalent thereof, determined from Table 1 of subparagrph (b) of this section. These are maximum values; and applicants, of course, will be required to justify power levels and antenna heights requested.

(c) Table 1. Equivalent powers and antenna heights for base stations operating in the 851–866 MHz band.

Antenna Height (AAT) (in feet)	Power (watts)[1]
4,501 to 5,000	65
4,001 to 4,500	70
3,501 to 4,000	75
3,001 to 3,500	100
2,501 to 3,000	140
2,001 to 2,500	200
1,501 to 2,000	350
1,001 to 1,500	600
Up to 1,000[2]	1,000

[1] Power is given in terms of effective radiated power (watts).

[2] Maximum permissible power and antenna height are 1 kilowatt (ERP) and 1,000 feet (AAT), respectively. Licensees will not be permitted to exceed the specified 1,000-watt power limitation, regardless of whether or not use is made of an antenna which is less than 1,000 feet in height (AAT).

(d) The maximum output power for mobile stations operating in the 806–821 MHz band is 100 watts (20 dBw).

§ 89.652 Restrictions on operational fixed stations.

(a) Except for control stations, operational fixed operations will not be authorized in the 806–821 and 851–866 MHz bands.

(1) Control stations associated with one or more mobile relay stations, will be authorized only on the assigned frequency of the associated mobile station. Use of a mobile service frequency by a control station of a mobile relay system is subject to the condition that harmful interference not be caused to stations of licensees authorized to use the frequency for mobile service communication.

(2) Control stations shall in all cases employ directional antennas with the main lobe of radiation directed toward the station, or stations, being controlled. In each case, the antenna used, consistent with reasonable design, shall produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each mobile relay station and limits radiation in other directions to the extent feasible.

(3) The strength of the signal of a control station, controlling a single mobile relay station, may not exceed, by more than 6 dB, at the antenna terminal of the mobile relay receiver, the signal strength produced there by a unit of the associated mobile station. When the fixed station controls more than one mobile relay station, the 6 dB control-to-mobile signal difference need be verified at only one of the mobile relay station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location which is not more than one-fourth mile from the control station site.

(4) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available, upon request, for inspection by Commission personnel.

§ 89.653 Restriction on interconnection.

(a) Automatic interconnection with land line facilities shall be permitted only in those cases where the licensee provides radio telephone services to the public on a commercial basis.

(b) Systems licensed for use by an individual person or entity eligible under either Part 89, 91, or 93 of this chapter; or to any person or entity providing service to any person or entity eligible under either Part 89, 91, or 93 on a not-for-profit, cost-shared basis; or to any person or entity providing service on a commercial basis to any class of persons or entities eligible under Part 89, 91, or 93 of this chapter shall not be interconnected with the wire line facilities of any telephone company, except where such interconnection is accomplished manually at the licensee's or user's place of business. Further, such interconnection may not be accomplished at any station or control point common to more than one licensee or user.

(c) In those situations where a licensee is permitted to interconnect with the facilities of a land line carrier pursuant to this section, it shall be the obligation of the local land line carrier to provide interconnection under reasonable terms and conditions upon reasonable request therefor.

§ 89.654 Restriction on permissible communications.

(a) Systems licensed for use by persons eligible under Parts 89, 91, and 93 of this chapter may be employed solely for the transmission of messages permissible in the radio service or services in which those persons are so eligible.

(b) Trunked radiotelephone systems licensed for use by the public shall not be subject to the limitation set out at paragraph (a) of this section.

§ 89.655 Limitations on use and mode of operation of systems licensed in the 806–821 MHz and 851–866 MHz bands.

(a) A system licensed for use by a person or entity eligible under either Part 89, 91, or 93 of this chapter may be employed for any purpose or operated in any manner which is consistent with the regulations governing the service in which the user is eligible; *Provided,* The loading standard which applies to the system is met and the channel or channel pairs are assigned to that person or entity for its exclusive use.

(b) Trunked systems licensed to be used by more than one person or entity may be employed for telephony, only.

(c) Systems licensed to provide radiotelephone service to the public on a commercial basis may offer such service employing full duplex, continuous carrier mode of operation: *Provided, however,* Facilities of this type will be authorized for operation in trunked mode, only.

(d) Systems licensed to provide service to more than one person or entity eligible under Part 89, 91, or 93 of this chapter may, in conformity with the following restrictions, be used:

(1) Only for purposes expressly allowed under Parts 89, 91, and 93 of this chapter.

(2) Only by persons who are shown to be eligible for facilities, either under this subpart or in the radio services included under Parts 89, 91, and 93 of this chapter.

(3) Only for the transmission of messages or signals permitted in the service in which the participants are eligible.

§ 89.656 Special conditions governing the furnishings of radio equipment by licensees.

Every licensee of a trunked or conventional system furnishing service on a commercial basis, under this subpart, shall afford every user or customer the option of purchasing or leasing the necessary associated control and mobile station radio gear. Should the user or customer elect to lease the equipment, he (the user or customer) must be given the further right to cancel the lease agreement at any time, without penalty, on ten days' written notice to the licensee.

§ 89.657 Restriction on licensing manufacturers and equipment suppliers to furnish service in the 806–821 MHz and 851–866 MHz bands.

No person engaged in the manufacture or sale of radio equipment to be used in systems authorized under this subpart, or who has any direct or indirect interest in any such manufacturing or sales enterprise, may be licensed to operate more than one common user trunked system of communications used to provide commercial service to eligibles or to the public in any one market, and no more than 5 such systems in the United States, unless a showing is made demonstrating that the public interest, convenience, and necessity would be served and that an exception is warranted.

§ 89.658 Acceptability of transmitters for licensing in the 806–821 and 851–866 MHz bands.

Except for transmitters used in developmental stations, each transmitter utilized by a station authorized for operation in these bands must be a type which is included on the Commission's current Radio Equipment List, or be of a type which has been type-accepted by the Commission for use in these bands.

APPLICATION AND PROCESSING PROCEDURES

§ 89.701 Forms to be used.

Applications for conventional and trunked radio facilities shall be submitted on FCC Form 400, and such applications shall be filed with the Commission, at its offices in Washington, D.C. Where the facility is to be established in the Chicago Regional area, FCC Form 425 shall be used and all such applications shall be filed with the Chicago Regional Office.

§ 89.702 Supplemental information to be furnished by applicants for facilities under this subpart.

(a) Applicants for conventional or trunked systems of communication shall,

in addition to the information required by FCC Form 400 or FCC Form 425 furnish the following data and material.

(1) Where the applicant is a person eligible under Part 89, 91, or 93 and proposes to provide dispatch service solely to itself, then the applicant need submit only the information required by FCC Form 400 or 425, except as otherwise indicated in this section, below.

(2) Where the applicant is a person proposing to provide dispatch service to eligibles under either Part 89, 91, or 93 of this chapter on a not-for-profit, cost-shared basis, he shall furnish:

(i) A copy of the plan or agreement under which service will be offered. It must be in sufficient detail to show that such service will be provided at cost.

(ii) A statement of the purposes for which the system is to be used and the planned mode of operation.

(iii) The names and addresses of each person to participate in the sharing arrangement.

(iv) A statement showing that each participant is eligible to use the system for the purposes for which it is to be employed.

(3) Where the applicant is a person proposing to provide dispatch service to eligibles under either Part 89, 91, or 93 of this chapter on a commercial basis, he shall supply:

(i) A statement of the purposes for which the system is to be used and the planned mode of operation.

(ii) A statement certifying that no person not eligible to use the proposed facility for the purposes for which it is to be authorized will be offered or provided service over or through the licensee's system.

(iii) A copy of the basic agreement under which the dispatch service will be offered.

(4) Where the applicant is a person proposing to provide radiotelephone service to the public on a commercial basis, he shall furnish:

(i) A statement of the purposes for which the system is to be used and the planned mode of operation.

(ii) A copy of the basic agreement under which the radiotelephone service will be offered.

(5) Where the applicant proposes to provide service to other persons on a commercial basis, and where it has any interest of any kind whatsoever in any company engaged either in the sale or manufacture of radio equipment, in addition to the information required in this section, it shall accompany its application with:

(i) A full description of the applicant's interest in any such company or companies.

(ii) A list of any other radio station facility or facilities in which the applicant has any interest whatsoever.

(iii) The location and station designation of any facility identified in subparagraph (ii) of paragraph (a)(5) of this section.

(iv) Where the applicant has any interest whatsoever in any concern which provides radio communication services to persons other than itself, as to all such concerns, the applicant shall include in his filing the information required by subparagraphs (ii) and (iii) of paragraph (a)(5) of this section.

(b) All applicants for conventional systems shall specify the number of vehicle or portable units to be placed in operation upon grant of the authorization and the number of such units that will be placed in operation within 8 months of the date of grant.

(c) All applicants of trunked systems shall specify the number of mobile units to be placed in operation within the term of the license.

(d) Each applicant shall furnish a functional system diagram illustrating the inter-relationship of all stations being applied for, together with technical details (including antenna height (ATT) and effective radiated power (ERP)), together with his proposed area of coverage and the signalling methods he will employ.

§ 89.703 Supplemental reports required of licensees authorized under this subpart.

(a) Licensees providing service to persons eligible either under Part 89, 91, or 93, on a not-for-profit, cost-shared basis, shall, prior to furnishing service to any user not previously identified, notify the Commission of its intention to do so, and furnish the Commission with sufficient information as to the prospective user to enable it to determine whether this person is eligible to participate in the sharing arrangement. Service to the participant may commence 30 days after such notification, unless the licensee is advised, in writing, of any deficiency in the licensee's showing or in the eligibility of the person to be served. In the latter case, until the deficiency is corrected or the user is shown to be qualified and eligible, he may not participate in the use of the system.

(b) Where a licensee provides service under the terms of an agreement, on a not-for-profit, cost-shared basis, such agreement may not be modified in any material respect until the changes in the terms and conditions are reported to, and approved by, the Commission.

(c) Where a licensee provides service on a commercial basis, he shall not modify, in any material respect, the basic agreement under which such service is provided until the changes in its terms and conditions are reported to, and approved by, the Commission.

(d) Licensees offering service on a commercial basis to any person or entity eligible under either Part 89, 91, or 93, or to the public, must report, annually and at the time of filing applications for renewal of license, the number of mobile units being served; and such licensees shall, at that time, give the name and full address of each customer; the number of mobile units operated by each of them; and such other data as the party reporting may feel would be helpful in determining channel occupancy of the system, together with a certification that the terms of the basic agreement under which service is provided have not been modified or changed in any material respect. Such data shall be current as of the day and date falling 30 days prior to the date on which such licensees are required to file for renewal of their licenses, or, for the annual reports, at the close of the 12-month period covered by the annual report. The licensees of systems of the type covered by the provisions of this rule shall maintain records which, if referred to, will support any of the information required to be filed in the subject report. These records shall be available to the Commission upon request.

(e) Licensees furnishing service to eligible persons on a not-for-profit, cost-shared basis, shall, within 30 days of the close of the first full calendar year of operation, and each year thereafter, submit a report setting out the following information:

(1) A certification that during the period covered by the report, services have been offered and provided in accordance with the terms and conditions of the agreement approved by the Commission; that said agreement has not been modified or changed, except with the express approval of the Commission; and that records have been kept which show that service and facilities were made available on a not-for-profit, cost-shared basis. These records shall be available to the Commission upon request.

(2) A list of persons served during the period covered by the report.

(3) The number of mobile units operated by each user and a statement showing whether these units are of the vehicular or portable type.

(4) The total number of units served by the system during the period of the report, together with the number served on January 1st and on December 31st of the year of the report; and the average number of such mobile units served during this period of time.

(f) Licensees of trunked systems serving only themselves shall report annually, and at the time of filing applications for renewal of licenses, the number of mobile units being served, together with such other data as the licensees may feel would be helpful to the Commission in determining channel occupancy of their systems. Records supporting the information required in these reports shall be maintained by the licensees and shall be available to the Commission upon request.

(g) All licensees of conventional systems, in addition to the other requirements of this section, shall report the number of vehicular and portable units placed in operation within 8 months of the date of the grant of his license. Such reports shall be filed within 30 days from that date.

(h) All licensees of trunked systems shall report the date on which construction of the authorized facility began; that part of the facility completed; and the schedule for completion of construction of any part of the system not yet finished.

§ 89.704 **Processing of applications.**

(a) Applications for facilities to operate in the 806–821 MHz and 851–866 MHz bands will be processed as follows:

(1) All applications will first be considered to determine whether they are substantially complete and acceptable for filing. If so, they will be assigned a file number and put in pending status. If not, they will be returned to the applicant.

(2) All applications in pending status will be processed in the order in which they are received. The order in which they are received will be determined by the time and date on which the original proposal was filed with the Commission.

(3) Each application will then be reviewed to determine whether it can be granted. Should it be granted, frequencies or channels will be assigned by the Commission in accordance with its assignment policies and loading criteria.

(4) Where, upon examination, it is determined that the proposal must be dismissed, that application will be returned; and the priority accorded it will no longer obtain.

(5) Where, upon examination, it is determined that the proposal cannot be granted or dismissed; but that it must be designated for hearing, such action will be taken. In this event, the applicant will not lose the priority accorded it and frequencies will be set aside for use in the proposed system in the event of ultimate favorable action by the Commission on the application. Should the proposal be denied, the frequencies reserved will become immediately available for assignment to other persons; and this will be so regardless of whether or not appeal by any party to the proceeding is made to the courts; *Provided, however,* The grant will not become effective for a period of thirty days to allow any interested party to request a stay of the action the Commission plans to take.

POLICIES GOVERNING THE SELECTION AND ASSIGNMENT OF FREQUENCIES FOR USE IN THE 806–821 MHz AND 851–866 MHz BANDS

§ 89.751 **Selection and assignment of frequencies.**

(a) The Commission will select and assign frequencies for operation in the 806–821 MHz and 851–866 MHz bands.

(1) For trunked systems, the assignment of frequencies will be made, in accordance with applicable loading criteria, in minimum groups of five and in maximum groups of twenty channel pairs. All mobile and control station frequencies will be chosen from those allocated in the 806–821 MHz band. Mobile station transmitting frequencies will commence with Channel No. 1 at 820.9875 MHz, followed by Channel No. 2 at 820.9625 MHz, and proceed to the band end with uniform 25-kHz channeling; and base station transmitting frequencies will be selected by the Commission and assigned from those allocated in the 851–866 MHz band, commencing with Channel No. 1 at 865.9875 MHz, followed by Channel No. 2 at 865.9625 MHz, and proceed to the band end with uniform 25-kHz channeling. The spacing between associated mobile and base station frequencies shall be, uniformly, 45 MHz.

(2) For conventional systems the assignment of frequencies will be made in accordance with applicable loading criteria. Accordingly, depending upon the number of mobile units to be served, the applicant may either be required to share a channel, or, if the applicant shows a sufficient number of mobile units to warrant the assignment of one or more channels for its exclusive use, he may be licensed to use such channel or channels on an exclusive basis in his area of operation.

(3) For conventional systems, mobile station transmitting frequencies, as well as those for use by control stations, will be selected from those allocated in the 806–821 MHz band. Mobile and control station transmitting frequencies will commence with Channel No. 1 at 806.0125 MHz, followed by Channel No. 2 at 806.0375 MHz, and proceed to the band end with uniform 25-kHz channeling. Base station transmitting frequencies will be selected and assigned from those allocated in the 851–866 MHz band, with Channel No. 1 commencing at 851.0125 MHz, followed by Channel No. 2 at 851.0375 MHz, and proceed to the band end with uniform 25-kHz channeling. The spacing between associated mobile and base station frequencies shall be, uniformly, 45 MHz.

(b) Stations authorized by the Commission to operate in the 806–821 MHz and 851–866 MHz band will be afforded protection solely on the basis of the mileage separation criteria set out below. Only co-channel interference between base station operations will be taken into consideration. Adjacent channel and other types of possible interference will not be taken into account.

(1) For trunked systems, the separation between co-channel systems shall be 70 miles.

(2) For urban-conventional systems, the separation between co-channel base stations shall be 70 miles; provided, however, where the transmitter site of a previously authorized, co-channel facility is located at any point within 15 miles from the geographic center of any one of the 50 Urbanized Areas listed in Table 1, at paragraph (g) of this section, then the distance between the transmitter site of the proposed co-channel conventional system and the geographic center of the urbanized area involved shall be a minimum of 85 miles.

(3) For suburban-conventional systems, the separation between co-channel base stations shall be 45 miles; *Provided, however,* For all proposals for facilities specifying a transmitter site within 25 miles of the site of an existing suburban-conventional station, or within 25 miles of the site specified in a prior filed application for such station, the separation shall be 70 miles.

(c) Notwithstanding the provisions of paragraph (b) (2) of this section, where an assigned channel of an urban-conventional system is not fully loaded in accordance with applicable loading criteria, and where the transmitter site of that system is located within 15 miles from the center of the urbanized area involved, the Commission may issue additional authorizations for facilities to be located within 15 miles of the center of that urbanized area until the channel in question is occupied in conformity with applicable loading criteria.

(d) Notwithstanding the provisions of paragraph (b) (3) of this section, where an assigned channel of a suburban-conventional system is not fully loaded in accordance with applicable loading criteria, the Commission may issue additional authorizations for facilities to be located within 25 miles of the transmitter site of the first station authorized until the channel in question is occupied in conformity with applicable loading criteria.

(e) UHF television translator stations using UHF output channels from Channel 70 through Channel 83, shall operate on a secondary basis to land mobile stations using the UHF bands allocated under this subpart for land mobile use, and, accordingly, such television translator stations will not be protected from interference from such authorized land mobile stations.

(f) Pending further negotiations with Canada and Mexico, land mobile stations operating in the 806–890 MHz band shall do so on a secondary basis to any Canadian or Mexican television station placed in operation on television channels in this band.

(g) *Table 1, Urbanized Areas.*

Urbanized area	Geographic center	
	N. latitude	W. longitude
Akron, Ohio	41°05′00″	85°30′44″
Albany-Schenectady-Troy, N.Y.	42°39′01″	73°45′01″
Atlanta, Ga.	33°45′10″	84°23′37″
Baltimore, Md.	39°17′26″	76°36′45″
Birmingham, Ala.	33°31′01″	86°48′36″
Boston, Mass.	42°21′24″	71°03′24″
Buffalo, N.Y.	29°45′26″	95°21′37″
Chicago, Ill.	45°52′28″	87°38′22″
Cincinnati, Ohio	39°06′07″	84°30′35″
Cleveland, Ohio	41°29′51″	81°41′50″
Columbus, Ohio	30°57′47″	83°00′17″
Dallas, Tex.	32°47′09″	96°47′37″
Dayton, Ohio	39°45′32″	84°11′43″
Denver, Colo.	39°44′58″	104°59′22″
Detroit, Mich.	42°19′48″	83°02′57″
Fort Lauderdale-Hollywood, Fla.	26°07′30″	80°09′00″
Fort Worth, Tex.	32°44′55″	97°51′44″
Houston, Tex.	29°45′26″	95°21′37″
Indianapolis, Ind.	39°46′07″	86°00′46″
Jacksonville, Fla.	30°19′44″	81°39′42″
Kansas City, Mo.-Kans.	39°04′56″	94°35′20″
Los Angeles, Calif.	34°03′15″	118°14′28″
Louisville, Ky.-Ind.	38°14′47″	85°45′49″
Miami, Fla.	25°46′37″	80°11′32″
Memphis, Tenn.-Miss.	35°08′46″	90°03′13″
Milwaukee, Wis.	43°02′19″	87°54′15″
Minneapolis-St. Paul, Minn.	44°58′57″	93°15′43″
New Orleans, La.	29°56′53″	90°04′10″
New York-Northeastern New Jersey	40°45′06″	73°59′39″
Norfolk-Portsmouth, Va.	36°51′10″	76°17′21″
Oklahoma City, Okla.	35°28′26″	97°31′04″
Omaha, Nebr.-Iowa	41°15′42″	95°56′14″
Philadelphia, Pa.-N-J.	39°56′58″	75°09′21″
Phoenix, Ariz.	33°27′12″	112°04′28″
Pittsburgh, Pa.	40°26′19″	80°00′00″
Portland, Oreg.-Wash.	45°31′06″	122°40′35″
Providence-Pawtucket-Warwick, R.I.-Mass.	41°49′32″	71°24′41″
Rochester, N.Y.	43°09′41″	77°36′21″
Sacramento, Calif.	38°34′57″	121°29′41″
St. Louis, Mo.-Ill.	38°37′45″	90°12′22″
St. Petersburg, Fla.	27°46′18″	82°38′19″
San Antonio, Tex.	29°25′37″	98°29′06″
San Bernardino-Riverside, Calif.	34°06′30″	117°17′28″

Urbanized area	Geographic center	
	N. latitude	W. longitude
San Diego, Calif.	32°42'53"	117°09'21"
San Francisco-Oakland, Calif.	37°46'39"	122°24'46"
San Jose, Calif.	37°20'16"	121°53'24"
Seattle, Wash.	47°36'32"	122°20'12"
Springfield-Chicopee-Holyoke, Mass.-Conn.	42°06'21"	72°35'32"
Toledo, Ohio-Mich.	41°39'14"	83°32'39"
Washington, D.C.-Maryland-Virginia	38°53'51"	77°00'33"

CHANNEL LOADING REQUIREMENTS FOR TRUNKED AND CONVENTIONAL SYSTEMS

§ 89.801 Trunked systems.

(a) Trunked systems of communication will be authorized on the basis of the loading criteria set out in this section.

(b) Table 1, Loading requirements for trunked systems.

Service group[1]	Vehicular radio units[2]		
	5-channel systems	10-channel systems	20-channel systems
Police and fire group	300	750	1,500
Business radio group	500	1,000	2,000
Motor carrier group (urban and interurban passenger carriers only)	800	1,600	2,500
Other services group	400	800	1,600
Mixed service group	500	1,000	2,000
Radiotelephone group	200	400	800

[1] No provision is made for use of trunked systems by persons eligible in the Taxicab Radio Service, since this mode of communication is not compatible with normal transmission requirements of taxicab companies.

[2] For loading trunked systems of communication, no distinction is made between vehicular and portable mobile units.

(c) Each applicant for trunked facilities shall certify that a minimum of 70 percent of the mobile units specified in its application will be placed in operation not later than the date on which the term of his license for the system expires.

(d) Any licensee, at any time its authorized trunked system is occupied to 90 percent of its specified capacity, may apply for additional channels. Assignments will be made based, first, upon the availability of frequencies for use by the licensee; and, second, based upon the showing made by the licensee of its requirements for additional channel pairs.

(e) Licensees of trunked facilities must commence construction within six months from the date of grant and complete construction within one year or such further time as the Commission may allow.

§ 89.802 Conventional systems.

(a) Conventional systems of communication will be authorized on the basis of the loading criteria set out in this section.

(b) Table 1, loading requirements for conventional systems.

Service group	Channel loading—units per channel vehicular/portable		
	Single licensee	2-5 licensees	Over 5 licensees
Police and fire group[1]	50/100	40/80	30/60
Business radio group	90/180	70/140	50/100
Taxicab radio group[2]	150	125	100
Motor carrier radio group (urban and interurban passenger motor carriers, only)	150/300	125/250	100/200
Other services group	70/140	50/100	40/60
Mixed service group		70/140	50/100

[1] Full sharing of channels allocated in the 806–821 and 851–866 MHz bands is permissible; and where the eligibles in one service share facilities in common with persons eligible in one of the other radio services, i.e., where channels are jointly used on this basis, then the loading criteria shall be 70/140 or 50/100 mobile and portable units per channel.

[2] No loading criteria for portable units in the taxicab radio group are given, since the requirement for units of this type has not been established in that service.

(c) Every applicant for a conventional system of communication shall certify that a minimum of 70 percent of the mobile units specified in its application will be placed in operation not later than 8 months after the date of grant of his license for the system.

(d) Where licensees, authorized under the provisions of paragraph (c) of this section, do not load the channel or channels assigned in accordance with specified loading criteria, any (assigned channel) not so occupied shall be available for assignment to other applicants. All authorizations for conventional systems are issued subject to this condition.

(e) Any licensee, at any time its authorized conventional system is occupied to 90 percent of its specified capacity, may apply for additional channel pairs. Assignments will be made based, first, upon the availability of frequencies for use by the licensee, and, second, based upon the showing made by the licensee of its requirements for additional channel pairs.

§ 89.803 Other criteria to be applied in assigning channels for use in conventional systems of communication.

(a) In every case, the Commission will examine a proposal to determine the requirements of the applicant in terms of the number of mobile units to be served, together with the nature of the activities the applicant is engaged in. Where the applicant shows that the channel will be loaded to 70 percent of its assigned capacity, then that channel will be made available to that applicant for its exclusive use in the area in which he proposes to operate. Where the showing made justifies the assignment of more than one channel to the applicant, then additional frequencies will be made available for his use.

(b) Where a commercial concern proposes to furnish service to either eligibles under either Part 89, 91, or 93, or to the public, using a conventional system of communication, its application will be considered on the same basis as that of an applicant for private or shared communication facilities.

(c) In loading channels, the Commission will further consider the mode of operation planned; the purposes for which the system is to be used, as noted; the persons to be served by the station and other factors. The other factors shall include the following:

(1) Mobile relay or repeater operations will not be assigned on channels to be used in two-frequency simplex mode, and conversely.

(2) Systems employing full duplex mode of operation will not be licensed on frequencies assigned for mobile relay or two-frequency simplex systems.

(3) Applicants in one service group, where possible, will not be required to share with applicants in other service groups, where the loading criteria of the services involved are different, except where circumstances require it.

(4) Push-to-talk operations will not be licensed on channels which are to be used under other modes of operation, except in those cases where it is shown that such method of operation is feasible.

(d) Conventional systems will not be authorized for radiotelephone operations.

(e) The Commission, in addition to the foregoing standards, set out at paragraph (c) of this section, may take into consideration any other factor which might enable the persons licensed to use a given channel or channels in more efficient and effective ways.

(f) No applicant shall be required to obtain any approval from a state or local regulatory authority to operate facilities authorized pursuant to these rules. State or local regulation may be exercised only to the extent that it does not limit competition or otherwise conflict with these rules. There shall be no limit on the number of systems authorized to operate in any one given area except that imposed by allocation limitations; and no person authorized to operate any radio facility under the provisions of this subpart shall have a right to protest proposals on grounds other than violation of or inconsistency with the provisions of this subpart. All grants are made subject to this condition and to the other conditions and standards set out in this subpart.

§ 89.804 Other criterion to be applied in licensing channels for use in trunked systems of communication.

There shall be no limit on the number of trunked systems authorized to operate in any one given area except that imposed by allocation limitations; and no person authorized to operate any trunked radio facility shall have a right to protest any other proposal on grounds other than violation of an inconsistency with the provisions of this subpart. All grants are made subject to the conditions and standards set out in this subpart.

PART 91—INDUSTRIAL RADIO SERVICES

8. In § 91.102(a), the table is amended to read as follows:

§ 91.102 Frequency stability.

(a) * * *

Frequency range	Transmitter (input) power			
	Fixed and base stations		Mobile stations	
	Over 300 W	300 W or less	Over 3 W	3 W or less
MHz	*Percent*	*Percent*	*Percent*	*Percent*
Below 25 [1]	0.005	0.01	0.01	0.02
25 to 50	.002	.002	.002	.005
50 to 450	[2] .0005	.0005	.0005	.005
450 to 470	[3, 5] .00025	[3, 5] .00025	.0005	[3] .0005
470 to 512	.00025	.00025	.0005	.0005
806 to 821	.00015	.00015	.00025	.00025
851 to 866	.00015	.00015	.00025	.00025
950 to 1,427	[4]	[4]	[4]	[4]
1,427 to 1,435	[6] .03	[6] .03	.03	.03
Above 1,435	[4]	[4]	[4]	[4]

* * * * *

9. In § 91.103, paragraph (a) is amended and paragraph (c) is added to read as follows:

§ 91.103 Types of emission.

(a) Except as provided in paragraph (b) and (c) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission will be construed to include the use of tone signals or signalling devices whose sole function is to establish or maintain communication between stations.

* * * * *

(c) Operation in the frequency bands 806 to 821 and 851 to 866 MHz is limited to F3 emission.

10. In § 91.104(b)(2), the table is amended to read as follows:

§ 91.104 Emission limitations.

* * * * *

(b) * * *

(2) * * *

Frequency band (MHz)	Authorized bandwidth (kHz)	Frequency deviation (kHz)
25 to 50	20	5
50 to 150	[1] 20	[1] 5
150 to 450	20	5
450 to 470	[2] 20	[2] 5
470 to 512	20	5
806 to 821	20	5
851 to 866	20	5

* * * * *

11. In § 91.105, Paragraphs (f) and (h) are amended to read as follows:

§ 91.105 Modulation requirements.

* * * * *

(f) Each transmitter which is operated on a frequency in the bands 450 to 512, 806 to 821, and 851 to 866 MHz and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter in accordance with the provisions of paragraph (g) or (h) of this section.

* * * * *

(h) For stations authorized in the 450–470 MHz band on or after November 1, 1967, and for all stations authorized in the 470 to 512, 806 to 821, and 851 to 866 MHz bands, the audio low-pass filter required by provisions of the preceding paragraphs of this section shall be installed between the modulation limiter and the modulated stage and, at audio frequencies between 3 kHz and 20 kHz, shall have an attenuation greater than the attenuation at 1 kHz by at least: 60 $\log_{10}$ (f/3) decibels. Where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

* * * * *

12. In § 91.106(b), the table is amended to read as follows:

§ 91.106 Power and antenna height.

* * * * *

(b) * * *

Frequency range (MHz)	Maximum plate power input to the final radio frequency stage (watts)	Maximum effective radiated power (watts)
1.6 to 6	2,000	
25 to 100	500	
100 to 216	600	
216 to 220	[1]	[1]
220 to 470	600	
470 to 512		1,000
806 to 821		[3]
851 to 866	[3]	[2]
Above 950	[1]	[1]

[1] To be specified in the station authorization.
[2] For power limitations see sec. 89.651.
[3] The output power of a transmitter on any authorized frequency in this service shall not exceed 250 W (24 dBW).

* * * * *

13. A new Section 91.116 is added to read as follows:

§ 91.116 Frequencies in 806 to 821, 851 to 866 MHz bands.

For criteria governing the use of frequencies in the 806 to 821 and 851 to 866 MHz bands see Part 89, Subpart S.

PART 93—LAND TRANSPORTATION RADIO SERVICES

14. In § 93.102(a), the table is amended to read as follows:

§ 93.102 Frequency stability.

(a) * * *

Frequency range	All fixed and base stations	All mobile stations	
		Over 3 W	3 W or less
MHz	*Percent*	*Percent*	*Percent*
Below 25	0.01	0.01	0.02
25 to 50	.002	.002	.005
50 to 450	[1] .0005	.0005	.005
450 to 470	[2, 4] .00025	.0005	[2] .0005
470 to 512	.00025	.0005	.0005
806 to 821	.00015	.00025	.00025
851 to 866	.00015	.00025	.00025
950 to 1,427	[3]	[3]	[3]
1,427 to 1,435	[5] .03	.03	.03
Above 1,435	[3]	[3]	[3]

* * * * *

15. In § 93.103, paragraph (a) is amended and paragraph (c) is added to read as follows:

§ 93.103 Types of emission.

(a) Except as provided in paragraphs (b) and (c) of this section, stations in these services will be authorized to use only A3 or F3 emission for radiotelephony. The authorization to use A3 or F3 emission will be construed to include the use of tone signals or signalling devices whose sole function is to establish and maintain communication between stations.

* * * * *

(c) Operation in the frequency bands 806 to 821 and 851 to 866 MHz is limited to F3 emission.

16. In § 93.104(b)(2), the table is amended to read as follows:

§ 93.104 Emission limitations.

* * * * *

(b) * * *

(2) * * *

Frequency band (MHz)	Authorized bandwidth (kHz)	Frequency deviation (kHz)
25 to 50	20	5
50 to 150	[1] 20	[1] 5
150 to 450	20	5
470 to 512	[2] 20	[2] 5
806 to 821	20	5
851 to 866	20	5
Above 866	[4]	[4]

* * * * *

17. In § 93.105, paragraphs, (f) and (h) are amended to read as follows:

§ 93.105 Modulation requirements.

* * * * *

(f) Each transmitter which is operated on a frequency in the bands 450 to 512, 806 to 821, and 851 to 866 MHz and which is provided with a modulation limiter in accordance with the provisions of paragraph (c) of this section shall also be equipped with an audio low-pass filter in accordance with the provisions of paragraph (g) or (h) of this section.

* * * * *

(h) For stations authorized in the 450–470 MHz band on or after November 1, 1967, and for all stations authorized in the 470–512, 806 to 821, and 851 to 866 MHz bands, the audio low-pass filter required by the provisions of the preceding paragraph of this section shall be installed between the modulation limiter and the modulated stage and, at audio frequencies between 3 kHz and 20 kHz, shall have an attenuation greater than the attenuation of 1 kHz at least: 60 $\log_{10}$ (f/3) decibels. Where "f" is the audio frequency in kHz. At audio frequencies above 20 kHz, the attenuation shall be at least 50 decibels greater than the attenuation at 1 kHz.

* * * * *

18. In § 93.106(b), the table is amended to read as follows:

§ 93.106 Power and antenna height.

* * * * *

(b) * * *

Frequency range (MHz)	Maximum plate power input to the final radio frequency stage (watts)	Maximum effective radiated power (watts)
30 to 100	500	
100 to 470	[1] 120	
470 to 512		1,000
806 to 821		[4]
851 to 866	[5]	[4]
Above 950	[3]	

[1] In the frequency band 450–470 MHz maximum plate power input in excess of 120 W but not in excess of 600 W may be authorized in accordance with the provision of subpart E of this part, upon submission of the required showings.
[2] [Reserved].
[3] As specified in § 93.111.
[4] For power limitations see sec. 89.651.
[5] The output power of a transmitter on any authorized frequency in this service shall not exceed 250 W (24 dBW).

* * * * *

19. A new § 93.116 is added to read as follows:

§ 93.116 Frequencies in the 806 to 821 and 851 to 866 MHz bands.

For criteria governing the use of frequencies in the 806 to 821 and 851 to 866 MHz bands see Part 89, Subpart S.

APPENDIX A

ALPHABETICAL LIST OF PARTICIPANTS

Aeronautical Radio, Inc.
AIL, A Division of Cutler-Hammer
Airsignal International, Inc.
American Petroleum Institute
American Telephone and Telegraph Company
American Transit Association
Association of American Railroads
Association of Maximum Service Telecasters, Inc.
Associated Public—Safety Communications Officers, Inc.
Atlanta Transportation Association
Boston Cab Company
Chicago Communication Service
Chicago Transit Authority
City of Fort Lauderdale, Florida
Collins Radio Company
Communications, Inc.
Digital Paging Systems, Inc.
Electronic Industries Association
Gainesville Industrial Electric Company
General Electric Company (Major Appliance Business Group)
General Electric Company (Mobile Radio Department)
GTE Service Corporation
Henry Ford Hospital
Integrated Systems Technology, Inc.
International Association of Chiefs of Police
International Association of Fire Chiefs
International Bridge, Tunnel, and Turnpike Association, Inc.
International Bridge, Tunnel, and Turnpike Association, Inc.
International Municipal Signal Association
Jeremiah Courtney
Lake Side Communications
Magnavox Company
Martin Marietta Corporation
Mobilfone, Inc.
Motorola
Mueller Electronics
National Association of Broadcasters
National Association of Business and Educational Radio, Inc.
National Association of Radiotelephone Systems
National Association of Regulatory Utility Commissioners
New Jersey Hospital Association
Radio Broadcasting Company
Ram Broadcasting Corporation
RCA Corporation
Sangamo Electric Company
Scott Communications Company
Southeast Ohio Emergency Medical Service
Special Industrial Radio Service Association, Inc.
St. Louis Electronics
Terminal Taxi Company
United States Department of Justice
United States Independent Telephone Association
United States Office of Telecommunications Policy
United States Small Business Administration
United Telecommunications, Inc.
Utilities Telecommunications Council
Xerox Corporation
Yellow Cab Company of Greater Buffalo, Inc.

APPENDIX B

GUIDELINES UNDER WHICH DEVELOPMENTAL AUTHORIZATIONS FOR CELLULAR SYSTEMS IN THE 806–947 MHZ FREQUENCY BANDS WILL BE ISSUED

I. *Eligibility.* Developmental authorizations for cellular systems in the 806–947 MHz frequency band will be issued only to existing and proposed wireline communication common carriers who are legally, financially and otherwise qualified to conduct experimentation for the development of engineering, operational data and techniques directly related to the establishment of a high capacity mobile telephone system which is based upon a cellular concept and regulated under Part 21 of the Commission's rules.

II. *Scope of Service.* Developmental authorizations will be issued for development of a high capacity mobile telephone system, including provisions for mobile telephone and automatic dispatch service to be governed by Part 21 of the rules and regulations.

III. *Adherence to Program of Research and Development.* The program of research and development, as stated by an applicant in the application for construction permit or license or stated in the instrument of station authorization, shall be substantially adhered to unless the licensee is otherwise authorized by the Commission.

IV. *Terms of Grant: General Limitations.* a. Developmental authorizations shall normally be issued for one year or longer as the Commission may deem appropriate in any particular case, and shall be subject to cancellation without a hearing by the Commission at any time upon notice to the licensee.

b. Where some phases of the developmental program are not covered by the General Rules of the Commission or by Part 21 of the rules, the Commission may specify supplemental or additional requirements or conditions in each case as it may deem necessary in the public interest, convenience or necessity.

c. Frequencies allocated to the service toward which such development is directed will be assigned for developmental operation on a one system per market area basis.

d. Only one developmental system will be authorized any single applicant.

e. No interference shall be caused to the regular services of stations operating in accordance with the Commission's Table of Frequency Allocations (§ 2.106 of the rules and regulations).

f. All systems shall be designed for nationwide compatibility for roamer operation.

g. The rendition of communication service for hire is not permitted unless specifically authorized by the Commission.

h. The grant of a developmental authorization carries with it no assurance that the developmental program, if successful, will be authorized on a permanent basis.

V. *Supplementary Showing Required.* a. Authorizations for development of a cellular system will be issued only upon a showing that the applicant has a definite program of research and development, the details of which shall be set forth, having reasonable promise of substantial contribution to these services within the term of such authorization. In addition to showing that the applicant is financially qualified or that adequate provision has been made to underwrite the costs of the proposed venture, a specific showing should be made as to the factors which the applicant believes qualify him technically to conduct the research and development program, including a description of the nature and extent of engineering facilities which applicant has available for such purpose.

b. Expiring developmental authorizations may be renewed only upon the applicant's compliance with the objectives of the authorization sought to be renewed and upon a factual showing that further progress in the program of research and development requires further radio transmission and that the public interest, convenience or necessity would be served by renewal of such authorization.

VI. *Developmental Report Required.* a. Upon completion of the program of research and development, or, in any event, upon the expiration of the instrument of station authorization under which such investigations were permitted, or at such times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the developmental program, the licensee shall submit, in duplicate, a comprehensive report on the following items, in the order designated:

1. Report on the various phases of the project which were investigated.

2. Total number of hours of operation on the frequencies assigned.

3. Copies of any publication on the project.

4. A listing of any patents applied for, including copies of any patents issued as a consequence of the activities carried forth under the authorization.

5. Detailed analysis of the result obtained.

6. Any other pertinent information.

b. In addition to the information required by paragraph (a) of this section, the developmental report of a station authorized for the development of a proposed radio service shall include comprehensive information on the following items:

1. Probable public support and methods of its determination.
2. Practicability of service operations.
3. Interference encountered.
4. Pertinent information relative to merits of the proposed service.
5. Propagation characteristics of frequencies used, particularly with respect to the service objective.
6. Frequencies, if any, believed to be more suitable and reasons therefore.
7. Type of signals or communications employed in the experimental work.

c. Normally, developmental reports will be made a part of the Commission's public records. However, an applicant may request that the Commission withhold from the public certain reports and associated material relative to the accomplishments achieved under developmental authorization, and, if it appears that such information should be withheld, the Commission will so direct.

[FR Doc.74-10598 Filed 5-9-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that two positions of Special Assistant to the Under Secretary are excepted under Schedule C.

Effective on May 10, 1974, § 213.3384 (a) (9) is added as set out below.

§ 213.3384 Department of Housing and Urban Development.

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

(9) Two Special Assistants to the Under Secretary.

* * * * *

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

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

[FR Doc.74-10870 Filed 5-9-74;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President; Correction

In the FEDERAL REGISTER of May 3, 1974 (FR Doc. 74-10212) on page 15383 § 213.3303(k) (2) was added, it should be § 213.3303(k) (3) as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(k) *Federal Energy Office.* * * *

(3) One Secretary to the Deputy General Counsel.

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

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

[FR Doc.74-10871 Filed 5-9-74;8:45 am]

PART 733—POLITICAL ACTIVITY OF FEDERAL EMPLOYEES

Residence of Howard County, Maryland

Section 733.124 is amended to include political activity privileges to employee residents of Howard County, Maryland.

Section 733.124(b) is amended by adding "Howard County (April 25, 1974)" between "Greenbelt (Oct. 4, 1940)" and "Hayattsville (Sept. 20, 1940)" under the heading "In Maryland".

((5 U.S.C. 1308, 3301, 3302, 7301, 7324, 7325, 7327; 42 U.S.C. 2729); E.O. 10577, 3 CFR 1954-58 Comp. p. 218)

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

[FR Doc.74-10869 Filed 5-9-74;8:45 am]

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

[Amdt. 20]

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Apportionment of Funds to States

The purpose of this amendment to the regulations governing the School Breakfast and Nonfood Assistance Programs and State Administrative Expenses is to provide the authority for State educational agencies and FNSROs to approve applications for nonfood assistance to be financed over a period of three consecutive fiscal years. This authority is also applicable with respect to reserve funds withheld to assist schools without food service. The authority may be appropriately utilized in those situations where a school or school district makes application and is approved to purchase extensive equipment in an amount which exceeds the funds available therefor in the hands of the State or FNSRO for the fiscal year in which the school's application is made. Likewise, the school or school district which acquires partial and/or inadequate equipment with reserve funds available for one fiscal year may still be considered as a school(s) without food service and qualify for additional monies from the no-food-service reserve in the next two fiscal years. However, in either situation, the obligation of funds for three fiscal years is contingent upon future availability of appropriated monies.

Since this amendment affects internal management of the program funds and does not adversely affect any participating school(s), notice and public participation procedure is impracticable and unnecessary.

Accordingly, in 7 CFR Chapter II, Part 220 is amended by adding a new paragraph to § 220.12, reading as follows:

§ 220.12 Apportionment of funds to States.

* * * * *

(d) If, in any fiscal year, the amount of funds made available under paragraph (a) or paragraph (a-1) of this section to any State agency, or FNSRO where applicable, is insufficient to pay the entire amount of funds requested and justified in the application of a School Food Authority, the State agency, or FNSRO where applicable, may approve the entire amount justified on condition that such amount will be paid to the School Food Authority, to the extent that sufficient funds are available therefor, over a period not to exceed three consecutive fiscal years beginning with the fiscal year in which the application was approved. If the application was for equipment for a school which, at the time of the application, was without a food service, the State agency, or FNSRO where applicable, may use funds available under paragraph (a-1) during the three year period to pay the entire amount of the funds approved.

(Catalog of Federal Domestic Assistance Program No. 10.553 National Archives Reference Services)

Effective date: This amendment will become effective on July 1, 1974.

Dated: May 8, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-10902 Filed 5-9-74;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 8]

PART 780—APPEAL REGULATIONS

Requests for Reconsideration and Appeals Requiring Special Handling

Section 780.11 of the appeal regulations, 7 CFR Part 780, is amended by revising paragraph (a) to read as follows:

§ 780.11 Requests for reconsideration and appeals requiring special handling.

(a) Determinations made by a State committee with respect to (1) the establishment of farm yields for wheat, feed grain, and cotton, (2) the establishment of wheat allotments, (3) the establishment of farm feed grain allotments, (4) the establishment of upland cotton base acreage allotments, (5) the establishment of conserving bases, (6) matters rising under the tobacco discount variety program, and (7) eligibility provisions of the livestock feed program are not appealable to the Deputy Administrator.

Effective date. The changes in the foregoing amendment of Part 780 relate to its applicability to the 1974-77 programs for feed grains, wheat, and upland cotton. Farmers are completing their plans for the 1974 crop year, and it is essential that the foregoing amendment of Part 780 be made effective as soon as possible. It is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this

amendment shall become effective May 10, 1974.

Signed at Washington, D.C., May 3, 1974.

GLENN A. WEIR,
Acting Administrator.

[FR Doc.74-10828 Filed 5-9-74;8:45 am]

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

[Lemon Reg. 638]

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 May 12–18, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.938 **Lemon Regulation 638.**

(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 about unchanged.

Average f.o.b. price was $5.87 per carton the week ended May 4, 1974 compared to $5.73 per carton the previous week.

Track and rolling supplies at 140 cars were down 6 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 7, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period May 12, 1974, through May 18, 1974, is hereby fixed at 265,000 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: May 8, 1974.

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

[FR Doc.74-11043 Filed 5-9-74;11:47 am]

Title 9—Animals and Animal Products

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

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

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Hog Cholera Eradication and Free States

This amendment deletes the State of Texas from the list of Hog Cholera Eradication States in 9 CFR 76.2(f), as amended, and adds said State to the list of Hog Cholera Free States in § 76.2(g) upon the basis of a determination that such State qualifies for hog cholera free status under § 76.2(g). The special provisions in 9 CFR Part 76, as amended, pertaining to the interstate movement of swine and swine products from such Eradication or Free States remain applicable to Texas.

The removal of the State of Texas from the list of Hog Cholera Eradication States and the addition of this State to the list of Hog Cholera Free States affects the Federal indemnities payable under other regulations (9 CFR Part 56, as amended) for swine slaughtered because of hog cholera in the State of Texas.

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

In § 76.2, the reference to the State of Texas in paragraph (f) is deleted, and paragraph (g) is amended by adding thereto the name of said State.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 3[illegible] Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective May 10, 1974.

The amendment does not change the requirements under the regulations in 9 CFR Part 76 with respect to the interstate movement of swine or swine products. It has the effect of relieving restrictions on indemnity payments under the regulations in 9 CFR Part 56 and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to

the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of May 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service

[FR Doc.74-10881 Filed 5-9-74;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 92—IMPORTATION OF CERTAIN ANIMALS AND POULTRY AND CERTAIN ANIMAL AND POULTRY PRODUCTS; INSPECTION AND OTHER REQUIREMENTS FOR CERTAIN MEANS OF CONVEYANCE AND SHIPPING CONTAINERS THEREON

Importation of Slaughter Animals; Clarification

Statement of considerations: The purpose of this amendment is to clarify and bring up to date with present practice the requirements contained in 9 CFR Part 92, to provide that all livestock imported for slaughter go direct to a recognized slaughtering establishment operating under Federal or State inspection and approved by Veterinary Services to receive such animals for slaughter.

Accordingly, 9 CFR Part 92, is hereby amended in the following respects:

1. In § 92.1 paragraphs (m) and (n) are amended to read:

§ 92.1 Definitions.

* * * * *

(m) *Recognized slaughtering establishment.*[10] An establishment where slaughtering operations are regularly carried on under Federal or State inspection and which has been approved by Veterinary Services to receive animals for slaughter under this Part.

(n) *Immediate slaughter.* Consignment directly from the port of entry to a recognized slaughtering establishment [10] and slaughter thereat within two weeks from the date of entry.

* * * * *

§§ 93.23, 92.28, 92.40 [Amended]

2. In §§ 92.23, 92.28(c), and 92.40 in the second sentence the term "recognized slaughtering center" is deleted and the term "recognized slaughtering establishment" [10] is substituted therefor.

3. In § 92.40 the first sentence is amended by inserting after the reference to "§ 92.33" the word "and" and by deleting the phrase "and 92.39(a)."

(Sec. 2, 32 Stat. 792, as amended; secs. 2, 3, 4, and 11, 76 Stat. 129, 130, 132 (21 U.S.C. 111, 134a, 134b, 134c, 134f); 37 FR 28464, 28477; 38 FR 19141)

[10] The name of recognized slaughtering establishments approved under this Part may be obtained from the Area Veterinarian in Charge, Veterinary Services, for the State of destination of the shipment.

Effective date. The foregoing amendment shall become effective May 10, 1974.

This amendment clarifies and brings up to date with present practice the requirements for importation of slaughter animals under the regulations of this Part 92 and does not impose or relieve any restrictions. The amendment should be made effective promptly to be of maximum benefit to persons affected. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 6th day of May 1974.

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

[FR Doc.74-10826 Filed 5-9-74;8:45 am]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

Miscellaneous Amendments

On September 18, 1973, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER, Volume 38, Number 180, page 26118.

On December 18, 1973, a notice of proposed amendments to Part 108, Part 114, and Part 116 was published in the FEDERAL REGISTER, Volume 38, Number 242, page 34736.

On January 25, 1974, a notice of proposed amendments to Part 112 was published in the FEDERAL REGISTER, Volume 39, Number 18, page 3275.

The basic requirements included in these amendments have been in effect for several years and have been utilized by Veterinary Services and by industry during that time. These amendments would codify in the regulations such requirements as have been issued in administrative memorandums. The publication of these amendments is done to make more readily available to the general public the nature of these requirements.

These amendments to Part 112 were proposed to update the current label requirements for biological products. They include requirements found essential for proper labeling. They also include authorization for the issuance of export certificates to licensees interested in foreign commerce. A proposed new label requirement in the form of a caution statement for bacterins authorized for use as diluents was published in § 113.85(d)(2). This requirement has been redesignated as § 112.7(h).

These amendments codify in Part 113 some test methods, procedures, and criteria established by Veterinary Services for evaluating biological products to be pure, safe, potent, and efficacious and not to be worthless, contaminated, dangerous, or harmful. All products are required to meet the applicable requirements before marketing release is authorized. Regulations proposed as § 114.-12, "Biological products prepared from animal blood" have been combined with the regulations in § 113.75 under the caption of "General requirements for biological products of animal blood origin."

These amendments contain a complete revision of Part 114. The regulations in this part pertain to the production of biological products in a licensed establishment. They include guidelines for preparing an Outline of Production in addition to the requirements to be met. Among the items added are personnel requirements. The designation of an official representative of each licensee to act as contact with Veterinary Services is required. "Gentamicin" is added to the list of permitted antibiotics.

These amendments expand the regulations in Part 116 by codifying detailed recordkeeping requirements now published in administrative memorandums.

After due consideration of all revelant matters, including the proposals set forth in the aforesaid notices of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (U.S.C. 151–158), the amendments of Parts 108, 112, 113, 114, and 116 of Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, as contained in the aforesaid notices are hereby adopted and are set forth herein, subject to the following noted modifications:

1. Section 108.2 has been reworded by deleting "and shipment" and substituting "a brief description" for "detailed explanation" as being more desirable. Section 108.5 lead paragraph has been changed to "A brief description" also.

2. Section 108.6 lead paragraph has been reworded to permit submission of preliminary drawings for comment. Section 108.6(a) has been reworded for clarity.

3. Section 108.8 (a) and (b) have been reworded for clarity.

4. Section 108.9(b) has been reworded for clarity.

5. Section 108.10(a) spelling of "establishment" is corrected.

6. Section 112.2(a)(11) is changed to limit the requirement to cartons containing more than one final container.

7. Section 113.85(d)(2) has been reworded for clarity and redesignated as a new paragraph 112.7(h) as being more appropriately codified.

8. Section 112.7(d)(5) has been reworded for clarity.

9. The proposed mouse test in § 113.39 was revised to permit subcutaneous injection as an alternate to intraperitoneal injection, to limit its use to liquid products and to redesignate it as § 113.33 (b). Where § 113.39 appears, § 113.33(b) is substituted. Section 113.39 is reserved.

10. The proposed guinea pig test in § 113.38 is revised to permit subcutaneous injection.

11. Section 113.65 is revised to establish Veterinary Services as the source of seeds for production of tuberculin; to permit the testing of bulk samples; and minor changes for clarification.

12. Section 113.66 and § 113.67 are revised for clarity and correctness.

13. "Salmonella" is spelled out in § 113.66 and "serum" corrected.

14. The general requirements for products of blood origin proposed in § 113.75 are combined with the requirements for preparing such products proposed as § 114.12.

15. Section 113.76 is revised for clarity, specificity, and accuracy. Bulk testing has been added as an alternate. "Twenty-25° C" is substituted for "room temperature."

16. Section 113.77 has been changed to permit a tolerance of two controls and observation period reduced to 10 days.

17. Section 113.78 has been changed for clarification and correctness.

18. Section 113.79 and § 113.80 has been changed to permit the use of animals other than horses and to correct minor errors.

19. Section 113.85 has been revised by rewording the definitions for bacterin, toxoid, and bacterin-toxoid as being more meaningful and complete. Reference to previous publications has been deleted and label requirements for bacterins authorized for use as diluents moved to § 112.7(h). Redesignation of paragraphs made and text corrected where indicated for clarification and accuracy.

20. The lead paragraphs of §§ 113.86, 113.87, 113.88, 113.91, 113.92, 113.93, 113.94, 113.95, 113.96, 113.97, 113.98, 113.99, 113.100, 113.101, and 113.104 which pertain to products subject to requirements in § 113.85 have been rewritten to include a reference to § 113.85 for completeness and clarification. Also, where the phrase "has been rendered sterile and nontoxic" appeared, the phrase "has been inactivated and is nontoxic" has been substituted as being more meaningful. Minor changes in these sections have been made for clarification and accuracy of the test procedure prescribed. In addition, the following changes have been made:

21. The potency test in § 113.94 has been deleted in favor of tests written into the filed Outline of Production until further data on the proposed test can be developed. Section 113.98 is reserved. "Room temperature" is changed to "20 to 25° C" in § 113.99.

22. The caption for § 113.100 has been changed to "§ 113.100 *Staphylococcus Aureaus Bacterin-Toxoid*" to limit its application to that product. Minor changes made for accuracy.

23. The captions of § 113.101, § 113.102, and § 113.103 have been changed to include "Multocida (avicida)." "Approved Outline of Production" has been changed in § 113.101 to "filed Outline of Production" for accuracy. Minor changes made for clarification. Age of turkeys allowed in § 113.103 reduced to 6 weeks.

24. Swine protection test in proposed § 113.112 redesignated as § 113.104(e). Reference to its use has been made in § 113.112. Other minor changes made in § 113.104 for clarification.

25. Sections 113.105 to 113.109 are reserved.

26. Minor changes have been made in § 113.110 to clarify the conditions of the tests. The upper limit of viable *Brucella abortus* organisms has been deleted as being unnecessary. Redesignation of paragraphs made as indicated.

27. Minor changes also have been made in § 113.111 for clarity and accuracy.

28. The table of contents for Part 114 is corrected to show the proper caption for §§ 114.5 and 114.12. A printing error is corrected in § 114.5. Section 114.6 is reworded for clarity. Proposed § 114.7(b) is deleted; § 114.7(c) is renumbered § 114.7(b) and "competent" is substituted for "well versed;" § 114.7(d) is renumbered § 114.7(c) and subparagraph § 114.7(c)(2) is reworded for clarity.

29. Section 114.8(e)(1) is reworded for clarity.

30. Paragraph V of the Outline Guide in § 114.9(c) is clarified by deleting the words "by number" and to be consistent with the other Outline Guide presented. Paragraph VI of the Outline Guide in § 114.9(c) is amended to conform with the other Outline Guides presented by adding the volume of fill.

31. Paragraph III B of the Outline Guide in § 114.9(d) is amended by substituting the word "and" for "or" for completeness. Paragraph IV B of the Outline Guide in § 114.9(d) is amended for clarity and completeness.

32. Section 114.10 is amended to permit the use of a penicillin and streptomycin combination.

33. Section 114.11 is changed to include centigrade readings of temperatures. The word "such" is deleted in the last sentence as too restrictive.

34. Material in § 114.12 has been recodified as part of § 113.75. Section 114.12 is reserved.

35. Section 114.13(a)(2) has been reworded for clarity. The lead paragraph in § 114.13(c) has been reworded to provide for antitoxins separately.

36. A new § 114.13(c)(2) has been added and § 114.13(c)(2) renumbered § 114.13(c)(3).

37. Section 114.14(a)(2) and § 114.14(b)(2) have been reworded for clarity.

38. Section 114.18(d) has been reworded to remove the "R" requirement, but substitute a new serial number for the records.

39. Section 116.1(a) has been rewritten to require the "time" where critical.

40. Section 116.8 the word "such" has been deleted and "all" substituted for clarification of disposition records requirements.

1. Part 108—*Sanitation Requirements for Licensed Establishments*—is amended to read:

PART 108—FACILITY REQUIREMENTS FOR LICENSED ESTABLISHMENTS

Sec.

108.1 Applicability.
108.2 Plot plans, blueprints, and legends required.
108.3 Preparation of plot plans.
108.4 Preparation of blueprints.
108.5 Preparation of legends.
108.6 Revision of plot plans, blueprints, and legends.
108.7 Filing of plot plans, blueprints, and legends.
108.8 Construction of buildings.
108.9 Dressing rooms and other facilities.
108.10 Outer premises and stables.
108.11 Water quality requirements.

AUTHORITY: 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 108.1 Applicability.

Unless otherwise authorized by the Deputy Administrator, all buildings, appurtenances, and equipment used in the preparation of biological products shall be in compliance with the regulations in this part. Each land area on which such buildings and appurtenances are located shall be identified by an address which shall appear on the establishment license.

§ 108.2 Plot plans, blueprints, and legends required.

Each applicant for an establishment license shall prepare a plot plan showing all buildings for each particular land area, blueprints for each building used in the preparation of biological products and legends containing a brief description of all activities in each room or area.

§ 108.3 Preparation of plot plans.

Plot plans shall show all of the buildings on a particular land area, whether or not they are all used for the preparation and initial shipping of biological products; *Provided*, That, when a great number of buildings are on the same premises, only those surrounding the buildings used for preparation and initial shipping of biological products shall be shown. The presence of the remainder of the buildings may be accounted for by a single statement denoting the total number of such buildings not used for the preparation or shipping of biological products.

(a) Reduce the entire premises to any standard scale on one sheet of paper which meets any of the American standard trimmed sizes. Indicate the scale used.

(b) Clearly mark the boundaries of the licensed premises and indicate what marking denotes the boundaries. Such boundaries shall coincide with some readily apparent perimeter line. Identify all fences, walls, or streets.

(c) Show buildings as reduced dimensional drawings in the proper scale distance relationship with each other.

(d) Number, letter, or otherwise identify all buildings so that they may be correlated with the respective blueprints and legends.

(e) Describe on the plot plan the use of immediate adjacent properties such as, residential area, pasture, box factory, or the like.

(f) Show compass points.
(g) Show date of preparation.
(h) Apply signature of responsible official of the firm.

§ 108.4 Preparation of blueprints.

(a) Blueprints, drawn to any suitable scale, on regular blueprint paper or a good grade of white paper of any one of the American standard trimmed sizes shall be acceptable; *Provided,* That the same scale shall be used for future revisions unless the entire blueprint is revised. Indicate the scale used.
(b) Use a single sheet of paper for each floor of all buildings in which biological products are prepared. Illustrate in detail the areas in each building utilized for such preparation.
(c) If only a portion of a floor is used in the preparation of a biological product, the blueprint shall illustrate the entire floor in essentially the same detail throughout. All functions or activities performed in the remainder of the floor shall be indicated.
(d) Identify the floors if the drawing is not for all floors in a multiple-story building and identify activities on each floor.
(e) Identify all rooms by letters or numbers.
(f) Show the location of important stationary equipment by a suitable code which will be further identified on legends.
(g) Explain on the blueprint or on the legend, by a statement or listing, which rooms are equipped with water outlets, drains, and lighting. Show the location of doors and windows.
(h) Show compass points.
(i) Show building number.
(j) Show date of preparation.
(k) Apply signature of responsible official of firm.

§ 108.5 Preparation of legends.

A brief description of the activities performed in each room or area shall be prepared as provided in this section and shall be referred to as a legend. Legends shall be provided for each plot plan and each blueprint or drawing. All pages of the legends shall be numbered, identified with corresponding plot plan or blueprint, and submitted in booklet form either stapled together or clipped into a suitable folder.
(a) Plot plan legends shall show the following:
(1) Number of each building and the functions performed in each: *Provided,* That if it is a multiple-story building in which biological products are prepared or handled, briefly describe functions performed on each floor.
(2) A practical and nontechnical description of construction materials used throughout those buildings used entirely or partially for production and handling of biological products.
(b) Blueprint legends shall show the following:
(1) A listing of all rooms by identifying letters or numbers and the product code numbers for products prepared in whole or in part in each room. Exceptions may be listed for general purpose areas or rooms. Functions performed in each area and room shall be described.
(2) A listing of the coded stationary equipment.
(3) A general listing of other essential biological equipment such as mills, centrifuges, mixing tanks, bottling and sealing equipment, and the like, which are not regarded as stationary but are maintained in certain rooms.

§ 108.6 Revision of plot plans, blueprints, and legends.

Preliminary drawings may be submitted to Veterinary Services for comment prior to construction of new facilities or when remodeling is anticipated, old facilities are to be torn down, or other changes affecting the workflow are to be made. The licensee shall:
(a) Prepare revised plot plans, blueprints, or legends and submit to Veterinary Services for review and filing when changes have been completed. Also prepare a statement to accompany each revision to identify, by date of the superseded item, what is being superseded.
(b) Prepare a drawing of the revised rooms, unit, or section to the same scale as the blueprint on file which shall be stamped and applied to the existing blueprint. If changes are numerous, prepare a new blueprint.
(c) Drawings of new buildings may be added to existing plot plans. Indicate the distance from surrounding buildings and boundary lines.
(d) Any change prescribed in this section shall necessitate a change in one or more pages of the respective legends. The revised pages shall carry the same numbers as superseded pages.

§ 108.7 Filing of plot plans, blueprints, and legends.

Three copies of all plot plans, blueprints, and legends, including revisions, shall be submitted to Veterinary Services for review and filing. When the reviewer takes exception to a submitted item, such item shall be returned with appropriate comments for correction and resubmission. Acceptable submissions shall be stamped as filed and the date noted. One stamped copy shall be returned and two copies retained for Veterinary Services files.

§ 108.8 Construction of buildings.

(a) The floors, walls, ceilings, partitions, posts, doors, and all other parts of all structures, rooms, or facilities used for the preparation of biological products or ingredients of biological products at licensed establishments shall be of such material, construction, and finish as may be readily and thoroughly cleaned.
(b) All rooms used in connection with the preparation of biological products shall be so constructed and arranged as to prevent cross-contamination of such biological products. Halls or walkways shall be provided for the movement of personnel or materials to each biological products preparation area without going through another such area.
(c) Rooms or compartments separate from the remainder of the establishment shall be provided at licensed establishments for preparing, handling, and storing virulent or dangerous microorganisms and products.
(d) All rooms and compartments at licensed establishments shall have an adequate air handling system to supply proper ventilation sufficient to insure sanitary and hygienic conditions for the protection of the products and personnel.
(e) The supply of hot and cold water at licensed establishments shall be ample and clean. Adequate facilities shall be provided for the distribution of water in each establishment and for the washing of all containers, machinery, instruments, other equipment, and animals used in the preparation of a biological product.
(f) There shall be an efficient drainage and plumbing system for each licensed establishment and premises thereof, and all drains and gutters shall be properly installed with approved traps and vents.

§ 108.9 Dressing rooms and other facilities.

Each licensed establishment shall have dressing rooms, toilet facilities, and lavatory accommodations, including hot and cold running water, soap, towels, and the like. They shall be in sufficient number, ample in size, conveniently located, properly ventilated, and meeting all requirements as to sanitary construction and equipment.
(a) These rooms and facilities shall be separate from rooms or compartments in which biological products are prepared, handled, or stored.
(b) These rooms and facilities shall be so located in the establishment as to be readily accessible to all persons without having to enter or pass through biological products preparation areas.

§ 108.10 Outer premises and stables.

(a) The outer premises of licensed establishments, embracing docks, driveways, approaches, yards, pens, chutes, and alleys shall be drained properly and kept in a clean and orderly condition. No nuisance shall be allowed in any licensed establishment or on its premises.
(b) Stables or other premises for animals used in the production or testing of biological products at licensed establishments shall be properly ventilated and lighted, appropriately drained and guttered, and kept in sanitary condition.
(c) Every practical precaution shall be taken to keep licensed establishments free of flies, rats, mice, and other vermin. The accumulation, on the premises of an establishment, of any material in which flies or other vermin may breed is forbidden. Suitable arrangements, in keeping with the local health practices, shall be made for the disposal of all refuse.

§ 108.11 Water quality requirements.

A certification from the appropriate water pollution control agency, that the

establishment is in compliance with applicable water quality control standards, pursuant to section 401 of the Federal Water Pollution Control Act, as amended (86 Stat. 877; 33 U.S.C. 1341), shall be filed with Veterinary Services for each licensed establishment.

PART 112—PACKAGING AND LABELING

2. Section 112.2(a)(8) is amended; (a)(11) is added; and (e) is amended to read:

§ 112.2 Final container label, carton label and enclosure.

(a) * * *

(8) In the case of a biological product recommended for use in domestic animals, the edible portion of which may be used for food purposes, a withholding statement of not less than 21 days to read: "Do not vaccinate within (insert number) days before slaughter" or "Do not vaccinate food-producing animals within (insert number) days before slaughter:" *Provided,* That longer periods shall be stated when deemed necessary by the Deputy Administrator. Very small final container labels are exempted from this requirement.

* * * * *

(11) The number of final containers of biological product and the number of doses in each final container shall be stated on each carton label for all cartons containing more than one final container of biological product. The number of final containers of diluent, if any, and the quantity in each shall also be stated on each carton label.

* * * * *

(e) When label requirements of a foreign country conflict with the requirements as prescribed in this part, special labels may be approved for use on biological products to be exported to such country. When laws, regulations, or other requirements of foreign countries require exporters of biological products prepared in a licensed establishment to furnish official certification that such products have been prepared in accordance with the Virus-Serum-Toxin Act and regulations issued pursuant thereto, such certification may be made by Veterinary Services upon request of the licensee.

3. Section 112.3 is amended by adding a new paragraph (g) to read:

§ 112.3 Diluent labels.

* * * * *

(g) The establishment license number or the permit number, as the case may be, in one of the forms provided in § 112.2(a)(3).

4. Section 112.7 is amended by adding a lead paragraph; amending paragraphs (d)(4) and (e)(5) and adding paragraphs (g) and (h).

§ 112.7 Special additional requirements.

The label requirements in this section are additional to those prescribed elsewhere in this part.

* * * * *

(d) * * *

(4) * * *

(iv) Intramuscular injection at one site in the thigh shall be recommended.

* * * * *

(5) A statement containing the recommended action to be taken in cases of exposure to the vaccine virus shall be prominently placed on all enclosures and also placed on carton labels for all cartons containing more than one final container of biological product. Satisfactory recommendations may be found in the U.S. Department of Health, Education, and Welfare. Public Health Service, Center for Disease Control Weekly Report, June 24, 1972.

* * * * *

(g) In the case of autogenous bacterins and autogenous vaccines, labels shall include the recommended dose, the number of repeat doses, if any, and the interval between doses: *Provided,* That the label shall not show:

(1) The identity of the herd or flock from which the cultures were isolated; or

(2) The name(s) of the person(s) responsible for making the isolations; or

(3) A recommendation for use of the product in a herd or flock other than the one from which the cultures were isolated.

(h) In the case of bacterins authorized in § 113.85 of this subchapter to be used as diluents in combination packages, the carton labels and enclosures used with serials of bacterin which are either not tested by the viricidal activity test provided in § 113.35 of this subchapter or have been found unsatisfactory by such viricidal activity test shall contain the statement: "CAUTION: DO NOT USE AS DILUENT FOR LIVE VIRUS VACCINES."

5. The table of contents for Part 113—Standard Requirements is amended; § 113.33 is amended by adding a new paragraph (b); §113.38–§ 113.49 are amended; and new sections §§ 113.65–113.112 are added to read:

PART 113—STANDARD REQUIREMENTS

Applicability

Sec.

113.1 Compliance.
113.2 Reserved.
113.3 Sampling of biological products.
113.4 Exemptions to tests.
113.5 General testing.
113.6 Veterinary Services testing.
113.7 Multiple fractions.
113.8 Virus titrations in lieu of test for antigenicity.

Standard Procedures

113.25 Culture Media for detection of bacteria and fungi.
113.26 Detection of viable extraneous bacteria and fungi in all biological products except live vaccines.
113.27 Detection of viable extraneous bacteria and fungi in live vaccines.
113.28 Detection of mycoplasma contamination.
113.29 Determination of moisture content in desiccated biological products.
113.30 Detection of Salmonella contamination.
113.31 Detection of avian lymphoid leukosis.
113.32 Detection of Brucella contamination.
113.33 Mouse safety tests.
113.34 Detection of hemagglutinating viruses.
113.35 Detection of viricidal activity.
113.36 Detection of extraneous pathogens by the chicken inoculation test.
113.37 Detection of extraneous pathogens by the chick embryo inoculation test.
113.38 Guinea pig safety test.
113.39–113.49 Reserved.

Ingredient Requirements

113.50 Ingredients of biological products.
113.51 Requirements for primary cells used in biological products production.
113.52 Requirements for selection of cell lines.
113.53 Requirements for ingredients of animal origin.

Diagnostics and Reagents

113.65 Tuberculin, Intradermic.
113.66 Pullorum Antigen.
113.67 Avian Mycoplasma Antigen.
113.68–113.74 Reserved.

Blood Origin Products

113.75 General requirements for biological products of animal blood origin.
113.76 Tetanus Antitoxin.
113.77 Swine Erysipelas Antiserum.
113.78 Canine Distemper-Hepatitis-Leptospira Antiserum.
113.79 Clostridium Perfringens Type C Antitoxin.
113.80 Clostridium Perfringens Type D Antitoxin.
113.81–113.84 Reserved.

Inactivated Bacterial Products

113.85 Bacterins, toxoids, and bacterin toxoids.
113.86 Leptospira Pomona Bacterin.
113.87 Leptospira Icterohaemorrhagiae Bacterin.
113.88 Leptospira Canicola Bacterin.
113.89–113.90 Reserved.
113.91 Clostridium Chauvoei Bacterin.
113.92 Clostridium Hemolyticum Bacterin.
113.93 Clostridium Novyi Bacterin-Toxoid.
113.94 Clostridium Sordellii Bacterin-Toxoid.
113.95 Clostridium Botulinum Type C Bacterin-Toxoid.
113.96 Clostridium Perfringens Type C Toxoid and Bacterin-Toxoid.
113.97 Clostridium Perfringens Type D Toxoid and Bacterin-Toxoid.
113.98 Reserved.
113.99 Tetanus Toxoid.
113.100 Staphylococcus Aureus Bacterin-Toxoid.
113.101 General requirements for Pasteurella Multocida (avicida) Bacterins.
113.102 Pasteurella Multocida (avicida) Bacterin, Type 1.
113.103 Pasteurella Multocida (avicida) Bacterin, Type 3.
113.104 Erysipelas Bacterin.
113.105–113.109 Reserved.

Live Bacterial Vaccines

113.110 Brucella Abortus Vaccine.
113.111 Anthrax Spore Vaccine-Nonencapsulated.
113.112 Erysipelas Vaccine.

Authority: 37 Stat. 832–833 (21 U.S.C. 151–158).

* * * * *

§ 113.33 Mouse safety test.

* * * * *

(b) Bulk or final container samples of completed product from liquid products, such as but not limited to antiserums and bacterins, shall be tested for safety in accordance with the test provided in this paragraph.

(1) Unless otherwise prescribed in the Standard Requirement or approved in a filed Outline of Production for the product, a 0.5 ml dose shall be injected intraperitoneally or subcutaneously into eight mice and the animals observed for 7 days.

(2) If unfavorable reactions attributable to the product occur in any of the mice during the observation period, the serial or subserial is unsatisfactory. If unfavorable reactions which are not attributable to the product occur, the test shall be declared inconclusive and may be repeated; *Provided*, That, if the test is not repeated, the serial or subserial shall be declared unsatisfactory.

* * * * *

§ 113.38 Guinea pig safety test.

The guinea pig safety test provided in this section shall be conducted when prescribed in a Standard Requirement or approved Outline of Production for a biological product. When desiccated products are tested, final container samples of completed product prepared for administration in the manner recommended on the label shall be used. When liquid products are tested, either bulk or final container samples of completed product shall be used.

(a) Unless otherwise specified in the Standard Requirement or approved Outline of Production for the product, a 2 ml does shall be injected either intramuscularly or subcutaneously into each of two guinea pigs and the animals observed for 7 days.

(b) If unfavorable reactions attributable to the product occur in either of the guinea pigs during the observation period, the serial or subserial is unsatisfactory. If unfavorable reactions which are not attributable to the product occur, the test shall be declared inconclusive and may be repeated; *Provided*, That, if the test is not repeated, the serial or subserial shall be declared unsatisfactory.

§§ 113.39–113.49 [Reserved]

* * * * *

DIAGNOSTICS AND REAGENTS

§ 113.65 Tuberculin, Intradermic.

Tuberculin, Intradermic, is a filtrate produced from cultures of Pn, C, and Dt strains of *Mycobacterium tuberculosis* (supplied by Veterinary Services) which has been inactivated and is nontoxic. Each serial shall be tested for purity, safety, potency, and special chemical tests in accordance with the conditions prescribed for each test. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Each serial shall be tested for purity as provided in this paragraph.

(1) Final container samples of completed product shall be tested for viable bacteria and fungi as prescribed in § 113.26.

(2) A 20 ml sample shall be centrifuged and the sediment examined microscopically for the presence of acidfast (Ziehl-Nielsen stain) or other microorganisms (Gram stain). A serial which contains microorganisms is unsatisfactory for release.

(b) *Safety test.* Final container samples of completed product from each serial shall be tested for safety. Two mature guinea pigs shall be injected subcutaneously with 1 ml and observed for 10 days. If unfavorable reactions attributable to the product occur during the observation period, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and repeated; *Provided*, That if the test is not repeated, the serial shall be declared unsatisfactory.

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be subjected to a comparison test using a Reference Tuberculin supplied by Veterinary Services. Test animals shall be 10 sensitized white female guinea pigs from one source which weigh 500–700 grams at the beginning of the test and which have not been used in a previous test. The comparison test shall be conducted in accordance with the procedures prescribed in paragraph (c) (1), (2), (3), (4), (5), (6), (7), and (8) of this section.

(1) The guinea pigs shall be sensitized with a sterile heat-killed suspension of equal amounts of strains Pn, C, and Dt of *Mycobacterium tuberculosis*. The heat-killed sensitizing agent shall be injected in a volume of 0.5 ml per guinea pig. The guinea pigs shall be considered sensitized for testing not less than 30 days nor more than 120 days post-injection.

(2) The guinea pigs shall be prepared for sensitivity testing at least 4 hours prior to the injection of tuberculin. The entire abdominal and flank areas shall be clipped, a depilatory agent applied for 5–10 minutes, the area rinsed with warm water, and dried.

(3) Dilutions of 1:100, 1:200, and 1:400 shall be prepared with the Reference Tuberculin and the unknown tuberculin. Three test sites on each side of and equidistant from the abdominal midline shall be chosen on each guinea pig. Using a tuberculin syringe and needle, 0.05 ml of each dilution shall be injected intradermally at one of the test sites which has been randomly selected for the dilution.

(4) The sensitivity of the tuberculins shall be determined 24 hours after injected by measuring the area of erythema. Measurements in millimeters shall be made anterior of the greatest diameter and perpendicular to the first measurement. The square millimeter shall be calculated by multiplying the two measurements.

(5) The total area of response for each tuberculin tested shall be determined by adding the areas of erythema for each dilution of each of the test animals in a group. The sums of the areas of erythema for all three dilutions of each tuberculin shall be added to give the total area of tuberculin response.

(6) The total tuberculin response area of the serial being tested shall be expressed as a percentage of the total tuberculin response area of the Reference Tuberculin. (The total response area of the serial divided by the total response area of the Reference Tuberculin times 100.)

(7) If the total tuberculin response area of the serial being tested does not fall between 75 percent and 125 percent of the total tuberculin response area of the Reference Tuberculin, the serial is unsatisfactory.

(8) Two unsensitized guinea pigs are given 0.05 ml intradermal injections of 1:4 and 1:10 dilutions of both the serial being tested and the Reference Tuberculin as a control for nonspecific positive reactions. If positive reactions are observed with the Reference Tuberculin, the test is considered a "No Test" and repeated. If positive reactions are observed with the serial being tested only, the serial is unsatisfactory.

(d) *Special chemical tests and requirements.* Final container samples of completed product from each serial shall be tested as follows:

(1) *Hydrogen ion concentration.* The hydrogen ion concentration shall be determined with a pH meter which has been standardized with a pH 7.0 buffer just prior to use. The pH of the product shall be 7.0±0.3.

(2) *Total nitrogen determination.* The nitrogen content shall be determined by the Kjeldahl method on duplicate 15 ml samples consisting of 5 ml from each of three vials. The total nitrogen content of the product shall be 0.18 percent±0.06 percent.

(3) *Trichloroacetic acid precipitable nitrogen.* The determination of precipitable nitrogen by a final concentration of 4 percent trichloroacetic acid shall be made by the Kjeldahl method on duplicate 15 ml samples, consisting of 5 ml from each of three vials. The trichloroacetic acid precipitable nitrogen content shall be 0.047 percent±0.01 percent.

(4) *Phenol determination.* The phenol content shall be determined by direct titration with a standardized bromide-bromate solution. (A correction factor of 0.04 should be subtracted from the final value in the determination of phenol in tuberculin.) The phenol content shall be 0.54 percent±0.04 percent.

(5) *Clarity.* The product shall be optically clear and free from any extraneous particles.

§ 113.66 Pullorum antigen.

Pullorum Antigen shall be produced from a culture of representative strains of *Salmonella pullorum* which are of known antigenic composition, high agglutinability, but are not sensitive to negative and nonspecific serum. Each serial shall be tested for purity, density, preservative content, sensitivity, homogeneity, and hydrogen ion concentration. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product shall be tested for viable bacteria and fungi as prescribed in § 113.26. In addition, each serial shall be free from extraneous organisms as determined by Gram staining and microscopic examination.

(b) *Nephelometric determination of bacterial density.* The bacterial density shall be 80±15 times McFarland No. 1 standard for stained antigen K's and 50±10 times McFarland No. 1 standard for tube antigen.

(c) *Preservative requirements.* (1) The formalin content of Pullorum Stained Antigen K shall be 1.0±0.2 percent as determined by a colorimetric method.

(2) The phenol content for Pullorum Tube Antigen shall be 0.55±0.05 percent as determined by direct titration with a standardized bromide-bromate solution.

(d) *Sensitivity requirements.* (1) Each serial of antigen shall be compared with a reference antigen of known sensitivity using positive and negative chicken serum. The manufacturers' recommendations for use on the accompanying label or package insert shall be followed. The recommended time limit specified for each antigen shall be carefully observed in the test.

(2) A total of at least 12 serums shall be used. This shall include at least three definitely positive, at least three weakly positive, and at least six negative serums. At least three positive chicken serums diluted with negative chicken serum shall be used to further assay comparative sensitivity between test and reference plate antigens. All test antigens shall agree closely with the reference antigen. Tests in which variation of readings between the reference and test antigen would result in a different National Poultry Improvement Plan classification shall be regarded as unsatisfactory. No unsatisfactory tests among the six or more negative serums and not more than one unsatisfactory test among the six or more positive serums shall be permitted. All tests performed shall be included for evaluation of the sensitivity assay. In the event of an unsatisfactory test using positive serums, at least three additional definitely positive and three additional weakly positive serums shall be tested. If not more than one unsatisfactory test is obtained with the additional serums, the antigen shall be acceptable.

(e) *Homogeneity requirement.* Antigens shall show no evidence of autoagglutination or unusual appearance such as the presence of flakes, specks, or a preponderance of filament forms. Gross microscopic examination shall be made in this determination.

(f) *Hydrogen ion concentration.* The hydrogen ion concentration shall be determined with a pH meter which has been standardized with a pH 4.0 buffer just prior to use. The pH of Pullorum Stained Antigen K shall be 4.6±0.4. No pH level is specified for Pullorum Tube Antigen but after dilution as recommended for use, it shall have a pH of 8.2 to 8.5.

§ 113.67 Avian mycoplasma antigen.

Mycoplasma antigens shall be prepared from organisms grown in broth cultures that are inactivated and standardized. Plate antigens shall be stained with an acceptable dye, but tube antigens shall be unstained. Final container samples of completed product from each serial shall be tested for density, preservative content, homogeneity, hydrogen ion concentration, purity, sensitivity, and specificity in accordance with the conditions prescribed for each test. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Density requirements.* A 2.5 ml sample of completed antigen shall be diluted with 2.5 ml of Sorenson's buffer solution (use buffer solution at pH 6.0 for Mycoplasma Gallisepticum Plate Antigen and at pH 7.0 for Mycoplasma Gallisepticum Tube Antigen and Mycoplasma Synoviae Plate Antigen) in a modified Hopkins tube and sedimented at 1,000 × g in a refrigerated centrifuge at 20° C for 90 minutes. If the packed cell volume of the completed antigen is not 1.0 percent (± 0.2 percent), the serial is unsatisfactory.

(b) *Preservative requirements.* Only preservatives written in an approved Outline of Production shall be used. If phenol is used, a direct titration with a standardized bromide-bromate solution shall be made; *Provided,* That if the final concentration of phenol is not 0.25 percent (± 0.05 percent), the serial is unsatisfactory.

(c) *Homogeneity requirements.* (1) Plate antigen shall be checked on a plate for homogeneity. If plate antigen is not homogeneous and free of visible particles and clumps, the serial is unsatisfactory.

(2) Tube antigen shall be checked for homogeneity and autoagglutination. If tube antigen is not homogeneous and free of large visible particles and clumps, or if it autoagglutinates, the serial is unsatisfactory.

(3) Stereo-microscopic examination shall be used when necessary to evaluate a granular appearing antigen.

(d) *Hydrogen ion concentration.* The hydrogen ion concentration shall be determined with a pH meter which has been standardized with a pH buffer just prior to use. The pH of Mycoplasma Gallisepticum Antigen shall be 6.0±0.2; the pH of Mycoplasma Gallisepticum Tube Antigen and Mycoplasma Synoviae Plate Antigen shall be 7.0±0.2.

(e) *Purity requirements.* The antigen shall be tested for viable bacteria and fungi as prescribed in § 113.26.

(f) *Sensitivity requirements.* (1) Mycoplasma Gallisepticum Antigen—Plate or Tube Test reactions of the serial shall be compared with a reference antigen using both known positive and negative chicken and turkey serums (the positive serums shall have varying degrees of reactivity from weakly positive to strongly positive). Five positive serums shall be tested against plate antigen in the 1:4 dilution or tube antigen in the 1:20 dilution; five negative serums shall be tested against plate antigen undiluted or tube antigen in the 1:20 dilution. If negative serums do not have negative reactions in this test, the serial is unsatisfactory. If the test antigen and the reference antigen do not have similar reactions with the positive serums, the serial is unsatisfactory; *Provided,* That a variation is permitted with one of the five serums in the set of positive serums used.

(2) Mycoplasma Synoviae Antigen, Plate—Test reactions of the serial shall be compared with a reference antigen using both known negative chicken serum and positive chicken serums. The five negative serums shall be tested against the antigen undiluted and the positive serums shall be tested against the antigen in the 1:4 dilution. If negative serums do not have negative reactions in this test, the serial is unsatisfactory. If the test antigen and the reference antigen do not have similar reactions with the positive serums, the serial is unsatisfactory; Provided, That a variation is permitted with one of the five serums in the set of positive serums used.

(g) *Specificity requirements.* Mycoplasma Synoviae Antigen shall be examined for cross-agglutination with Mycoplasma gallisepticum antiserum. If cross-agglutination occurs, the serial is unsatisfactory.

§§ 113.68–113.74 [Reserved]

Blood Origin Products

§ 113.75 General requirements for biological products of animal blood origin.

Each serial of biological product prepared from the blood of animals shall comply with the general requirements prescribed in this section unless otherwise provided for in a Standard Requirement or approved Outline of Production for such product. Any serial found unsatisfactory by a prescribed test shall not be released.

(a) Biological products of animal blood origin prepared in the United States shall be obtained from blood of animals maintained at licensed establishments. Such products offered for importation into the United States shall be prepared from the blood of animals maintained at the establishment entered on the permit as having prepared the product.

(b) Only healthy animals shall be used and the fitness shall be determined by physical examination by, or under the supervision of, a veterinarian and by tests for infectious diseases.

(1) No animal shall be used while showing clinical signs of disease. If the body temperature is normal, this restriction shall not apply to an animal having localized lesions, contusions, or slight lameness, but shall apply if the animal is feverish, in pain, or distress.

(2) New animals shall be subjected to applicable tests for the species. Such tests shall be listed in the filed Outline of Production and records maintained of results obtained. No animal shall be used for production of blood which has been

found positive when tested for an infectious disease. Retests shall be conducted as deemed necessary by the Deputy Administrator.

(c) Serum and antiserum of equine origin shall be heated at 58.5° C. for 60 minutes, with a tolerance of 0.5° above and below that temperature. Serum and antiserum of bovine and porcine origin shall be heated in like manner for 30 minutes. Neither serum nor antiserum shall contain preservative at the time of heating.

(d) Serum and antiserum heated as provided in paragraph (c) of this section, shall be cooled immediately thereafter to 15° C. or lower, and thus held until properly preserved. It shall be preserved, mixed, and tested by methods described in the licensee's outline.

(e) Licensees shall keep detailed records relative to each batch of antiserum or serum pasteurized and each serial prepared for marketing. Recording thermometer charts shall bear full information concerning the antiserum or serum heated and tests made of the equipment.

(f) *Purity requirements.* Biological products of animal blood origin shall contain only serum constituents, preservatives, and safe amounts of chemicals used in the manufacturing procedures. Final container samples of completed product shall be tested for viable microorganisms as provided in § 113.26.

(g) *Safety requirements.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b).

(h) If no label claim for specific antibody content can be substantiated by the licensee, the product shall be considered a normal serum; *Provided,* That, if the serum does contain demonstrable antibodies which have been produced in response to specific antigens injected into the blood producing animals, the product shall be considered an antiserum, except that:

(1) An antiserum concentrated at least twofold by the removal of water may be considered an antibody concentrate; and

(2) An antiserum fractionated by suitable means to remove most of the nonglobulin material and concentrated to increase the amount of globulin at least twofold over the amount in the original antiserum may be considered a globulin concentrate.

(i) Normal serum, antiserum, and antiserum derivatives shall contain at least one preservative in the following table. The amount shall be within the range of concentration set forth and the type used shall be indicated on the label.

(1) Phenol 0.25 to 0.55 percent, or

(2) Cresol 0.10 to 0.30 percent, and/or

(3) Thimerosal 0.01 to 0.03 percent, or

(4) Other preservative(s) specified in the approved Outline of Production for the product.

(j) If a potency test has been issued in a Standard Requirement or is written in an approved Outline of Production for an antiserum, an antiserum concentrate, or a globulin concentrate, the potency shall be sufficient for the product to satisfactorily meet the requirements of such test. Unless otherwise specified in the test procedure, the test sample of antiserum concentrate or globulin concentrate shall be diluted with 1 percent peptone solution to a volume equal to the contents of the sample times the concentration factor specified in such approved Outline of Production prior to conducting the test.

(k) If a potency test has not been issued in a Standard Requirement or is not written into an approved Outline of Production for an antiserum, an antiserum concentrate, or a globulin concentrate, such product shall meet the requirements in this paragraph.

(1) The globulin content of antiserum, normal serum, and globulin concentrate shall be determined by electrophoretic mobility or other equally acceptable tests.

(i) The globulin content of antiserum and normal serum shall equal or exceed the amounts per ml listed according to the species of origin as follows:

Species:	*Globulin (mg/ml)*
Bovine	45
Equine	50
Porcine	35
Canine	25
Feline	25

(ii) The globulin content of globulin concentrate shall exceed the value given for the antiserum from a particular species by the multiple of the concentration factor prescribed in the approved Outline of Production.

(iii) Globulin concentrates shall be fractionated in such a manner that the protein content shall contain greater than 90 percent globulin as determined by electrophoretic mobility or other acceptable tests.

(2) The level of protein content for antiserum and normal serum shall equal or exceed the amounts per ml listed according to the species of origin as follows:

Species:	*Protein (mg/ml)*
Bovine	60
Equine	60
Porcine	55
Canine	45
Feline	45

(3) The protein content of an antiserum concentrate shall exceed the value given in the table for the antiserum from a particular species in paragraph (f)(2) of this section by the multiple of the concentration factor prescribed in the approved Outline of Production.

§ 113.76 Tetanus Antitoxin.

Tetanus Antitoxin is a specific antibody obtained from the blood of healthy horses hyperimmunized with an antigen prepared with a toxin-producing strain of *Clostridium tetani.* Each serial shall meet the general requirements provided in paragraph (a) of this section and shall be tested for purity, safety, and potency as provided in paragraphs (b), (c), and (d) of this section. Any serial found unsatisfactory by a prescribed test shall not be released.

(a) *General requirements.* The amount of antitoxin in a final container shall be the amount which is delivered from such container when opened and inverted until the flow stops. A graduated volumetric cylinder which conforms to the National Bureau of Standards requirements shall be used. The reading shall be made at the bottom of the meniscus and recorded to the nearest 0.1 ml.

(1) All final containers of Tetanus Antitoxin shall yield not less than the labeled unitage of antitoxin throughout the dating period. The minimum package size permitted for marketing in the United States shall be a 1,500 unit vial.

(2) The expiration date of Tetanus Antitoxin shall be not more than 3 years after the date of a potency test demonstrating that the recoverable volume of the final container provides a 20 percent excess over the labeled unitage.

(b) *Purity test.* Final container samples of completed product from each serial shall be tested for viable bacteria and fungi as prescribed in § 113.26.

(c) *Safety test.* Final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b).

(d) *Potency test.* Bulk or final container samples of completed product from each serial shall be assayed to calculate the units of tetanus antitoxin in each final container. A comparative toxin-antitoxin neutralization test shall be conducted using a standard antitoxin and a standard toxin. All dilutions shall be made with a M/15 phosphate buffered (pH 7.4) physiological saline with 0.2 percent gelatin.

(1) One ml of the standard antitoxin shall be diluted before use so the final volume contains 0.1 unit per ml. The dilution shall be held at 20 to 25° C for 30 minutes prior to combination with a test dose of toxin.

(2) The standard toxin test dose is that amount which when mixed with 0.1 unit of standard antitoxin, incubated at 20 to 25° C for 1 hour, and injected subcutaneously into a 350 gram guinea pig, results in death of that guinea pig within approximately 96 hours with clinical signs of tetanus. The toxin shall be diluted so the test dose shall be in 2.0 ml.

(3) A mixture of diluted standard toxin and diluted standard antitoxin shall be made so 0.1 unit of antitoxin in 1 ml is combined with a test dose of toxin. This standard toxin-antitoxin mixture shall be held at 20 to 25° C for 1 hour before injections of guinea pigs are made.

(4) A sample from each serial of antitoxin shall be prepared as was the standard toxin-antitoxin mixture, except the amount of anti-toxin shall be based on an estimation of the expected potency. The final titration shall include a test at the expected unit value, one dilution above and one below.

(5) Normal guinea pigs weighing within a range of 340–380 grams shall be used. Pregnant guinea pigs must not be used.

(i) Each of two guinea pigs (controls) shall be injected subcutaneously with a 3.0 ml dose of the standard toxin-antitoxin mixture. Injections shall be made in the same order that antitoxins were added to the toxin-antitoxin mixtures. These shall be observed parallel with the titration of one or more unknown antitoxins.

(ii) Two guinea pigs shall be used as test animals for each of three dilutions of the unknown antitoxin. A 3.0 ml dose shall be injected subcutaneously into each animal.

(6) Controls shall be observed until all are dead, or for 6 days, the time of death being recorded in hours. For a satisfactory test, the controls must die with clinical signs of tetanus within 12 hours of each other and within an overall time of 60 to 120 hours with the mean time of death being approximately 96 hours. The clinical signs to be observed are increased muscle tonus, curvature of the spine, asymmetry of the body outline when the resting animal is viewed from above, generalized spastic paralysis, particularly of the extensor muscles, inability to rise from a smooth flat surface when the animal is placed on its side, or any combination of these signs. If the control guinea pigs do not respond in this manner, the entire test shall be repeated.

(7) Potency of a new antitoxin is determined by finding the mixture which will protect the test animal the same as the standard toxin-antitoxin mixture. Test animals dying sooner than the controls indicate the unit value selected in that dilution was not present, whereas those living longer indicate a greater unit value.

§ 113.77 Swine erysipelas antiserum.

Swine Erysipelas Antiserum shall be prepared from the blood of horses hyperimmunized with antigenic strains of *Erysipelothrix insidiosa*. Each serial shall be tested for purity, safety, and potency as provided in this section. Any serial found unsatisfactory by a prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and subserial shall be tested for viable bacteria and fungi as prescribed in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b).

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested using the following two-stage test:

(1) In the first stage, each of 40 Swiss albino mice, each weighing 16–20 grams, shall be injected subcutaneously with 0.1 ml of antiserum. Twenty-four hours postinjection, the injected mice and 10 additional mice designated as controls shall be challenged subcutaneously with the same culture of *Erysipelothrix insidiosa*.

(2) If less than eight of the 10 controls do not die from erysipelas within 7 days post-challenge, the test is invalid. All dead mice shall be examined to determine if the cause of death was the erysipelas organism.

(3) The antiserum injected mice shall be observed for 10 days post-challenge and all deaths recorded. The second stage shall be required when 7–10 of the antiserum injected mice die in the first stage. The second stage shall be conducted in a manner identical to the first stage.

(4) The results of the test shall be evaluated according to the following table:

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total number of deaths for a satisfactory test	Cumulative total number of deaths giving an unsatisfactory test
1	40	40	6 or less	11 or more.
2	40	80	12 or less	13 or more.

§ 113.78 Canine Distemper-Hepatitis-Leptospira Antiserum.

The antiserum shall be prepared from blood of dogs hyperimmunized with canine distemper virus, canine hepatitis virus, and one or more leptospira species until the final product shall provide passive immunity against the disease agents named on the label. Each serial and subserial shall be tested for purity, safety, and potency as provided in this section. A serial or subserial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and subserial shall be tested for viable bacteria and fungi as prescribed in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b). Also, each of two healthy dogs shall be injected subcutaneously with the maximum dose recommended on the label per 1 pound body weight of a dog and each shall be injected intravenously with the maximum dose recommended on the label per 1 pound body weight of a dog. The injected dogs shall be observed for 14 days for unfavorable reactions. If unfavorable reactions attributable to the product occur in one or both of the dogs, the serial or subserial is unsatisfactory. If unfavorable reactions which are not attributable to the product occur, the test shall be declared inconclusive and may be repeated; *Provided*, That, if the test is not repeated, the serial shall be declared unsatisfactory.

(c) *Potency tests.* Bulk or final container samples of completed product from each serial shall be tested for potency as provided in this paragraph. Concentrated products shall be diluted to the equivalence of regular serum before testing. Standard antiserums and standard viruses, available upon request to Veterinary Services, shall be used.

(1) *Distemper fraction.* A virus neutralization test using chick embryo inoculation technique or acceptable tissue culture system shall be conducted.

(i) Serial threefold dilutions shall be made of the serum under test and the standard antiserum. A volume of each serial dilution of serum shall be mixed with an equal volume of standard virus. For use in the test, the standard virus shall be diluted to contain 100–1,000 ID_{50} per 0.1 ml.

(ii) A 1:2 dilution of the standard virus, as prepared for use in the test, shall be titrated in tenfold dilutions to determine the actual amount of virus used in the neutralization test. These dilutions shall be incubated along with serum/virus mixtures.

(iii) After 1 hour incubation at room temperature, 0.2 ml of each serum/virus mixture shall be inoculated onto the chorioallantoic membrane of at least five chicken embryos 6–8 days old. The inoculated embryos shall be incubated at 35–37° C for 6–7 days and the chorioallantoic membranes examined. Calculate the 50 percent end point of neutralization (ND_{50}) by the Reed and Muench or other acceptable statistical method.

(iv) The reciprocal of the ND_{50} dilution of the test serum divided by the reciprocal of the ND_{50} dilution of the standard serum is the test serum to standard ratio. A serial is unsatisfactory unless the average ratio of two tests is 0.67 or more.

(2) *Hepatitis fraction.* A virus neutralization test using canine kidney cell culture as the indicator system shall be conducted.

(i) Serial threefold dilutions shall be made of the antiserum under test and the standard antiserum. A volume of each serial dilution of serum shall be mixed with an equal volume of standard virus. The standard virus shall contain 100–1,000 $TCID_{50}$ per 0.1 ml.

(ii) A 1:2 dilution of the standard virus, as prepared for use in the test, shall be titrated in tenfold dilutions to determine the actual amount of virus used in the neutralization test. These dilutions shall be incubated along with serum/virus mixtures before inoculation of culture tubes.

(iii) After 1 hour incubation at room temperature, 0.2 ml of each serum/virus mixture shall be inoculated into five culture tubes containing dog kidney cell monolayers. The inoculated tubes shall be incubated at 35–37° C.

(iv) The tubes shall be observed daily for specific cytophathogenic changes from the 4th to 10th day postinoculation. The test shall be terminated before the 10th day if additional cytopathogenic changes do not occur in virus titration tubes over a 48 hour period.

(v) Results shall be recorded and the 50 percent end point of neutralization (ND_{50}) calculated by the Reed and Muench or other acceptable statistical method.

(vi) The reciprocal of the ND_{50} dilution of the test serum divided by the reciprocal of the ND_{50} dilution of the standard serum is the test serum to standard ratio. A serial is unsatisfactory unless the average ratio of two tests is 0.67 or more.

(3) *Leptospira fraction.* Young adult hamsters, each weighing 40–50 grams, shall be used as test animals. For each species of leptospira antibody included

in the product, each of at least five hamsters shall be injected with 60 percent of the minimum dose recommended on the label for 1 pound body weight of a dog and at least five additional hamsters shall be used as controls.

(i) Within 24 hours following injection, the five injected hamsters and the five control hamsters for each species of leptospira shall be challenged intraperitoneally with a suspension of virulent leptospira organisms representative of the species. A dose of 10–1,000 hamster LD_{50} shall be used. Both groups shall be observed for 14 days post-challenge and the results noted.

(ii) The test shall be conclusive if at least 80 percent of the controls in each group die from leptospirosis as demonstrated by acceptable cultural methods.

(iii) If the test is considered conclusive as provided in paragraph (c) (3) (ii) of this section, and less than 80 percent of the injected hamsters in a group remain normal during the observation period, the serial is unsatisfactory.

§ 113.79 Clostridium Perfringens Type C Antitoxin.

Clostridium Perfringens Type C Antitoxin shall be prepared from the blood of animals hyperimmunized with Clostridium Perfringens Type C toxin. Each serial shall be tested for purity, safety, and potency as provided in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b).

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested using the toxin-neutralization test for Beta Antitoxin provided in this paragraph.

(1) When used in this test, the following words and terms shall mean:

(i) *International antitoxin unit.* (I.U.) That quantity of Beta Antitoxin which reacts with L_o and L_+ doses of Standard Toxin according to their definitions.

(ii) *L_o dose.* The largest quantity of toxin which can be mixed with one unit of Standard Antitoxin and not cause sickness or death in injected mice.

(iii) *L_+ dose.* The smallest quantity of toxin which can be mixed with one unit of Standard Antitoxin and cause death in at least 80 percent of injected mice.

(iv) *Standard antitoxin.* The Beta Antitoxin preparation which has been standardized as to antitoxin unitage on the basis of the International *Clostridium perfringens* Beta Antitoxin Standard and which is either supplied by or acceptable to Veterinary Services. The antitoxin unit value shall be stated on the label.

(v) *Standard toxin.* The Beta toxin preparation which is supplied by or is acceptable to Veterinary Services.

(vi) *Diluent.* The solution used to make proper dilutions prescribed in this test. Such solution shall be made by dissolving 1 gram of peptone and 0.25 gram of sodium chloride in each 100 ml of distilled water; adjusting the pH to 7.2; autoclaving at 250° F for 25 minutes; and storing at 4° C until used.

(2) The antitoxin content of the test sample shall be determined as follows:

(i) Make a dilution of Standard Antitoxin to contain 10 International Units of antitoxin per ml.

(ii) Make one dilution of Standard Toxin to contain 10 L_o doses per ml and make a second dilution of Standard Toxin to contain 10 L_+ doses per ml.

(iii) Dilute 1 ml of the test sample with 49 ml of diluent and combine 1 ml of this dilution with 1 ml of the Standard Toxin diluted to contain 10 L_o doses.

(iv) Combine 10 International Units of Standard Antitoxin with 10 L_o doses of diluted Standard Toxin and combine 10 International Units of Standard Antitoxin with 10 L_+ doses of diluted Standard Toxin.

(v) Neutralize all toxin-antitoxin mixtures at room temperature for 1 hour and hold in ice water until injections of mice can be made.

(vi) Five Swiss white mice, each weighing 16–20 grams, shall be used for each toxin-antitoxin mixture. A dose of 0.2 ml shall be injected intravenously into each mouse. Conclude the test 24 hours post-injection and record all deaths.

(3) Test Interpretation. (i) If any mice inoculated with the mixture of 10 International Units of Standard Antitoxin and 10 L_o doses of Standard Toxin die, the results of the test are inconclusive and shall be repeated; *Provided,* That, if the test is not repeated, the serial shall be declared unsatisfactory.

(ii) If less than 80 percent of the mice inoculated with the mixture of 10 International Units of Standard Antitoxin and 10 L_+ doses of Standard Toxin die, the results of the test are inconclusive and shall be repeated; *Provided,* That, if the test is not repeated, the serial shall be declared unsatisfactory.

(iii) If any mice inoculated with the mixture of Clostridium Perfringens Type C Antitoxin diluted 1:50 and 10 L_o doses of Standard Toxin die, the antitoxin is considered to contain less than 500 International Unit per ml and the serial is unsatisfactory.

§ 113.80 Clostridium Perfringens Type D Antitoxin.

Clostridium Perfringens Type D Antitoxin shall be prepared from the blood of animals hyperimmunized with Clostridium Perfringens Type D toxin. Each serial shall be tested for purity, safety, and potency as provided in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b).

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested using the toxin-neutralization test for Epsilon Antitoxin provided in this paragraph.

(1) When used in this test, the following words and terms shall mean:

(i) *International antitoxin unit.* (I.U.) That quantity of Epsilon Antitoxin which reacts with L_o and L_+ doses of Standard Toxin according to their definitions.

(ii) *L_o dose.* The largest quantity of toxin which can be mixed with one-tenth unit of Standard Antitoxin and not cause sickness or death in injected mice.

(iii) *L_+ dose.* The smallest quantity of toxin which can be mixed with one-tenth unit of Standard Antitoxin and cause death in at least 80 percent of injected mice.

(iv) *Standard antitoxin.* The Epsilon Antitoxin preparation which has been standardized as to antitoxin unitage on the basis of the International *Clostridium perfringens* Epsilon Antitoxin Standard and which is either supplied by or acceptable to Veterinary Services. The antitoxin unit value shall be stated on the label.

(v) *Standard toxin.* The Epsilon toxin preparation which is supplied by or is acceptable to Veterinary Services.

(vi) *Diluent.* The solution used to make proper dilutions prescribed in this test. Such solution shall be made by dissolving 1 gram of peptone and 0.25 gram of sodium chloride in each 100 ml of distilled water; adjusting the pH to 7.2; autoclaving at 250° F for 25 minutes; and storing at 4° C until used.

(2) The antitoxin content of the test sample shall be determined as follows:

(i) Make a dilution of Standard Antitoxin to contain 1 International Unit of antitoxin per ml.

(ii) Make one dilution of Standard Toxin to contain 10 L_o doses per ml and make a second dilution of Standard Toxin to contain 10 L_+ doses per ml.

(iii) Dilute 1 ml of the test sample with 33 ml of diluent and combine 1 ml of this dilution with 1 ml of the Standard Toxin diluted to contain 10 L_o doses.

(iv) Combine 1 International Unit of Standard Antitoxin with 10 L_o doses of Standard Toxin and combine 1 International Unit of Standard Antitoxin with 10 L_+ doses of Standard Toxin.

(v) Neutralize all toxin-antitoxin mixtures at room temperature for 1 hour, and hold in ice water until injections of mice can be made.

(vi) Five Swiss white mice, each weighing 16–20 grams, shall be used for each toxin-antitoxin mixture. A dose of 0.2 ml shall be injected intravenously into each mouse. Conclude the test 24 hours post-injection and record all deaths.

(3) Test Interpretation. (i) If any mice inoculated with the mixture of 1 International Unit of Standard Antitoxin and 10 L_o doses of Standard Toxin die, the results of the test are inconclusive and shall be repeated; *Provided,*

That, if the test is not repeated, the serial shall be declared unsatisfactory.

(ii) If less than 80 percent of the mice inoculated with mixture of 1 International Unit of Standard Antitoxin and 10 L_+ doses of Standard Toxin die, the results of the test are inconclusive and shall be repeated; *Provided, That,* if the test is not repeated, the serial shall be declared unsatisfactory.

(iii) If any mice inoculated with the mixture of Clostridium Perfringens Type D Antitixin diluted 1:34 and 10 L_0 doses of Standard Toxin die, the antitoxin is considered to contain less than 34 International Unit per ml and the serial is unsatisfactory.

§ 113.81–§ 113.84 [Reserved]

INACTIVATED BACTERIAL PRODUCTS

§ 113.85 Bacterins, toxoids, and bacterin-toxoids.

Basic requirements for bacterins, toxoids, and bacterin-toxoids are provided in this section.

(a) A *bacterin* shall be an antigenic suspension of organisms, representing a whole culture or a concentrate thereof, with or without the unevaluated growth products, which has been inactivated as demonstrated by acceptable tests writen into the filed Outline of Production for the product.

(b) A *toxoid* shall be a sterile, antigenic filtrate resulting from growth of bacterial organisms in a cultural medium which has had the bacterial cells removed, has been inactivated without appreciable loss of antigenic value as measured by suitable tests, and which is nontoxic as demonstrated by acceptable tests written into the filed Outline of Production.

(c) A *bacterin-toxoid* shall be:

(1) A suspension of organisms, representing a whole culture or a concentrate thereof, with the toxic growth products from the culture which has been inactivated without appreciable loss of antigenic value as measured by suitable tests, the inactivation of organisms and toxins being demonstrated by acceptable tests written into the filed Outline of Production; *Provided,* That, it shall contain cellular antigens and shall stimulate the development of antitoxin; or

(2) A combination product combining one or more toxoids or bacterin-toxoids with one or more bacterins or one or more bacterin-toxoids.

(d) Bacterins used as diluents. Bacterins authorized for use as diluents in combination packages include Leptospira Pomona Bacterin, Leptospira Canicola Bacterin, Leptospira Icterohaemorrhagiae Bacterin, and Pasteurella Bacterin. All serials and subserials of these bacterins shall be subject to the applicable requirements in paragraphs (e) and (f) of this section.

(e) Only serials tested for viricidal activity in accordance with the test provided in § 113.35 and found satisfactory by such test shall be packaged as diluent for desiccated fractions in combination packages.

(f) If formaldehyde is used as the inactivating agent and the serial has not been found satisfactory by the viricidal activity test, bulk or final container samples of completed product from each serial shall be tested for residual free formaldehyde content using the Basic Fuchsin Test.

(1) The residual free formaldehyde content of biological products containing Clostridial antigens shall not exceed the equivalent of 0.5 percent formaldehyde solution (1,850 parts per million formaldehyde.)

(2) The residual free formaldehyde content of bacterins, bacterin-toxoids, and toxoids other than those containing Clostridial antigens, shall not exceed the equivalent of 0.2 percent formaldehyde solution (740 parts per million formaldehyde.)

§ 113.86 Leptospira pomona bacterin.

Leptospira Pomona Bacterin shall be produced from a culture of *Leptospira pomona* which has been inactivated and is nontoxic. Each serial of biological product containing *Leptospira pomona* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.

(c) *Potency test.* Bulk or final container samples of completed product shall be diluted with physiological saline so that each 0.25 ml contains not more than 1/800th of the dose recommended on the label and shall be tested for potency, using the two-stage test provided in this paragraph.

(1) *Vaccinates.* Inject each of 10 young adult hamsters, each weighing 50–90 grams, with 0.25 ml of the diluted bacterin either subcutaneously or intramuscularly in accordance with the label recommendations for use.

(2) *Controls.* Retain 10 additional hamsters from the same group as unvaccinated controls.

(3) *Challenge.* From 14–18 days postvaccination, challenge each vaccinate and each control intraperitoneally with a suspension of virulent *Leptospira pomona* organisms, using a dose of 10–1,000 hamster LD_{50} as determined by titration.

(4) *Post-challenge period.* Observe the vaccinates and controls for 14 days postchallenge and record all deaths. If eight or more controls die of leptospirosis, the test is valid and the results shall be evaluated according to the following table:

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total dead hamsters for satisfactory serial	Cumulative total dead hamsters for unsatisfactory serial
1	10	10	2 or less	5 or more.
2	10	20	5 or less	6 or more.

(5) If three or four vaccinates die in the first stage, the second stage shall be conducted in a manner identical to the first stage.

(6) If the second stage is used, each serial shall be evaluated according to the second part of the table. On the basis of cumulative results, each serial shall either pass or fail.

§ 113.87 Leptospira Icterohaemorrhagiae Bacterin.

Leptospira Icterohaemorrhagiae Bacterin shall be produced from a culture of *Leptospira icterohaemorrhagiae* which has been inactivated and is nontoxic. Each serial of biological product containing *Leptospira icterohaemorrhagiae* fraction shall meet the applicable requirements in § 113.85 and be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.

(c) *Potency test.* Bulk or final container samples of completed product shall be diluted with physiological saline so that each 0.25 ml contains not more than 1/80th of the dose recommended on the label and shall be tested for potency, using the two-stage test provided in this paragraph.

(1) *Vaccinates.* Inject each of 10 young adult hamsters, each weighing 50–90 grams, with 0.25 ml of the diluted bacterin either subcutaneously or intramuscularly in accordance with the label recommendations for use.

(2) *Controls.* Retain 10 additional hamsters from the same group as unvaccinated controls.

(3) *Challenge.* From 14-18 days postvaccination, challenge each vaccinate and each control intraperitoneally with a suspension of virulent *Leptospira icterohaemorrhagiae* organisms using a dose of 10–1,000 hamster LD_{50} as determined by titration.

(4) *Post-challenge period.* Observe the vaccinates and controls for 14 days postchallenge and record all deaths. If eight or more controls die from leptospirosis, the test is valid and the results shall be evaluated according to the following table:

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total dead hamsters for satisfactory serial	Cumulative total dead hamsters for unsatisfactory serial
1	10	10	2 or less	5 or more.
2	10	20	5 or less	6 or more.

(5) If three or four vaccinates die in the first stage, the second stage shall be used. The second stage shall be conducted in a manner identical to the first stage.

(6) If the second stage is used, each serial shall be evaluated according to the second part of the table. On the basis of cumulative results, each serial shall either pass or fail.

§ 113.88 Leptospira Canicola Bacterin.

Leptospira Canicola Bacterin shall be produced from a culture of *Leptospira canicola* which has been inactivated and is nontoxic. Each serial of biological product containing *Leptospira canicola* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. Serials found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.

(c) *Potency test.* Bulk or final container samples of completed product shall be diluted with physiological saline so that each 0.25 ml contains not more than 1/80th of the dose recommended on the label and shall be tested for potency, using the two-stage test provided in this paragraph.

(1) Vaccinates. Inject each of 10 young adult hamsters, each weighing 50–90 grams, with 0.25 ml of the diluted bacterin either subcutaneously or intramuscularly in accordance with the label recommendations for use.

(2) Controls. Retain 10 additional hamsters from the same group as unvaccinated controls.

(3) Challenge. From 14–18 days postvaccination, challenge each vaccinate and each control intraperitoneally with a suspension of virulent *Leptospira canicola* organisms using a dose of 10–1,000 hamster LD_{50} as determined by titration.

(4) Post-challenge period. Observe the vaccinates and controls for 14 days postchallenge and record all deaths. If eight or more controls die from leptospirosis, test is valid and the results shall be evaluated according to the following table:

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total dead hamsters for satisfactory serial	Cumulative total dead hamsters for unsatisfactory serial
1	10	10	2 or less	5 or more.
2	10	20	5 or less	6 or more.

(5) If three or four vaccinates die in the first stage, the second stage shall be used. The second stage shall be conducted in a manner identical to the first stage.

(6) If the second stage is used, each serial shall be evaluated according to the second part of the table. On the basis of cumulative results, each serial shall either pass or fail.

§ 113.89–§ 113.90 [Reserved]

§ 113.91 Clostridium Chauvoei Bacterin.

Clostridium Chauvoei Bacterin shall be produced from a culture of *Clostridium chauvoei* which has been inactivated and is nontoxic. Each serial of biological product containing *Clostridium chauvoei* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. Serials found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the two-stage test provided in this paragraph.

(1) Each of eight guinea pigs, each weighing 300 to 500 grams, shall be injected subcutaneously with a guinea pig dose. A second guinea pig dose shall be injected 9 to 10 days after the first dose. Each guinea pig dose shall be one-fifth of the dose recommended on the label for a calf.

(2) *Clostridium chauvoei* challenge material, available upon request from Veterinary Services, shall be used for challenge 14 to 15 days following the last injection of the product. Each of the eight vaccinates and each of five additional nonvaccinated guinea pigs for controls shall be injected intramuscularly with approximately 100 LD_{50} of challenge material. This dose shall be determined by statistical analysis of results of titrations of the challenge material. The vaccinates and controls shall be observed for 3 days post-challenge and all deaths recorded.

(3) For a valid test, at least 80 percent of the controls shall die within the 3 day post-challenge observation period. If this requirement is met, the results of the potency test shall be evaluated according to the following table:

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total number of deaths for a satisfactory test	Cumulatives total number of deaths giving an unsatisfactory test
1	8	8	1 or less	3 or more.
2	8	16	4 or less	5 or more.

The second stage shall be required only when exactly two animals die in the first stage. The second stage shall be conducted in a manner identical to the first stage.

§ 113.92 Clostridium Hemolyticum Bacterin.

Clostridium Hemolyticum Bacterin shall be produced from a culture of *Clostridium hemolyticum* which has been inactivated and is nontoxic. Each serial of biological product containing *Clostridium hemolyticum fraction* shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the two-stage test provided in this paragraph.

(1) Each of the eight guinea pigs, each weighing 300 to 500 grams, shall be injected subcutaneously with a guinea pig dose. A second guinea pig dose shall be injected 9 to 10 days after the first dose. Each guinea pig dose shall be one-fifth of the dose recommended on the label for a calf.

(2) *Clostridium hemolyticum* challenge material, available upon request from Veterinary Services, shall be used for challenge 14 to 15 days following the last injection of the product. Each of the eight vaccinates and each of five additional nonvaccinated guinea pigs for controls shall be injcted intramuscularly with approximately 100 LD_{50} of challenge material. This dose shall be determined by statistical analysis of results of titrations of the challenge material. The vaccinates and controls shall be observed for 3 days post-challenge and all deaths recorded.

(3) For a valid test, at least 80 percent of the controls shall die within the 3 day post-challenge observation period. If this requirement is met, the results of the potency test shall be evaluated according to the following table:

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total number of deaths for a satisfactory test	Cumulative total number of deaths giving an unsatisfactory test
1	8	8	1 or less	3 or more.
2	8	16	4 or less	5 or more.

The second stage shall be required only when exactly two animals die in the first stage. The second stage shall be conducted in a manner identical to the first stage.

§ 113.93 Clostridium Novyi Bacterin-Toxoid.

Clostridium Novyi Bacterin-Toxoid shall be produced from a culture of *Clostridium novyi* which has been inactivated and is nontoxic. Each serial of biological product containing *Clostridium novyi* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found

unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the following two-stage test provided in this paragraph.

(1) Each of eight guinea pigs, each weighing 300 to 500 grams, shall be injected subcutaneously with a guinea pig dose. A second guinea pig dose shall be injected 9 to 10 days after the first dose. Each guinea pig dose shall be one-fifth of the dose recommended on the label for a calf.

(2) *Clostridium novyi* challenge material, available upon request from Veterinary Services, shall be used for challenge 14 to 15 days following the last injection of the product. Each of the eight vaccinates and each of five additional nonvaccinated guinea pigs for controls shall be injected intramuscularly with approximately 100 LD_{50} of challenge material. This dose shall be determined by statistical analysis of results of titrations of the challenge material. The vaccinates and controls shall be observed for 3 days post-challenge and all deaths recorded.

(3) For a valid test, at least 80 percent of the controls shall die within the 3 day post-challenge observation period. If this requirement is met, the results of the potency test shall be evaluated according to the table:

Stage	Number of vaccinates	Cumulative number of animals	Cumulative total number of deaths for a satisfactory test	Cumulative total number of deaths giving an unsatisfactory test
1	8	8	1 or less	3 or more.
2	8	16	4 or less	5 or more.

The second stage shall be required only when exactly two animals die in the first stage. The second stage shall be conducted in a manner identical to the first stage.

§ 113.94 Clostridium Sordellii Bacterin-Toxoid.

Clostridium Sordellii Bacterin-Toxoid shall be produced from a culture of *Clostridium sordellii* which has been inactivated and is nontoxic. Each serial of biological product containing *Clostridium sordellii* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the test written into the filed Outline of Production.

§ 113.95 Clostridium Botulinum Type C Bacterin-Toxoid.

Clostridium Botulinum Type C Bacterin-Toxoid shall be produced from a culture of *Clostridium botulinum Type C* which has been inactivated and is nontoxic. Each serial of biological product containing *Clostridium botulinum* Type C fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b).

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency, using susceptible mink as test animals. At least five vaccinates and three unvaccinated controls of the same source and approximately the same age.

(1) Each of the vaccinates shall be injected subcutaneously with the dose recommended on the label for mink. Twenty-one to twenty-eight days post-injection, the vaccinates and the controls shall be challenged orally with botulinum Type C toxin which has been titrated in mice to provide for a $10^{4.0}$ mouse MLD_{50} dose. The titration technique shall include inoculation of the mice intraperitoneally.

(2) The vaccinates and controls shall be observed for 7 days post-challenge and signs of botulism and deaths noted. For a valid test, the controls shall die of botulism. If the test is valid and 80 percent of the vaccinates do not remain free of botulism, the serial is unsatisfactory.

§ 113.96 Clostridium Perfringens Type C Toxoid and Bacterin-Toxoid.

Clostridium Perfringens Type C Toxoid and Clostridium Perfringens Type C Bacterin-Toxoid shall be produced from a culture of *Clostridium Perfringens* Type C which have been inactivated and is nontoxic. Each serial shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. Any serial found unsatisfactory by a prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b).

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the Beta toxin-neutralization test provided in this paragraph.

(1) When used in this test, the following words and terms shall mean:

(i) *International antitoxin unit.* (I.U.) That quantity of Beta Antitoxin which reacts with L_0 and L_+ doses of Standard Toxin according to their definitions.

(ii) *L_0 dose.* The largest quantity of toxin which can be mixed with one unit of Standard Antitoxin and not cause sickness or death in injected mice.

(iii) *L_+ dose.* The smallest quantity of toxin which can be mixed with one unit of Standard Antitoxin and cause death in at least 80 percent of injected mice.

(iv) *Standard antitoxin.* The Beta Antitoxin preparation which has been standardized as to antitoxin unitage on the basis of the International *Clostridium perfringens* Beta Antitoxin Standard and which is either supplied by or acceptable to Veterinary Services. The antitoxin unit value shall be stated on the label.

(v) *Standard toxin.* The Beta toxin preparation which is supplied by or is acceptable to Veterinary Services.

(vi) *Diluent.* The solution used to make proper dilutions prescribed in this test. Such solutions shall be made by dissolving 1 gram of peptone and 0.25 grams of sodium chloride in each 100 ml of distilled water; adjusting the pH to 7.2; autoclaving at 250° F for 25 minutes; and storing at 4° C until used.

(2) Each of at least eight rabbits, each weighing 4–8 pounds, shall be injected subcutaneously with not more than half of the recommended cattle dose. The dose for a combination product having both Type C and Type D fractions shall be half of the recommended cattle dose; *Provided*, That if the product is recommended only for sheep, half of the recommended sheep dose shall be used. A second dose shall be given not less than 20 days nor more than 23 days after the first dose.

(3) Fourteen to seventeen days after the second dose, all surviving rabbits shall be bled and the serum tested for antitoxin content.

(i) When eight or more rabbits are bled, equal quantities of serum from each shall be combined and tested as a single pooled serum.

(ii) When only four to seven rabbits are bled, the serums shall be individually tested.

(iii) If less than four rabbits are bled, the test is invalid and shall be repeated; *Provided*, That, if the test is not repeated, the serial shall be declared unsatisfactory.

(4) The antitoxin content of the rabbit serums shall be determined as follows:

(i) Make a dilution of Standard Antitoxin to contain 10 International Units of antitoxin per ml.

(ii) Make one dilution of Standard Toxin to contain 10 L_o doses per ml and make a second dilution of Standard Toxin to contain 10 L_+ doses per ml.

(iii) Combine 10 International Units of Standard Antitoxin with 10 L_o doses of diluted Standard Toxin and combine 10 International Units of Standard Antitoxin with 10 L_+ doses of diluted Standard Toxin.

(iv) Combine 1 ml of undiluted serum with 10 L_o doses of diluted Standard Toxin.

(v) Neutralize all toxin-antitoxin mixtures at room temperature for 1 hour and hold in ice water until injections of mice can be made.

(vi) Five Swiss white mice, each weighing 16–20 grams, shall be used for each toxin-antitoxin mixture. A dose of 0.2 ml shall be injected intravenously into each mouse. Conclude the test 24 hours post-injection and record all deaths.

(5) Test Interpretation shall be as follows:

(i) If any mice inoculated with the mixture of 10 International Units of Standard Antitoxin and 10 L_o doses of Standard Toxin die, the results of the test are inconclusive and shall be repeated; *Provided*, That, if the test is not repeated, the serial shall be declared unsatisfactory.

(ii) If less than 80 percent of the mice inoculated with mixture of 10 International Units of Standard Antitoxin and 10 L_+ doses of Standard Toxin die, the results of the test are inconclusive and shall be repeated; *Provided*, That, if the test is not repeated, the serial shall be declared unsatisfactory.

(iii) If any mice inoculated with the mixture of serum with 10 L_o doses of Standard Toxin die, the serum is considered to contain less than 10 International Units per ml.

(iv) If less than 4 of 4 or less than 80 percent of individual serums from at least five to seven rabbits or if the single pooled serum from eight or more rabbits contain(s) less than 10 International Units per ml, the serial is unsatisfactory.

§ 113.97 Clostridium Perfringens Type D Toxoid and Bacterin-Toxoid.

Clostridium Perfringens Type D Toxoid and Clostridium Perfringens Type D Bacterin-Toxoid shall be produced from a culture of *Clostridium Perfringens* Type D which have been inactivated and is nontoxic. Each serial shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. Any serial found unsatisfactory by a prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b).

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for potency using the Epsilon toxin-neutralization test provided in this paragraph.

(1) When used in this test, the following words and terms shall mean:

(i) *International antitoxin unit.* (I.U.) That quantity of Epsilon Antitoxin which reacts with L_o and L_+ doses of Standard Toxin according to their definitions.

(ii) *L_o dose.* The largest quantity of toxin which can be mixed with one-tenth unit of Standard Antitoxin and not cause sickness or death in injected mice.

(iii) *L_+ dose.* The smallest quantity of toxin which can be mixed with one-tenth unit of Standard Antitoxin and cause death in at least 80 percent of injected mice.

(iv) *Standard antitoxin.* The Epsilon Antitoxin preparation which has been standardized as to antitoxin unitage on the basis of the International *Clostridium perfringens* Epsilon Antitoxin Standard and which is either supplied by or acceptable to Veterinary Services. The antitoxin unit value shall be stated on the label.

(v) *Standard toxin.* The Epsilon toxin preparation which is supplied by or is acceptable to Veterinary Services.

(vi) *Diluent.* The solution used to make proper dilutions prescribed in this test. Such solutions shall be made by dissolving 1 gram of peptone at 0.25 grams of sodium chloride in each 100 ml of distilled water; adjusting the pH to 7.2; autoclaving at 250° F for 25 minutes; and storing at 4° C until used.

(2) Each of at least eight rabbits, each weighing 4–8 pounds, shall be injected subcutaneously with not more than half of the recommended sheep dose. The dose for a combination product having both Type C and Type D fractions shall be half of the recommended cattle dose; *Provided*, That, if the product is recommended only for sheep, half of the recommended sheep dose shall be used. A second dose shall be given not less than 20 days nor more than 23 days after the first dose

(3) Fourteen to seventeen days after the second dose, all surviving rabbits shall be bled, and the serum tested for antitoxin content.

(i) When eight or more rabbits are bled, equal quantities of serum from each shall be combined and tested as a single pooled serum.

(ii) When only four to seven rabbits are bled, the serums shall be individually tested.

(iii) If less than four rabbits are bled, the test is invalid and shall be repeated; *Provided*, That, if the test is not repeated, the serial shall be declared unsatisfactory.

(4) The antitoxin content of the rabbit serums shall be determined as follows:

(i) Make a dilution of Standard Antitoxin to contain 1 International Unit of antitoxin per ml.

(ii) Make one dilution of Standard Toxin to contain 10 L_o doses per ml and make a second dilution of Standard Toxin to contain 10 L_+ doses per ml.

(iii) Combine 1 International Unit of Standard Antitoxin with 10 L_o doses of diluted Standard Toxin and Combine 1 International Unit of Standard Antitoxin with 10 L_+ doses of diluted Standard Toxin.

(iv) Dilute 1 ml of serum with 1 ml of diluent (1:2) and combine with 10 L_o doses of diluted Standard Toxin.

(v) Neutralize all toxin-antitoxin mixtures at room temperature for 1 hour and hold in ice water until injections of mice can be made.

(vi) Five Swiss white mice, each weighing 16–20 grams, shall be used for each toxin-antitoxin mixture. A dose of 0.2 ml shall be injected intravenously into each mouse. Conclude the test 24 hours post-injection and record all deaths.

(5) Test Interpretation shall be as follows:

(i) If any mice inoculated with the mixture of 1 International Unit of Standard Antitoxin and 10 L_o doses of Standard Toxin die, the results of the test are inconclusive and shall be repeated; *Provided*, That, if the test is not repeated, the serial shall be declared unsatisfactory.

(ii) If less than 80 percent of the mice inoculated with mixture of 1 International Unit of Standard Antitoxin and 10 L_+ doses of Standard Toxin die, the results of the test are inconclusive and shall be repeated; *Provided*, That, if the test is not repeated, the serial shall be declared unsatisfactory.

(iii) If any mice inoculated with the mixture of serum with 10 L_o does of Standard Toxin die, the serum is considered to contain less than 2 International Units per ml.

(iv) If less than four of four or less than 80 percent of individual serums from at least five to seven rabbits or if the single pooled serum from eight or more rabbits contain(s) less than 2 International Units per ml, the serial is unsatisfactory.

§ 113.98 [Reserved]

§ 113.99 Tetanus Toxoid.

Tetanus Toxoid shall be produced from a culture of *Clostridium tetani* which has been inactivated and is nontoxic. The toxoid may be either adsorbed, precipitated, or purified and concentrated. Each serial of biological product containing *tetanus toxoid* fraction shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial or subserial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.33(b).

(c) *Potency test.* Bulk or final container samples of completed product from each serial shall be tested for

potency. Each of at least 10 guinea pigs, each weighing 500 grams±10 percent, shall be injected subcutaneously with 0.4 of the dose recommended on the label for a horse.

(1) Six weeks after injection, all surviving guinea pigs shall be bled, and equal portions of serum but not less than 0.5 ml from each shall be pooled. Serum from not less than eight animals shall be used.

(2) The pooled serum shall contain at least two antitoxin units per ml as determined by titrating it in the manner prescribed for tetanus antitoxin in § 113.76. A 1:20 dilution of the pooled serum shall be made so that the final dilution contains 0.1 antitoxin unit per ml. The dilution shall be held at 20 to 25° C for 30 minutes prior to combining with a test dose of toxin. The test dose of standard toxin shall be mixed in proper proportion with the diluted pooled serum, incubated at 20 to 25° C for 1 hour and inoculated subcutaneously into two guinea pigs.

(3) The test dose of the standard toxin shall be verified against 0.1 of a unit of standard antitoxin in two guinea pigs which serve as the control animals.

(4) If the control animals do not die of tetanus within 60–120 hours, the test is not valid and must be repeated. In a valid test, if the vaccinated animals do not survive as long as the control animals, the serial is unsatisfactory.

§ 113.100 Staphylococcus Aureus Bacterin-Toxoid.

Staphylococcus Aureus Bacterin-Toxoid shall be prepared from toxoided broth cultures of selected toxogenic strains of *Staphylococcus aureus* which has been inactivated and is nontoxic. Each serial of biological product containing Staphylococcus Aureus Bacterin-Toxoid shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product shall be tested for safety as provided in § 113.33 (b). Also, the rabbits used in the potency test provided in paragraph (c) of this section shall constitute an additional safety test. If unfavorable reactions attributable to the product occur in any of the rabbits during the observation period, the serial is unsatisfactory.

(c) *Potency test.* Rabbits, each weighing 2000–3000 grams, shall be used as test animals. Either a five rabbit individual serum test or an eight rabbit pooled serum test shall be conducted. At the start of the test, individual serums from the five rabbits or pooled serums from the eight rabbits shall contain less than 0.2 alpha antitoxin units per ml.

(1) Each rabbit shall be given a series of not more than three intramuscular injections at 7 day intervals (1.0 ml, 2.0 ml, 3.0 ml) and observed from 7–14 days following the third injection. At the end of the observation period, a blood sample shall be taken from each rabbit.

(2) The sample of serum from each rabbit, if the five rabbit individual test is conducted or a pooled sample of equal quantities of serum from the rabbits if the eight rabbit pooled serum test is conducted, shall be tested to determine the staphylococcus alpha antitoxin units per ml as provided in paragraph (c) (3), (4), (5), (6), (7), and (8) of this section.

(3) Inactivate rabbit serum 56° C for 30 minutes.

(4) Make serial twofold dilutions of the serum samples and conduct the test, usng 1 ml of the serial dilutions. Appropriate controls should be included for accurate interpretations.

(5) Add 1 ml of the standardized toxin containing the established "Lh" dose. The "Lh" dose is the amount of toxin which when mixed with one unit of standard antitoxin produces a 50 percent hemolysis of rabbit red blood cells.

(6) Incubate toxin-antitoxin mixture at room temperature for 30 minutes and add 1 ml of a 1.5 percent suspension of washed freshly drawn rabbit red blood cells suspended in normal saline to each tube. Mix and incubate the combined product in a 37° C water bath for 1 hour. Refrigerate at 5° C overnight.

(7) Read the hemolysis produced and establish the 50 percent end point. The 50 percent end point of hemolysis should be established by determining the size of the button produced by the unlysed red blood cells.

(8) Determine the units of antitoxin per 1 ml of serum.

(9) If the individual samples from four of the five rabbits in the individual serum test or the pooled samples from the eight rabbits in the pooled serum test do not contain three alpha antitoxin units per ml, the serial is unsatisfactory.

§ 113.101 General Requirements for Pasteurella Multocida (avicida) Bacterins.

Pasteurella Multocida (avicida) Bacterin shall be prepared from cultures of *Pasteurella multocida*, Avian Strains, Type 1 or Type 3 or both (Little and Lyons Classification) which have been inactivated and is nontoxic; *Provided*, That, avian strains of types other than Types 1 and 3 may be added if written into the filed Outline of Production for the product.

(a) Each serial shall meet the applicable requirements in § 113.85. Each serial containing Type 1 strains shall be tested as provided in § 113.102 and each serial containing Type 3 strains shall be tested as provided in § 113.103. Serials containing Types 1 and 3 shall be tested as provided in § 113.102 and § 113.103.

(b) If avian strains of types other than Types 1 and 3 have been added, each serial shall also be tested for such strains as provided in the filed Outline of Production.

§ 113.102 Pasteurella Multocida (avicida) Bacterin, Type 1.

Each serial of Pasteurella Multocida (avicida) Bacterin containing Type 1 strains shall be tested as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Observation of the vaccinated chickens in the potency test provided in paragraph (c) of this section shall constitute a safety test. If unfavorable reactions attributable to the product occur in the chickens during the prechallenge period, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and repeated; *Provided*, That if the test is not repeated, the serial shall be declared unsatisfactory.

(c) *Potency test.* Bulk or final container samples of completed product shall be tested for potency of the Type 1 strain, using the two-stage test provided in this paragraph. Chickens, at least 12 weeks of age, obtained from the same source and hatch, shall be properly identified and used as provided in this paragraph.

(1) *Vaccinates.* Each of not more than 21 chickens shall be injected with the dose and by the route recommended on the label. A second dose shall be injected after 3 weeks and the chickens observed for an additional 2 week prechallenge period.

(2) *Positive controls.* Each of not more than 21 chickens shall be injected with two doses of a reference bacterin available from Veterinary Services upon request.

(3) *Unvaccinated controls.* Each of not more than 21 chickens shall held as controls.

(4) *Challenge.* Not less than 14 days after the section injection, each of 20 vaccinates, each of 20 positive controls, and each of 20 unvaccinated controls shall be challenged intramuscularly with a minimum of 250 colony-forming units of virulent *Pasteurella multosida*. Strain X–73, Type 1 (Little and Lyons Classification) and observed daily for a 14 day post-challenge period. Only dead birds shall be considered in evaluating the product.

(5) If nine or more positive controls die, the test may be declared inconclusive and repeated.

(6) If 16 or more unvaccinated controls die, the test is valid and stage one potency test results shall be evaluated according to stage one of the following table:

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total number of dead vaccinates for satisfactory serial	Cumulative total number of dead vaccinates for unsatisfactory serial
1	20	20	6 or less	9 or more.
2	20	40	15 or less	16 or more.

(7) The serial shall pass or fail based on the stage one results of the potency test; *Provided*, That, if seven or eight

vaccinates die in the first stage, the second stage shall be required.

(8) The second stage shall be conducted in a manner identical to the first stage. The serial shall be evaluated according to stage two of the table. On the basis of accumulated results, a serial shall either pass or fail the second stage.

§ 113.103 Pasteurella multocida (avicida) Bacterin, Type 3.

Each serial of *Pasteurella multocida* (avicida) Bacterin containing Type 3 strains shall be tested as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Observation of the vaccinated turkeys in the potency test provided in paragraph (c) of this section shall constitute a safety test. If unfavorable reactions attributable to the product occur in the turkeys during the prechallenge period, the serial is unsatisfactory. If unfavorable reactions occur which are not attributable to the product, the test shall be declared inconclusive and repeated; *Provided,* That if the test is not repeated, the serial shall be declared unsatisfactory.

(c) *Potency test.* Bulk or final container samples of completed product shall be tested for potency of the Type 3 strain, using the two-stage test provided in this paragraph. Turkeys, at least 6 weeks of age, obtained from the same source and hatch, shall be properly identified and used as provided in this paragraph.

(1) *Vaccinates.* Each of not more than 21 turkeys shall be injected with the dose and by the route recommended on the label. A second dose shall be injected after 3 weeks and the turkeys observed for an additional 2 week prechallenge period.

(2) *Positive controls.* Each of not more than 21 turkeys shall be injected with two doses of a reference bacterin available from Veterinary Services upon request.

(3) *Unvaccinated controls.* Each of not more than 21 turkeys shall be held as controls.

(4) *Challenge.* Not less than 14 days after the second injection, each of 20 vaccinates, each of 20 positive controls, and each of 20 unvaccinated controls shall be challenged intramuscularly with a minimum of 150 colony-forming units of virulent *Pasteurella multocida,* Strain P–1059, Type 3 (Little and Lyons Classification) and observed daily for a 14 day post-challenge period. Only dead birds shall be considered in evaluating the product.

(5) If nine or more positive controls die, the test may be declared inconclusive and repeated.

(6) If 16 or more unvaccinated controls die, the test is valid and stage one potency test results shall be evaluated according to stage one of the following table:

Stage	Number of vaccinates	Cumulative number of vaccinates	Cumulative total number of dead vaccinates for satisfactory serial	Cumulative total number of dead vaccinates for unsatisfactory serial
1	20	20	6 or less	9 or more.
2	20	40	15 or less	16 or more.

(7) The serial shall pass or fail based on the stage one results of the potency test; *Provided,* That, if seven or eight vaccinates die in the first stage, the second stage shall be required.

(8) The second stage shall be conducted in a manner identical to the first stage. The serial shall be evaluated according to stage two of the table. On the basis of accumulated results, a serial shall either pass or fail the second stage.

§ 113.104 Erysipelas Bacterin.

Erysipelas Bacterin shall be produced from a culture of *Erysipelothrix insidiosa* which has been inactivated and is nontoxic. Each serial of biological product containing erysipelas bacterin shall meet the applicable requirements in § 113.85 and shall be tested for purity, safety, and potency as prescribed in this section. A serial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Final container samples of completed product from each serial and each subserial shall be tested for viable bacteria and fungi as provided in § 113.26.

(b) *Safety test.* Bulk or final container samples of completed product from each serial shall be tested for safety as provided in § 113.38.

(c) *Potency tests.* Bulk or final container samples of completed product shall be tested by either the mouse protection test provided in paragraph (d) of this section or the swine protection test provided in paragraph (e) of this section.

(d) When the mouse protection test is conducted, the ability of the bacterin to be tested (Unknown) to protect mice shall be compared with a standard bacterin (Standard) which is either supplied by or is acceptable to Veterinary Services.

(1) Bacterins with a 2 ml recommended dose for swine shall be diluted 1:2.5 with physiological saline solution and tested the same as bacterin with a 5 ml recommended dose. At least three threefold dilutions shall be made with the Standard and comparable threefold dilutions for the Unknowns.

(2) For each dilution of the Standard and each dilution of the Unknown, a group of at least 16 mice, each weighing 16–20 grams, shall be used. Each mouse in a group shall be injected subcutaneously with 0.5 ml from the appropriate dilution.

(3) Each injected mouse shall be challenged subcutaneously 14–21 days after being injected with the diluted bacterin. A 0.5 ml dose containing at least 100 mouse LD_{50} of a suitable culture of *Erysipelothrix insidiosa* shall be used. All survivors in each group of mice shall be recorded 10 days post-challenge.

(4) *Test for valid assay.* The same consecutive dilutions of the Standard and Unknown need not to be used in the test for valid assay, but the following requirements shall be met:

(i) At least two dilutions of the Standard and two dilutions of the Unknown shall protect more than 0 percent and less than 100 percent of the mice inoculated. The lowest dilution of the Standard shall protect more than 50 percent and the highest dilution less than 50 percent.

(ii) Subtract the numbers of surviving mice injected with the lowest dilution, middle dilution, and highest dilution of the Unknown from the numbers of surviving mice injected with the corresponding dilutions of the Standard. Designate the differences as No. 1, No. 2, and No. 3.

(iii) Adjust difference No. 2 to zero by adding the proper figure using a plus or minus sign as needed. Add the same figure to Difference No. 1 and to Difference No. 3.

(iv) Consult this table to see if the results obtained are included.

Difference 1	*Range of Difference 3*
−9	−7 to −2 inclusive
−8	−8 to 0
−7	−9 to +2
−6	−9 to +3
−5	−9 to +4
−4	−9 to +5
−3	−9 to +6
−2	−9 to +7
−1	−8 to +7
0	−8 to +8
1	−7 to +8
2	−7 to +9
3	−6 to +9
4	−5 to +9
5	−4 to +9
6	−3 to +9
7	−2 to +9
8	0 to +8
9	2 to +7

(v) If the results do not appear, the test is invalid. If the results do appear, the test is valid and the potency of the Unknown can be compared with the Standard.

(5) Using the same dilutions used to determine validity, obtain the total survivors of the Unknown and the total survivors of the Standard. If the total number of survivors for the Standard exceeds the total number of survivors for the Unknown by a number greater than six, the Unknown is unsatisfactory.

(e) When the swine protection test is conducted, susceptible pigs shall be used as test animals. Each of four pigs (vaccinates) shall be injected with one pig dose as recommended on the label. Four additional pigs shall be held as unvaccinated controls. Fourteen to twenty-one days post-vaccination, the vaccinates and the controls shall be challenged with a virulent *Erysipelothrix insidiosa* culture by the percutaneous, or intradermal, or intramuscular route and observed for 7 days.

(1) A satisfactory challenge shall be evidenced in the controls by a bacteremia, a high body temperature, and clinical signs of sickness, including but not limited to acute illness with hyperemia

of the abdomen and ears possibly terminating in suddent death; moribund and anorexia, with or without metastatic skin lesions; slowness with variable anorexia, stiffness, and/or joint involvement; and any combination of these symptoms and lesions.

(2) If at least 75 percent of the controls do not show characteristic symptoms of swine erysipelas during the observation period, including but not limited to a body temperature of 105.6° F or higher on at least 2 days or 107° F or higher for at least 16 hours, the test shall be considered inconclusive; *Provided,* That control pigs which meet the criteria requirements for susceptibility except for high body temperature shall be considered susceptible if sacrificed and organisms identified as *Erysipelothrix insidiosa* can be isolated from the blood, spleen, or other organs.

(3) To demonstrate immunity after challenge, the vaccinates shall remain free of lesions or symptoms of erysipelas and the body temperature shall not exceed 104.6° F for longer than 1 day. If at least 75 percent of the vaccinates do not demonstrate immunity to erysipelas throughout the observation period, the serial or subserial is unsatisfactory.

§ 113.105–§ 113.109 [Reserved]

LIVE BACTERIAL VACCINES

§ 113.110 Brucella Abortus Vaccine.

Brucella Abortus Vaccine shall be prepared as a desiccated live culture bacterial vaccine from smooth colonial forms of the *Brucella abortus* organism, identified as Strain 19. Each serial and subserial shall be tested for purity, potency, and moisture content. A serial or subserial found unsatisfactory by a prescribed test shall not be released.

(a) *Purity tests.* Each serial and subserial shall be tested for purity as provided in this paragraph.

(1) Macroscopic and microscopic examination shall be made on bulk samples from production containers. If organisms not typical of *Brucella abortus* organisms are evident, the serial or subserial is unsatisfactory.

(2) To meet the requirements prescribed in § 113.27(b), at least four single-dose or two multiple-dose final container samples of completed product shall be tested by inoculating one potato agar slant, one tube of Dextrose Andrades broth with gas tube (or equivalent) and one tube of thioglycollate broth from each sample. If organisms not typical of *Brucella abortus* organisms are evident, the serial or subserial is unsatisfactory.

(3) Bacterial dissociation test. Final container samples of completed product from each serial and subserial shall be tested for bacterial dissociation. Smooth colonies are the desired form. Rough colonies are undesirable terminal dissociation forms. Intermediate and intermediate-to-rough are also undesirable.

(i) The sample container shall be rehydrated and streaked on one potato agar plate in such a manner as to produce confluent colonies. Artificial reflected light shall be used so that the rays pass through the plate at a 45° angle.

(ii) If the vaccine contains more than 5 percent rough colonies or more than 15 percent total undesirable colonies, the serial or subserial is unsatisfactory. If organisms or growth not characteristic of *Brucella abortus* are found, the serial or subserial is unsatisfactory. The test may be repeated one time using double the number of samples; *Provided,* That, if the test is not repeated, the serial or subserial is unsatisfactory.

(b) *Potency test.* Each serial and each subserial shall be tested for potency.

(1) At least four single-dose or two multiple-dose final container samples of completed product shall be tested for the number of viable organisms per cubic centimeter of rehydrated vaccine. A bacterial count shall be made on tryptose agar plates from suitable dilutions using 1 percent peptons as a diluent.

(2) If freshly prepared *Brucella abortus* vaccine does not contain at least 10 billion viable *Brucella abortus* organisms per cubic centimeter of rehydrated vaccine, the serial or subserial is unsatisfactory.

(3) If tested at any time within the expiration period, each cubic centimeter of rehydrated vaccine does not contain 5 billion viable *Brucella abortus* organisms, the serial or subserial is unsatisfactory.

§ 113.111 Anthrax Spore Vaccine—Nonencapsulated.

Anthrax Spore Vaccine—Nonencapsulated shall be a live spore suspension prepared for nonencapsulated variants of *Bacillus anthracis* which has been proven to be immunogenic and relatively nonpathogenic. Each serial and subserial shall be tested for purity, safety, and potency as prescribed in this section. A serial or subserial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Each serial or first subserial shall be tested for purity as provided in this paragraph to meet the requirements prescribed in § 113.27(b).

(1) Bulk samples of spore suspension or completed product shall be tested for microorganisms other than *Bacillus anthracis.* One ml shall be inoculated onto each of five plates of nutrient agar, incubated at 35–37° C and examined macroscopically and microscopically daily for 7 days. If growth not characteristic of *Bacillus anthracis* is detected, the serial or subserial is unsatisfactory.

(2) Each of five final container samples of completed product shall be tested as follows:

(i) One ml shall be inoculated into one tube of either thioglycollate or nutrient broth, incubated at 37° C for 7 days and examined for microorganisms other than *Bacillus anthracis.* If microorganisms other than *Bacillus anthracis* are detected, the serial or subserial is unsatisfactory.

(ii) One ml shall be inoculated into one vessel of Soybean Casein Digest Medium, incubated at 20–25° C for 14 days, and examined for fungi. If fungi are detected, the serial is unsatisfactory.

(3) Bacterial dissociation test. Vaccine from each bulk container shall be streaked onto the surface of two serum agar plates (50 percent bovine serum with nutrient agar) in such a manner so to produce isolated colonies over a major portion of the plates. The plates shall be incubated under an atmosphere of 30 percent CO_2 at 37° C and examined under a dissection-type microscope using obliquely transmitted light daily for at least 3 days. If the colonies are not of the rough opaque type, the serial is unsatisfactory. Questionable colonies shall be subcultured and the organisms inoculated into guinea pigs to check for undesirable reactions. If undesirable reactions occur, the serial is unsatisfactory.

(b) *Safety test.* The prechallenge period of the potency test provided in subparagraph (c) (2) of this section constitutes a safety test. If 80 percent of the vaccinates survive the prechallenge period, the serial is satisfactory for safety; *Provided,* That

(1) If less than 80 percent of the vaccinates survive the prechallenge period, each of five young sheep or goats shall be inoculated subcutaneously with a total of two cattle doses which may be fractionally administered in two sites and the animals observed for 14 days; and

(2) If any sheep or goat shows evidence of persistent or progressive edema (does not subside in 4 or 5 days) or does not survive the observation period, the serial or subserial is unsatisfactory.

(c) *Potency tests.* The spore count provided in this paragraph shall be conducted on each serial and each subserial. The vaccination challenge test provided in this paragraph shall be conducted on each serial.

(1) Spore count. Final container samples of completed product shall be diluted in tenfold steps. Each dilution that may be significant shall be plated in triplicate on nutrient or tryptose agar, inverted, and incubated at 35–37° C for 24–48 hours. The plates showing proper dispersion of colonies shall be counted and averaged. If the spore count average is less than 2,000,000 spores per bovine dose, the serial or subserial is unsatisfactory.

(2) Bulk or final container samples of completed product shall be tested for potency in healthy guinea pigs weighing 400 to 500 grams each.

(i) Each of at least 10 guinea pigs shall be vaccinated subcutaneously on the abdominal area with one-half the dose recommended for cattle and observed for 14 days. The vaccinated guinea pigs and six unvaccinated control guinea pigs shall be challenged with a suspension of anthrax spores virulent to guinea pigs and observed an additional 10 days.

(ii) If five of the six unvaccinated controls do not die during the 10 day post-challenge observation period, the test is inconclusive and may be repeated.

(iii) If at least five of the six unvaccinated controls die and less than 80 percent of the vaccinates remain well during

the post-challenge observation period, the serial or subserial is unsatisfactory.

§ 113.112 Erysipelas Vaccine.

Erysipelas Vaccine shall be prepared as a desiccated live culture of an avirulent or modified strain of *Erysipelothrix insidiosa* which has been proven to be nonpathogenic and nontoxic. Each serial and subserial shall be tested for purity, safety, potency, and moisture content. A serial or subserial found unsatisfactory by any prescribed test shall not be released.

(a) *Purity test.* Bulk or final container samples of completed product from each serial shall be tested by colonial observation and gram stain of organisms plated on a suitable solid media to meet the requirements prescribed in § 113.27(b).

(b) *Safety test.* Final container samples of completed product from each serial and subserial shall be tested as provided in § 113.33(b).

(c) *Potency tests.* Final container samples of completed product from each serial and subserial shall be tested for potency as provided in § 113.104(e).

6. Part 114 is amended to read:

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

Sec.

114.1 Applicability.
114.2 Products not prepared under license.
114.3 Separation of establishments.
114.4 Identification of biological products.
114.5 Micro-organisms used as seed.
114.6 Mixing biological products.
114.7 Personnel at licensed establishments.
114.8 Outline of Production required.
114.9 Outline of Production guidelines.
114.10 Antibiotics as preservatives.
114.11 Temperature and light.
114.12 Reserved.
114.13 Expiration date determination.
114.14 Extension of the expiration date for a serial or subserial.
114.15 Disposal of unsatisfactory products and byproducts.
114.16 Producing subsidiaries.
114.17 Rebottling of biological products.
114.18 Reprocessing of biological products.

AUTHORITY: 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 114.1 Applicability.

Unless otherwise authorized by the Deputy Administrator, all biological products prepared for shipment or delivered for shipment from one State or territory or the District of Columbia to another State or territory or the District of Columbia shall be prepared in accordance with the regulations in this part. The licensee or permittee shall adopt and enforce all necessary measures and shall comply with all directions the Deputy Administrator prescribes for carrying out such regulations.

§ 114.2 Products not prepared under license.

(a) When an establishment license is issued, if biological products which were not prepared in compliance with the regulations are in the establishment, such products shall not be shipped or delivered for shipment or otherwise dealt with as having been prepared under such regulations.

(b) After an establishment license has been issued, biological products shall not be prepared in or brought onto the premises of the licensed establishment if such products are not prepared in compliance with the regulations.

§ 114.3 Separation of establishments.

(a) Each licensed establishment shall be separate and distinct from any other establishment in which a biological product is prepared.

(b) No biological products authorized to be prepared in a licensed establishment shall be prepared in whole or in part by another licensed establishment unless authorized in advance by the Deputy Administrator.

§ 114.4 Identification of biological products.

Suitable tags or labels of a distinct design shall be used for identifying all ingredients used in the preparation of biological products, all component parts to be combined to form a biological product, all biological products while in the course of preparation and all completed biological products held in storage at licensed establishments: *Provided*, That, if such ingredients, components, or biological products are not so identified, they shall be disposed of as provided in § 114.15.

§ 114.5 Micro-organisms used as seed.

Micro-organisms used in the preparation of biological products at licensed establishments shall be free from the causative agents of other diseases or conditions. A complete record of such micro-organisms shall be kept currently correct and a list submitted to Veterinary Services upon request of the Deputy Administrator.

§ 114.6 Mixing biological products.

Each biological product, when in liquid form, shall be mixed thoroughly in a single container. During bottling operations, the product shall be constantly mixed sufficient to maintain physical uniformity of the entire fill. A serial number, with any other markings that may be necessary for ready identification of the serial, shall be applied to identify it with the records of preparation and labeling.

§ 114.7 Personnel at licensed establishments.

(a) Each licensee shall designate a person(s) to make all official contacts with Veterinary Services on matters pertaining to the preparation of biological products under the Virus-Serum-Toxin Act. The licensee shall file three copies of biographical summary with Veterinary Services for such designated person and for each person responsible for any phase of preparation of a biological product.

(b) All personnel employed in the preparation of biological products at a licensed establishment shall be competent in good laboratory techniques through education or training, or both, so as to consistently prepare high quality products.

(c) All biological products prepared at licensed establishments shall be prepared and handled with due sanitary precautions. Good sanitary measures shall be practiced at all times by all personnel involved in such preparation and handling of biological products.

(1) The clothing worn by persons while preparing biological products shall be clean. All persons, immediately before entering laboratory rooms of a licensed establishment, shall change their outer clothing or effectively cover the same with gowns or other satisfactory clean garments.

(2) Unsanitary practices such as, but not limited to, eating, smoking, or expectorating on the floors or otherwise creating a nuisance in any room, compartment, or place in which biological products are prepared, handled, or stored at licensed establishments are prohibited.

§ 114.8 Outline of Production required.

An Outline of Production shall be on file with Veterinary Services for each licensed biological product or for each biological product authorized to be imported into the United States for Distribution and Sale. Preparation of a biological product in a licensed establishment shall be in accordance with the Outline of Production for such product filed with Veterinary Services as provided in this section, but subject to changes as may be required under § 114.8(f).

(a) The Outline of Production shall be prepared as prescribed in § 114.9 and submitted to Veterinary Services for filing. When objectionable features, if any, are corrected and no further exceptions are taken by Veterinary Services to an Outline of Production for a biological product, such Outline of Production shall be approved for filing.

(b) Each page shall be stamped as filed on the date such action was taken in the bottom right hand corner. Although the filed outline may be referred to as an approved outline, approval for filing constitutes no endorsement by Veterinary Services of such biological product or the methods and procedures used to prepare such biological product.

(c) The original and two copies shall be retained by Veterinary Services and the remaining copies returned.

(d) Each licensee shall review each Outline of Production for accuracy and sufficiency not less frequently than once a year. Revisions necessary to bring an Outline of Production into compliance with the regulations shall be submitted to Veterinary Services.

(e) When a list of licensed products to be continued in production at a licensed establishment is requested by the Deputy Administrator in accordance with § 102.5 (d) of this subchapter, the licensee shall supplement the list with information for each product as follows:

(1) The Outline of Production currently being used shall be identified as to the date when last revised and filed with Veterinary Services and the date of the last review made by the licensee.

(2) The Outline of Production to be kept in the active file shall be designated.

If more than one has been filed for a product, only the Outline of Production currently being used shall be included.

(f) The Deputy Administrator may, upon the basis of information not available to him at the time the current Outline of Production for a biological product was filed, object to the methods or procedures being used in the preparation of such biological product and notify the licensee to modify the filed Outline of Production to eliminate such objections. If the licensee does not comply with the notice, the Deputy Administrator may, after affording opportunity for a hearing to the licensee, suspend the product license for the biological product involved; in which case, the licensee shall not prepare such product until subsequent notice of withdrawal of the suspension is given to the licensee.

§ 114.9 Outline of Production guidelines.

Each Outline of Production shall be prepared in accordance with the applicable directions provided in this section.

(a) *General requirements.* (1) The original and not more than four copies of each Outline of Production or special outline or revised pages of either shall be prepared on heavy paper (8.5" x 11") of a type receptive to permanent stamp ink.

(2) The name of the biological product (or component), the establishment license number, and the date prepared shall appear on a front cover page and each page of the Outline of Production or special outline. The name of the licensee (or foreign manufacturer) shall appear on the front cover page.

(3) The pages shall be numbered in the upper center. At least 1½ inch margin shall be left at the top of the first page and a 2 inch margin at the bottom of each page for the Veterinary Services stamp.

(4) Amended pages shall be numbered the same as those being superseded. They shall bear the date prepared and refer to the date on the pages being superseded. If one replacement page supersedes more than one page, the new page shall indicate same, but if several replacement pages are added to supersede one page, the page number followed by letters shall be used.

(5) The last page of the original and one copy of either a new or a completely rewritten Outline of Production and each page revised separately shall be signed in the lower left corner by the authorized representative of the licensee (or foreign producer). Stamped or facsimile signatures are not acceptable.

(6) A summary of changes shall appear on an attached page and refer to each page, paragraph, or subparagraph being changed.

(7) Transmittal forms shall be used for the original and subsequent revisions. Blank forms shall be available upon request to Veterinary Services.

(b) *Special outline.* An outline describing the preparation of a component of a biological product or an operation performed in the preparation of a biological product may be required if such special outline could be referred to in Outlines of Production to eliminate repetition. Each special outline shall be identified by number and shall not be used until accepted and filed by Veterinary Services.

(c) Outline of Production for antiserum, antitoxin, and normal serum shall be written according to the following:

OUTLINE GUIDE FOR PRODUCTION OF ANTISERUM AND ANTITOXIN AND NORMAL SERUM

License No. Name of Product Date

I. *Serum animals.* A. Species, conditions, age, and general health.

B. Examination, preparation, care, quarantine, tests, and treatment of animals before injections are started.

C. Holding, handling, exercising, and monitoring the condition of animals after injections are started.

II. *Antigens.* A. Composition and character of the antigen.

1. Micro-organisms.

2. Source and date of accession of each micro-organism.

3. Strains.

4. Proportions of each micro-organism and strain.

B. Identification methods used for each micro-organism and frequency with which these methods are applied.

C. Virulence and purity of cultures or antigen and the determination and maintenance thereof. Range of subcultures or passages to be used in production.

D. Attenuation, if any, before use for production purposes.

E. Character, size, and shape of containers used for growing micro-organisms.

F. Media used for stock, seed, and antigen cultures (composition and reaction of). May refer to a special outline by number.

G. Preparation of the antigen or toxin and toxoid. Complete and full description of each step and its manner of accomplishment and number these steps in sequence. Include all tests for each antigen, and the specifications for character, identity, virulence, concentration, and standardization.

III. *Immunization of animals.* A. Outline fully with special attention given to the following:

1. Character and dose of the antigen.

2. Method and frequency of injections.

3. Time required for immunization or hyperimmunization.

4. Preliminary bleedings and tests, if any, to ascertain quality of serum.

5. All other similar matters, including treatments between bleedings.

B. Period of time elapsing between last injection and first bleeding; and between bleedings.

C. Technique of bleeding operations; volume of blood collected at each bleeding; and period of rest.

IV. *Preparation of the biological product.* A. Describe fully and show each step of preparation from the first bleeding to the completion of the preserved product in bulk containers prior to filling of final containers.

B. Composition of the preservative and proportions used. Indicate at which step of production, and the method used in adding the preservative.

C. Agglutination and complement-fixation titers and the methods of their determinations.

D. Disposition of unsatisfactory biological products and infective materials not used in production.

E. Assembly of units to make a serial; volume of the average serial; and the volume of the maximum serial.

V. *Testing.* Indicate the stages in the preparation of the biological product at which samples are collected. Refer to all applicable Standard Requirements. Outline all additional tests in detail and state minimum requirements for each satisfactory test.

A. Purity.

B. Safety.

C. Potency.

D. Other tests.

VI. *Post preparatory steps.*

A. Form and size of final containers in which the product is to be distributed.

B. Methods and techniques of filling final containers. Volume of fill for each size final container.

C. Collection, storage, and submission of representative samples. Indicate at which steps in the production these samples are taken.

D. Expiration date based on the earliest date of harvest and the date of the last satisfactory potency test.

E. Use, dosage, and route of administration for each animal species for which it is recommended.

F. Include any additional pertinent information.

(d) Outline of Production for *vaccines, bacterins, antigens,* and *toxoids* shall be written according to the following:

OUTLINE GUIDE FOR VACCINES, BACTERINS, ANTIGENS, AND TOXOIDS

License No. Name of Product Date

I. *Composition, etc., of the product.* A. Micro-organisms used. Give the isolation and passage history.

B. Source and date of accession of each micro-organism.

C. Strains.

D. Proportions of each strain.

II. *Cultures.* A. Brief description of methods of identifying each micro-organism and the frequency with which these methods are applied.

B. Virulence and purity of cultures and the determination and maintenance thereof. Range of subcultures or passages to be used in production.

C. Composition and reaction of media used for seed and production cultures. Include the source of eggs, tissue, or cell cultures, and the tests to determine that eggs, tissues, and cells are free of contamination.

D. Character, size, and shape of containers used for growing cultures.

E. Storage conditions of seed cultures.

F. Methods of preparing suspensions for seeding or inoculation.

G. Technique of inoculating (1) seed media; (2) production media. Titer or concentration of inoculum, and the volume of medium for each size and type of culture container.

H. Period of time and conditions for incubation and degree of temperature used for each micro-organism or group of micro-organisms.

I. Character and amount of growth; observation as to contamination of growth.

J. Method of attenuation, if any, before used for production purposes.

III. *Harvest.* A. Handling and preparation of cultures and media (including eggs) before removal of micro-organisms or tissues for production purposes.

B. Minimum and maximum period of time elapsing from time of inoculation until harvest.

C. Technique of harvesting micro-organisms or tissues—(specify) for production purposes.

D. Specifications for acceptable harvest material.

E. Handling of discarded material not used in production.

F. Include any additional pertinent information.

IV. *Preparation of the product.* Describe fully and show each step of preparation from

harvest of antigen containing tissues or production cultures to the completion of the finished product in final containers. In describing the preparation of the product, emphasize the following:

A. Method of inactivation, attenuation, or detoxification.

B. Composition of preservative, adjuvant or stabilizer, and proportions used stated in such a manner that the concentration can be calculated; stage and method of addition.

C. Method and degree of concentration.

D. If product is standardized to give concentration of antigen, show procedures and calculations.

E. 1. Assembly of units to make a serial (illustrate by example).

2. Volume of average serial.

3. Volume of maximum serial.

4. Any other pertinent information.

F. Volume of fill for each size vial. Type of vial if unusual.

G. Method and technique of filling and sealing of final containers.

H. Desiccation, including moisture control. Give maximum percent moisture.

I. Amount of antigenic material per dose or doses in final container.

V. *Testing.* Indicate the stages in the preparation of the biological product at which the samples are collected. Refer to all applicable Standard Requirements. Outline all additional tests in detail and state the minimum requirement for each satisfactory test.

A. Purity.

B. Safety.

C. Potency.

D. Moisture, if desiccated.

E. Any other tests.

VI. *Post preparatory steps.* A. Form and size of final containers in which the product is to be distributed.

B. Collection, storage, and submission of representative samples. Indicate at which steps in the production these samples are taken.

C. Expiration date based on the earliest date of harvest and the date of the last satisfactory potency test. If applicable, give the date of lyophilization.

D. Use, dosage, and route of administration for each animal species for which the biological product is recommended.

(e) Outlines of Production for allergenic extracts shall be written according to the following:

OUTLINE GUIDE FOR ALLERGENIC EXTRACTS

License No. Name of Product Date

I. *Composition of the product.* A. Source and type of raw material.

B. Weight/volume concentration.

II. *Preparation of the product.* A. Describe fully and show each step of preparation to the completion of the finished product in true containers. In describing the preparation of the product, emphasize the following:

1. Method of extraction.

2. Composition of preservative, adjuvant or stabilizer, and proportions used; stage and method of addition.

3. Method and degree of concentration.

4. Standardization of the product.

5. (a) Assembly of units to make a serial.

(b) Volume of average serial.

(c) Maximum serial.

6. Volume of fill for each size vial.

7. Method and technique of filling and sealing of final containers.

8. Amount material per dose or doses in final container.

III. *Testing.* Indicate the stages in the preparation of the biological product at which the samples are collected. Refer to all applicable Standard Requirements. Outline all additional tests in detail and state the minimum requirement for each satisfactory test.

A. Purity.

B. Safety.

C. Potency.

D. Any other tests.

E. Include any additional pertinent information.

IV. *Post preparatory steps.* A. Form and size of final containers in which the product is to be distributed.

B. Collection, storage, and submission of representative samples. Indicate at which steps in the production these samples are taken.

C. Expiration date based on the earliest date of harvest and the date of the last satisfactory potency test.

D. Use, dosage, and route of administration for each animal species for which the biological product is recommended.

§ 114.10 Antibiotics as preservatives.

Antibiotics are authorized for use as preservatives for biological products if used within the limitations as to kinds and amounts prescribed in this section.

(a) When an antibiotic or combination of antibiotics, with or without a fungistat is to be used in the preparation of a biological product, the kind(s) and amount(s) of each shall be specified in the outline for such product in such a way that the concentration in the final product may be calculated. Except as may be approved by the Deputy Administrator, only those individual antibiotics or combinations of antibiotics listed in paragraphs (b) and (c) of this section shall be used.

(b) Permitted individual antibiotics:

(1) The antibiotic level of a specified individual antibiotic in one ml. of a biological product, when prepared as recommended for use, shall not exceed the amounts listed in this paragraph: *Provided,* That in the case a desiccated biological product is to be used with an indefinite quantity of water or other menstruum, the determination shall be based on 30 ml. per 1,000 dose vial or equivalent.

(2) Except as prescribed in paragraph (c) of this section, only one antibiotic shall be used as a preservative in a biological product. The kind and maximum amount per ml. of such antibiotic shall be restricted to:

Amphotericin B	2.5 mcg.
Nystatin (Mycostatin)	30.0 units
Tetracyclines	30.0 mcg.
Penicillin	30.0 units
Streptomycin	30.0 mcg.
Polymyxin B	30.0 mcg.
Neomycin	30.0 mcg.
Gentamicin	30.0 mcg.

(c) Permitted combinations:

(1) Penicillin and streptomycin.

(2) Either amphotericin B or nystatin, but not both, may be used with one of the other antibiotics listed in paragraph (b) of this section, or with a combination of penicillin and streptomycin, or with a combination of polymyxin B and neomycin.

(3) The maximum amount of each antibiotic in a combination shall be the amount prescribed for such antibiotic in paragraph (b) of this section.

(d) Antibiotics used in virus seed stock purification are not restricted as to kind or amounts provided carryover into the final product is controlled and specified in outlines of production.

§ 114.11 Storage and handling.

Biological products at licensed establishments shall be protected at all times against improper storage and handling. Completed product shall be kept under refrigeration at 35° to 45° F (2° to 7° C) unless the inherent nature of the product makes storage at a different temperature advisable, in which case, the proper storage temperature shall be specified in the filed Outline of Production. All biological products to be shipped or delivered shall be securely packed.

§ 114.12 [Reserved]

§ 114.13 Expiration date determination.

Unless otherwise provided for in a Standard Requirement or filed Outline of Production, the expiration date for each serial and subserial shall be computed in accordance with the conditions provided in this section.

(a) *Harvest date.* The earliest date of harvest for any component of a biological product and the date of the last satisfactory potency test shall be considered in determining the expiration date.

(1) The date of harvest for products prepared from animal blood or live animal tissues including chicken embryos shall be the date such blood or tissues were collected.

(2) The date of harvest for products prepared by inactivating (killing) micro-organisms shall be the date the chemical or physical inactivating method is applied.

(3) The date of harvest for products prepared with living micro-organisms grown in artificial media shall be the date the cultures are removed from the production incubators.

(4) If the harvest date cannot be established by the criteria provided in paragraph (a) (1), (2), or (3) of this section, the means of establishing the harvest date shall be written into the filed Outline of Production.

(b) *Live vaccines.* The expiration dates for live vaccines shall be determined in accordance with the conditions prescribed in this paragraph.

(1) Each serial of vaccine shall be tested for virus content at release and at its approximate expiration date until a statistically acceptable stability record has been established. All estimations of virus content shall be based on valid 50 percent end point titrations.

(2) The date of lyophilization shall not exceed 12 months from date of harvest. The storage conditions from date of harvest to date of lyophilization shall be shown to be suitable as established by adequate data.

(c) *Inactivated biological products.* The expiration dates for inactivated products, normal serums, and antiserums shall be determined in accordance with the conditions prescribed in a Standard Requirement or filed Outline of Production for the product. At no time shall the date be more than 3 years from the date of harvest.

(1) The expiration date for a product shall be determined by stability tests confirmed by potency tests on at least five

consecutive serials until 6 months beyond the date requested by the licensee.

(2) The expiration dates of antitoxins shall be calculated from the date of a satisfactory potency test as prescribed in a Standard Requirement or filed Outline of Production.

(3) Subsequent changes in the expiration date may be granted based upon stability data designed to show adequate potency of the product on or after the dating requested.

§ 114.14 Extension of the expiration date for a serial or subserial.

(a) The expiration date shall not be extended:

(1) If a U.S. Standard of Potency has not been developed for all fractions of the product; or

(2) For any serial or any portion of any serial which has left the licensed premises; or

(3) For a serial or portion of a serial if the expiration date has been extended previously.

(b) An extension of the expiration date may be granted if a request from the licensee is substantiated by valid test data obtained prior to the original expiration date and the following conditions are met:

(1) The new expiration date shall not exceed 6 months beyond the maximum time from harvest permitted by the currently filed Outline of Production; and

(2) Redated serials shall be retitrated or otherwise tested for potency by the licensee at or near the original expiration date and the results submitted to Veterinary Services. If found to be below the potency standards established by Veterinary Services, such serials shall be removed from the market.

§ 114.15 Disposal of unsatisfactory products and byproducts.

All biological products found to be unsatisfactory for marketing, all refuse or other materials deemed unsatisfactory for production purposes, all carcasses (part or whole) of production or test animals, and all undesirable byproducts of manufacture shall be disposed of as may be required by the Deputy Administrator.

§ 114.16 Producing subsidiaries.

(a) A production facility shall be used by only one producer (licensee or subsidiary) at one time except when cultures are incubated and when in-process, partially processed, or completed products are stored.

(b) For the purpose of maintaining separate production:

(1) Beginning of production shall be when the media is inoculated; or when tissue-producing animals or cell cultures are inoculated; or when the bleeding of serum animals occurs.

(2) Ending of production shall be when the product is a completed product in bulk containers with only bottling, labeling, or testing remaining.

(c) There shall be sufficient delay between operations of two producers to permit proper cleaning and disinfection of facilities when required.

(d) Storage of completed products may be in a common facility provided they are adequately identified. If not labeled, tags or markers shall be used.

§ 114.17 Rebottling of biological products.

The Deputy Administrator may authorize the rebottling of a completed product in liquid form subject to the conditions prescribed in this section.

(a) All or part of a serial which has not left the licensed establishment may be aseptically returned to the mixing tank, thoroughly mixed, and rebottled in new final containers.

(b) The rebottled product shall be adequately identified by serial number or subserial number, as the case may be.

(c) Required purity tests for final container samples of the product shall be conducted on new samples selected from the rebottled product (serial or subserials). Rebottled product found to be unsatisfactory by such tests shall not be released.

(d) New test samples from each serial or subserial and copies of test reports of all tests conducted on the rebottled product shall be submitted to Veterinary Services.

(e) The licensee shall not release the rebottled product unless notified by Veterinary Services that such product is eligible for release. Production records shall show the results of all tests conducted and shall accurately reflect the actions taken.

§ 114.18 Reprocessing of biological products.

The Deputy Administrator may authorize a licensee to reprocess a serial of completed product in liquid form subject to the conditions prescribed in this section.

(a) Reprocessing shall not include any method or procedure which would be deleterious to the product.

(b) The serial shall be uniformly reprocessed and thoroughly mixed prior to bottling in final containers.

(c) All required tests for purity, safety, potency, and efficacy for the product shall be conducted on the reprocessed product. A serial found unsatisfactory by a required test shall not be released.

(d) The reprocessed serial shall be identified by a new serial number and the records for the serial shall accurately reflect the action taken.

(e) Test samples of the reprocessed serial and test reports for all tests conducted shall be submitted to Veterinary Services. The licensee shall not release the serial until notified by Veterinary Services that the serial is eligible for release.

7. Part 116 is amended to read:

PART 116—RECORDS

Sec.

116.1 Applicability and general considerations.
116.2 Inventory and disposition records.
116.3 Label records.
116.4 Sterilization and pasteurization records.
116.5 Reports.
116.6 Animal records.
116.7 Test records.
116.8 Completion and retention of records.

AUTHORITY: 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 116.1 Applicability and general considerations.

Each licensee and each foreign manufacturer of biological products imported into the United States shall maintain detailed records of information necessary to give a complete accounting of the activities within each establishment. Such records shall include, but shall not be limited to the items enumerated in this part.

(a) Records shall be made concurrently with the performance of successive steps in the preparation of a biological product. Such records shall include the date and where critical, the time that each essential step was taken, the identity and quantity of ingredients added or removed at each step, and any loss or gain from start to finish in such preparation.

(b) Records shall be legible and indelible; shall be as detailed as necessary for a clear understanding of each step by one experienced in the preparation of biological products; and shall be verified by initials or signature of the person immediately responsible for the action taken.

(c) Records (other than disposition records) required by this part shall be completed by the licensee or the foreign manufacturer, as the case may be, before any portion of a serial of any product shall be marketed in the United States or exported.

§ 116.2 Inventory and disposition records.

(a) Records shall show the quantity and location of each biological product being prepared, in storage, and in distribution channels.

(b) Detailed disposition records, in a form satisfactory to the Deputy Administrator, shall be maintained by each licensee, each distributor, and each permittee showing the sale, shipment, or other disposition made of the biological products handled by such person.

§ 116.3 Label records.

(a) Each licensee and permittee shall maintain a list of all approved labels currently being used. Each label shall be identified as to:

(1) Name and product code number as it appears on the product license or permit for the product;

(2) Where applicable, the size of the package (doses, ml, cc, or units) on which the label shall be used;

(3) Label number and date assigned; and

(4) Name of licensee or subsidiary appearing on the label as the producer.

(b) All labels printed shall be accounted for and an inventory maintained.

Records shall include the disposition of such labels including those not used in labeling a product.

§ 116.4 Sterilization and pasteurization records.

Records shall be made by means of automatic recording devices or an equivalent accurate and reliable system. Such records shall be identified with the ingredients, equipment, or biological product subjected to sterilization or pasteurization.

§ 116.5 Reports.

When required by the Deputy Administrator, reports containing accurate information of production activities in each establishment by the licensee or the foreign manufacturer whose products are either being offered for importation or being imported into the United States, as the case may be, shall be prepared and forwarded to Veterinary Services. Records necessary to make such reports shall be maintained in each establishment.

§ 116.6 Animal records.

Complete records shall be kept for all animals at a licensed establishment. Results of tests performed, antigens or treatment administered, maintenance and production records, disposition records, necropsy records, if any, and all other pertinent records shall be included.

§ 116.7 Test records.

Detailed records of all tests conducted on each serial and each subserial shall be maintained by the licensee. Summaries of such tests shall be prepared from such records and submitted to Veterinary Services prior to release of the serial or subserial. Blank forms for such summaries shall be available from Veterinary Services upon request.

§ 116.8 Completion and retention of records.

All records (other than disposition records) required by this part shall be completed by the licensee or the foreign manufacturer, as the case may be, before any portion of a serial of any product may be marketed in the United States or exported. All records shall be retained for a period of 2 years after the expiration date of the product involved and for such longer period as may be required by the Deputy Administrator in specific cases.

NOTE.—The recordkeeping and reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective Date: The amendments to Part 112 in § 112.2(a)(11), § 112.3(g), § 112.7(d)(4)(iv), § 112.7(d)(5), and § 112.7(h) shall become effective January 1, 1975. The amendments to Part 112 in § 112.2(a)(8), § 112.2(e), the lead paragraph in § 112.7, and § 112.7(g), and the amendments to Part 108, Part 113, Part 114, and Part 116 shall become effective June 10, 1974.

Done at Washington, D.C., this 6th day of MAY 1974.

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

[FR Doc.74-10880 Filed 5-9-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Correction

In FR Doc. 74-10367, appearing at page 15960 in the issue for Monday, May 6, 1974, in § 211.2, between the undesignated first paragraph and paragraph (a), insert the following section heading:

§ 211.9 Supplier/purchaser relationships.

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	8	Apr. 30, 1974
New York	8	Apr. 25, 1974
Philadelphia	8	Do.
Cleveland	8	Do.
Richmond	8	Do.
Atlanta	8	Apr. 29, 1974
Chicago	8	Apr. 26, 1974
St. Louis	8	Do.
Minneapolis	8	Do.
Kansas City	8	Apr. 25, 1974
Dallas	8	Do.
San Francisco	8	Do.

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	8½	Apr. 30, 1974
New York	8½	Apr. 25, 1974
Philadelphia	8½	Do.
Cleveland	8½	Do.
Richmond	8½	Do.
Atlanta	8½	Apr. 29, 1974
Chicago	8½	Apr. 26, 1974
St. Louis	8½	Do.
Minneapolis	8½	Do.
Kansas City	8½	Apr. 25, 1974
Dallas	8½	Do.
San Francisco	8½	Do.

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston [1]	10	Apr. 30, 1974
New York	10	Apr. 25, 1974
Philadelphia	10	Do.
Cleveland	10	Do.
Richmond [1]	10	Do.
Atlanta [1]	10	Apr. 29, 1974
Chicago [1]	10	Apr. 26, 1974
St. Louis [1]	10	Do.
Minneapolis [1]	10	Do.
Kansas City [1]	10	Apr. 25, 1974
Dallas [1]	10	Do.
San Francisco	10	Do.

[1] A rate of 8 percent was approved, effective on the indicated dates on advances to nonmember banks, to be applicable in special circumstances resulting from implementation of changes in Regulation J (see 37 FR 12714).

(12 U.S.C. 248(1). Interprets or applies 12 U.S.C. 357.)

By order of the Board of Governors, May 1, 1974.

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

[FR Doc.74-10836 Filed 5-9-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-18-AD; Amdt. 39-1842]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TPE331-1-151B, -2-201C, -3U-307G, -5-251C -5-251K and -6-251M Engines

There have been failures of the fuel control system on Airesearch Model TPE 331-1-151B, -2-201C, -3U-307G, -5-251C, -5-251K and -6-251M engines that could result in the engine not properly responding to power and condition lever movement and setting. Since this condition is likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued to require a modification and recurring inspection of the fuel control assembly

mounting and support bracket fasteners on AiResearch Model TPE331–1–151B, –2–201C, –3U–307G, –5–251C, –5–251K and –6–251M engines. The manufacturer has also issued operational instructions covering this subject. Although not mandatory, the agency concurs with the substance of these instructions, and urges observance herewith. The AD contains a note to reflect this determination.

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

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

AiResearch Manufacturing Company of Arizona: Applies to Model TPE331–1–151B, –2–201C, –3U–307G, –5–251C, –5–251K, and –6–251M engines.

Compliance required as indicated.

To detect, correct and prevent loosening of the fuel control assembly mounting and support bracket fasteners, accomplish the following:

(a) Within the next 25 hours time in service after the effective date of this AD, unless previously accomplished, replace the fuel control assembly support bracket with a new bracket in accordance with instructions contained in paragraph 2.B. of AiResearch Service Bulletin TPE331–73–0028, dated April 29, 1974, or later FAA-approved revisions.

(b) Within 100 hours time in service after accomplishment of paragraph (a), above, or 25 hours additional time in service after the effective date of this AD, whichever occurs later, and intervals not to exceed 100 hours time in service thereafter, inspect and retorque the fuel control assembly and support bracket mounting fasteners in accordance with the procedures contained in paragraph 2.C. of AiResearch Service Bulletin TPE331–73–0028, dated April 29, 1974, or later FAA-approved revisions.

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

Note.—AiResearch Operating Information Letter OI–331–3, Revision A, dated April 19, 1974, provides pertinent operational information. Flight crews are urged to obtain a copy of this letter and acquaint themselves with the information presented therein.

This amendment becomes effective May 13, 1974.

This amendment is made under the authority of section 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California, on May 2, 1974.

Arvin O. Basnight,
Director,
FAA Western Region.

[FR Doc.74–10778 Filed 5–9–74;8:45 am]

[Airworthiness Docket No. 74–WE–19–AD; Amdt. 39–1837]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch TSCP 700–4B Auxiliary Power Units

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted April 17, 1974, and made effective immediately by telegram dated April 17, 1974, to all known United States operators or owners of aircraft in which the AiResearch Model TSCP 700–4B auxiliary power units (APU) are installed (McDonnell Douglas Model DC–10). The airworthiness directive requires the installation of a placard to prohibit all inflight operation of the APU. The APU may still be used in ground operations. The telegraphic AD constituted an interim action. An inspection program and modifications are under development for future AD action. Equivalent procedures and placards may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known operators or owners of aircraft incorporating AiResearch Model TSCP 700–4B Auxiliary Power Units (APU) (installed in McDonnell Douglas DC–10 Series airplanes). These conditions still exist and the airworthiness directive 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:

AiResearch: Applies to Model TSCP 700–4B Auxiliary Power Units (APU) installed in McDonnell Douglas Model DC–10 aircraft.

Pursuant to the authority of the Federal Aviation Act of 1958, delegated to me by the Administrator the following airworthiness directive applicable to AiResearch Model TSCP 700–4B Auxiliary Power Units (APU) (installed in McDonnell-Douglas Model DC–10 Series Aircraft) is effective immediately upon receipt of this telegram because of numerous reports of fatigue cracks in the fuel control differential pressure regulator body. The presence of crack(s) can allow fuel to leak into the APU compartment. Compliance required as indicated, unless already accomplished. Within 25 hours additional time in service, install a placard in view of the flight crew to prohibit all in-flight operation of the APU. Thereafter the APU may not be used in flight but may be used in ground operations.

Note.—This is interim AD action. An inspection program and modifications are under development for future AD action. Equivalent procedures and placards may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment is effective May 13, 1974, for all persons except those to whom it was made effective immediately by telegram dated April 17, 1974.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on May 1, 1974.

Arvin O. Basnight,
Director,
FAA Western Region.

[FR Doc.74–10779 Filed 5–9–74;8:45 am]

[Docket No. 74–NW–7–AD; Amdt. 39–1838]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707–100, –100B and –200 Series Airplanes

There have been cracks in the upper wing splice at wing station 360 on Boeing Model 707 series airplanes. One crack was as long as 67 inches. These cracks impair the structural integrity of the wing and could lead to structural failure. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and repair, as necessary, of the upper wing splice at wing station 360.

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

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

Boeing: Applies to Boeing Model 707–100 series, –100B series and –200 series airplanes certificated in all categories.

Compliance required as indicated. To detect cracks in the upper wing splice plate and upper rib cap at wing station 360, accomplish the following:

Unless X-Ray inspected within the last 300 flights, X-Ray inspect the upper wing surface splice plate and rib cap at wing station 360 within the next 25 flights after the effective date of this AD, on airplanes with more than 24,000 flights, or within the next 50 flights after the effective date of this AD, on airplanes with more than 17,000 flights in accordance with instructions in Boeing Alert Service Bulletin No. 3160 dated April 19, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region. If cracks are found, repair, as necessary, prior to further flight in accordance with instructions approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

The Manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, Boeing Field, Seattle, Washington.

This amendment becomes effective on May 10, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on May 2, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in this document were approved by the Director of the Federal Register.

[FR Doc.74-10780 Filed 5-9-74;8:45 am]

[Docket No. 74-NW-8-AD; Amdt. 39-1836]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

There has been a failure of the horizontal stabilizer hinge pin assembly on a Boeing 727 airplane. Loss of this pin assembly allows free play of the horizontal stabilizer which can cause airplane porpoising and if allowed to progress could lead to structural damage of the horizontal stabilizer rear spar.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection for integrity and installation of threaded retention rods on all Boeing Model 727 series airplanes.

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

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

BOEING: Applies to all model 727 series airplanes certificated in all categories. Compliance required as indicated.

(A) Unless already accomplished on airplanes which have been delivered after September 30, 1973, or which have had new horizontal stabilizer hinge pins, P/N 69-14410, installed since that time, conduct the inspection and modification of paragraph (C) below, within the next 15 days after the effective date of this AD.

(B) Unless already accomplished on all other airplanes, conduct the inspection and modification of paragraph (C) below, within the next 6 months after the effective date of this AD.

(C) Inspect the horizontal stabilizer hinge pins for integrity, replace as necessary, and install threaded retention rods, P/N 69-67076, or equivalent, in accordance with Boeing Alert Service Bulletin 727-55-59, or FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The Manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents may obtain copies upon request to The Boeing Company, P.O. Box 3707, Seattle, Washington 98124. These documents may also be examined at FAA Northwest Region, Boeing Field, Seattle, Washington.

This amendment becomes effective on May 10, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on May 2, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in this document were approved by the Director of the FEDERAL REGISTER.

[FR Doc.74-10781 Filed 5-9-74;8:45 am]

[Docket No. 74-GL-4; Amdt. 39-1839]

PART 39—AIRWORTHINESS DIRECTIVES

Detroit Diesel Allison Models A6441FN-606 and 606A Propellers

Pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89), an airworthiness directive was adopted on April 11, 1974, and made effective immediately as to all known United States operators of Detroit Diesel Allison Aeroproducts Model A6441FN-606 and -606A propellers. The directive requires that propellers be completely stripped, inspected for corrosion and replated per Detroit Diesel Allison Overhaul Manual 1AC3 at 36 months from the initial installation on an aircraft following the time they were last stripped, inspected for corrosion and replated. For propellers which had not been stripped, inspected for corrosion and replated within the last 27 to 55 months specific times and/or dates were established by which this work was to be accomplished. In the case of new blades and hubs, the directive provided that they could remain in service for 40 months after initial installation on an aircraft before the required work must be accomplished. The directive further required that after the accomplishment of the stripping, inspection for corrosion and replating as described, all blades and hubs must be stripped, inspected for corrosion and replated per Detroit Diesel Allison Overhaul Manual 1AC3 at intervals of not to exceed 36 months.

A review of the airworthiness directive issued April 11, 1974, indicated that a typographical error occurred in the setting forth of the various time periods in the schedule. Also, it has been determined that in the case of new hubs or propellers, provision had not been made for such hubs or propellers in operation for 31 months or more, since initial installation on an aircraft, which was commensurate with that given to other hubs and propellers. Further, it has been determined that the stripping, inspection for corrosion and replating can be accomplished in accordance with Detroit Diesel Allison Overhaul Manual 1AC3 or an equivalent approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Great Lakes Region.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately for all known U.S. Operators of Detroit Diesel Allison Aeroproducts Model A6441FN-606 and -606A propellers by individual telegrams dated April 11, 1974. These conditions still exist and the airworthiness directive, amended as noted above, 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 for all persons.

DETROIT DIESEL ALLISON AEROPRODUCTS: Applies to Detroit Diesel Allison Aeroproducts Model A6441FN-606 and -606A propellers.

Compliance required as indicated, unless already accomplished:

(a) For propeller blades and hubs, installed on an aircraft prior to the effective date of this Airworthiness Directive, that have been stripped, inspected for corrosion, and replated per Detroit Diesel Allison Overhaul Manual 1AC3 or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Great Lakes Region, within the preceding 27 months prior to the effective date of this AD, remove from service before 36 months since date of initial installation on an aircraft following stripping, inspecting for corrosion and replating.

(b) For propeller blades and hubs, installed on an aircraft prior to the effective date of this AD, that have been stripped, inspected for corrosion and replated per Detroit Diesel Overhaul Manual 1AC3 or equivalent, but this work has not been accomplished within the preceding 27 months prior to the effective date of this AD, remove from service in accordance with the following schedule:

On the effective date of this AD, the number of months since the date of initial installation on an aircraft after being stripped, inspected for corrosion, and replated as described above:

	Remove from service by—
Over 55 mo	25 flight hours after effective date of this AD.
55 mo	May 11, 1974.
53 to 54 mo	June 11, 1974.
48 to 52 mo	July 11, 1974.
42 to 47 mo	Oct. 11, 1974.
27 to 41 mo	Jan. 11, 1975.

(c) New propeller blades and hubs may continue in service 40 months since initial installation on aircraft. However, those in service, at the effective date of this AD, more than 31 months since initial installation on aircraft shall be removed from service at or before the time or dates specified in the schedule under paragraph (b).

(d) Propeller blades and hubs removed from service pursuant to paragraphs (a), (b), or (c), stripped, inspected for corrosion and replated as set forth above, and installed on an aircraft shall thereafter be removed from service, stripped, inspected for corrosion, and replated as described above at intervals not to exceed 36 months.

(e) Propeller blades and hubs initially installed on an aircraft on or after the effective date of this AD shall be stripped, in-

spected for corrosion and replated, as described above, at intervals no greater than 36 months from date of initial installation; provided, however, that new propeller blades and hubs may continue in service for 40 months since initial installation.

(f) Extensions of compliance times or date may be obtained from the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Great Lakes Region, upon submission of acceptable substantiating data to support the extension.

This amendment is effective May 17, 1974, and was effective April 11, 1974, for all recipients of the telegram dated April 11, 1974, which contained this amendment.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423 and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c))).

Issued in Des Plaines, Illinois on May 3, 1974.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.74-10782 Filed 5-9-74;8:45 am]

[Docket No. 74-GL-3; Amdt. 39-1840]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Models CF6-6D, 6D1, 6H; and CF6-50A, 50C, 50E, and 50H Turbofan Engines

There have been uncontained failures of the rotor in the starter on CF6 Engines in DC-10 Aircraft that could result in injury to personnel or damage to the aircraft. Since this condition is likely to exist or develop in other engines of the same type, an Airworthiness Directive is being issued to require modification of the starter as well as periodic inspection and maintenance.

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

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

GENERAL ELECTRIC: Applies to Models CF6-6D, 6D1, 6H; and CF6-50A, 50C, 50D, 50E, and 50H Turbofan Engines.

Compliance required as indicated.

To prevent possible explosive disintegration of the AiResearch P/N 384022 pneumatic starter accomplish the following:

(a) Within the next 75 hours' time in service after the effective date of this Airworthiness Directive, unless already accomplished, and every 150 hours thereafter, inspect the starter magnetic plug and service as necessary in accordance with the instructions of section 80-13 of the CF6 Maintenance Manual.

(b) Within the next 300 hours' time in service after the effective date of this Airworthiness Directive, unless already accomplished, and every 600 hours thereafter, change the starter oil in accordance with the instructions of section 80-13 of the CF6 Maintenance Manual.

(c) Before December 31, 1974, unless already accomplished, modify the starter to incorporate the improvements specified in General Electric Service Bulletins (CF6-6) 80-2, or (CF6-50) 80-1, or in subsequent FAA approved revisions.

(d) Upon submission of substantiating data through an FAA Principal Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA Great Lakes Region, may adjust the repetitive inspection times specified in paragraphs (a) and (b).

This amendment becomes effective May 17, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued at Des Plaines, Illinois, on May 3, 1974.

VAN H. GLASS,
Acting Director,
Great Lakes Region.

[FR Doc.74-10783 Filed 5-9-74;8:45 am]

[Docket No. 13695; Amdt. 39-1844]

PART 39—AIRWORTHINESS DIRECTIVES

Mitsubishi Model MU-2B Airplanes

Pursuant to the authority delegated to me by the Administrator an airworthiness directive (AD) was adopted on April 19, 1974, and made effective immediately upon receipt of the airmail letter AD as to all known United States operators of Mitsubishi Heavy Industries, Ltd., Model MU-2B and MU -2B-10, -15, -20, -25, -30, and -35 airplanes because of the report of an inflight failure and separation of a front windshield outer pane on a Mitsubishi Model MU-2B-35 airplane. The AD requires inspections of the front windshield prior to each takeoff and the replacement of front windshields and the correction of malfunctioning air conditioning systems if found necessary.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. operators of Mitsubishi Model MU-2B and MU-2B -10, -15, -20, -25, -30, and -35 airplanes by airmail letter dated April 19, 1974. These conditions still exist and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), the AD 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.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

MITSUBISHI HEAVY INDUSTRIES LIMITED: Applies to Mitsubishi Models MU-2B, MU-2-B10, MU-2B-15, MU-2B-20, MU-2B-25, MU-2B-30, and MU-2B-35 airplanes.

Compliance is required as indicated.

To detect cracks and optical distortion in the front windshield outer panes that could result from the discharge of unusually hot defogging air caused by an air conditioning system failure, accomplish the following:

(a) Before further flight and thereafter prior to each takeoff, from outside the aircraft, visually inspect the outer lower edge of the left hand and right hand front windshield outer panes for cracks and small oval shaped optical distortions. The inspections required by this paragraph constitute preventive maintenance and may be performed by those persons authorized to perform preventive maintenance under FAR 43.

NOTE.—Distortions generally appear at the same intervals as those of the defogging air outlet holes, approximately 0.5 inches apart, and in an area approximately 0.8 inches above the top of the outside bottom windshield retainer edge. Particular attention should be given to these areas during the inspections required by paragraph (a).

(b) If cracks or small oval shaped optical distortions are found during an inspection required by paragraph (a), before further flight, accomplish the following and continue to inspect in accordance with paragraph (a) of this AD:

(1) Replace the windshield outer pane in which a crack or optical distortion is found in accordance with the performance rules of FAR 43.13.

NOTE.—Mitsubishi replacement windshield part numbers are as follows: Aircraft with electrically heated windshields incorporated in accordance with Mitsubishi Service Recommendation No. 014—Windshield part numbers 010A-931026-11 and -12. Other aircraft—Serial numbers 4 through and including 7—Windshield part numbers 010A-31026-1 and -2; Serial numbers 8 and up—Windshield part numbers 010A-31450-1 and -2.

(2) Correct the malfunctioning of the air conditioning system in accordance with the performance rules of FAR 43.13.

(c) Notwithstanding the compliance time for repair specified in paragraph (b) of this AD, the aircraft may be flown in accordance with FAR 21.197 to a base where the repair can be performed; provided that, the aircraft is not pressurized.

NOTE.—Mitsubishi Heavy Industries Limited MU-2 Service Bulletin No. 163, dated March 4, 1974, pertains to this subject. Mitsubishi Maintenance Manuals for the Model MU-2B and MU-2B-10, -15, -20, -25, -30, and -35 airplanes contain information relating to the replacement of windshield panes and the trouble shooting of cabin air conditioning systems.

This amendment is effective May 10, 1974, as to all persons except those persons to whom it was made effective upon receipt of the airmail letter dated April 19, 1974, that contained this amendment.

Issued in Washington, D.C., on May 3, 1974.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.74-10785 Filed 5-9-74;8:45 am]

[Docket No. 74-NE-22; Amdt. 39-1835]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT8D Aircraft Engines

There have been reported instances of intermixing of different type material second, third and fourth stage turbine nozzle guide vanes during the overhaul of certain Pratt & Whitney JT8D aircraft engines. This different vane material has not been approved for installation on these engines and may result in rearward movement of the vane assembly with subsequent contact with the rotor blade and disc assembly. Since this condition is likely to exist or develop in all the engines which have been exposed to this intermix of different vane materials, an Airworthiness Directive is being issued to require removal of these non-approved vanes. In this connection, the agency has determined that the potential rearward movement is of such a nature as to permit continued operation of the JT8D-9 and -9A engines for 800 hours without affecting the airworthiness of the engine. Also, the agency has concluded that these engines may be safely operated for an additional 6000 hours providing that a specified clearance exists between the vanes and the rotor assembly. Therefore, the AD requires a one time radioisotope inspection of the JT8D-9 and -9A engines within 800 hours to determine the amount of existing clearance between the vane and the rotor assembly. If the clearance is found to be less than the minimum, the AD requires the removal of the non-approved vanes prior to the accumulation of 25 hours time in service after the inspection. If the clearance is determined to be equal to or more than the minimum, the AD will require replacement of non-approved vanes prior to the accumulation of 6000 hours time in service after the effective date of the AD. Finally, the agency has determined that, due to their different operating characteristics, the JT8D-7 and -7A engines may be safely operated for an additional 6000 hours. Accordingly, as to those engines, the AD requires that the non-approved vanes be removed prior to 6000 hours time in service after the effective date of the AD.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PRATT & WHITNEY AIRCRAFT. Applies to Pratt & Whitney Aircraft JT8D-7, -7A, -9 and -9A turbofan engine models with the following serial numbers:

Group I JT8D-9 and -9A engines affected

665152 665158 665161 665165 665169 665170
665179 665180 665181 665194 665197 665201
665202 665207 665208 665213 665215 665216
665218 665219 665220 665221 665231 665244
665245 665246 665252 665254 665258 665279
665282 665283 665285 665288 665289 665303
665304 665311 665312 665315 665317 665318
665321 665324 665328 665329 665331 665334
665335 665336 665338 665340 665345 665347
665358 665364 665370 665371 665372 665375
665380 665381 665384 665386 665388 665389
665390 665392 665393 665402 665404 665406
665408 665410 665413 665416 665417 665418
665421 665424 665429 665430 665434 665435
665436 665437 665438 665440 665441 665442
665443 665447 665448 665455 665459 665463
665467 665468 665472 665480 665481 665489
665491 665494 665519 665520 665521 665528
665529 665530 665531 665532 665533 665536
665537 665538 665547 665548 665549 665550
665551 665552 665558 665559 665560 665561
665562 665563 665629 665630 665631 665634
665636 665637 665658 665659 665660 665661
665662 665663 665664 665665 665666 665667
665668 665669 665681 665682 665683 665703
665704 666789 666803 666807 666810 666838
666882 666884 666892 666901 666913 674162
674399 674401 674250 674262 674266 674299
674314 674318 674325 674329 674333 674335
674341 674354 674355 674359 674361 674373
674374 674375 674376 674379 674380 674381
674384 674390 674391 674400 674404 674409
674422 674431 674482 674487 674488 674489

Group II JT8D-7 and -7A engines affected

649110 649149 649160 649163 649201 649208
649216 649226 649238 649248 649273 649279
649301 649356 649477 649494 649518 649528
649529 649541 649648 653327 653328 653348
653381 653443 653451 653455 653523 653577
653604 653660 653690 653713 653734 653748
653813 653828 653843 653863 653922 653959
654012 654041 654044 654102 654145 654153
654311 654353 654357 654378 654406 654439
654451 654468 654479 654483 654487 654496
654512 654560 654563 654568 654571 654579
654582 654586 654595 654597 654601 654605
654608 654625 654642 654653 654666 654669
654679 654704 654705 654721 654724 654756
654757 654771 654793 654800 654803 654804
654807 654818 654819 654830 654842 654848
654857 654865 654874 654890 654891 654894
654895 654902 654912 654915 654927 654928
654929 654939 654941 654947 654952 654954
654955 654976 654985 654987 654997 655013
655020 655021 655048 655050 655060 655073
655259 656938 656940 656946 656961 656983
657058 657093 657098 657432

Compliance required as indicated unless previously accomplished. To preclude interference between the second, third, and fourth stage turbine stators and their respective turbine rotors, as a result of a possible mixing of different material stators, accomplish the following:

For Group I engines, prior to the accumulation of 800 hours time in service after the effective date of this AD, determine the axial clearance between the second and third stage turbine stators and their respective turbine rotors in accordance with Trans World Airlines NDT Procedures Manual, Part 3, Gamma Ray Inspection No. 201E—JT8D-9 Turbine Stators Second and Third Stage, dated April 24, 1974, or later FAA approved revision, or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region. If the axial clearance is below the specified limit in the above procedures manual, remove the engine prior to the accumulation of 25 hours time in service since inspection and replace all second, third, and fourth stage stator vanes not approved for that engine model. If the axial clearance is greater than the specified limit in the above procedures manual, prior to the accumulation of 6,000 hours after the effective date of this AD, inspect for and replace all second, third, and fourth stage stator vanes not approved for that engine model.

For Group II engines, prior to the accumulation of 6,000 hours time in service after the effective date of this AD, inspect for and replace all second stage stator vanes not approved for the engine model.

Trans World Airlines' inspection procedure identified and described in this directive is incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received this document from Trans World Airlines may obtain copies upon request from Trans World Airlines, Kansas City International Airport, P.O. Box 20126, Kansas City, Missouri. These documents may also be examined at the Office of the Regional Counsel, New England Region, FAA, 12 New England Executive Park, Burlington, Massachusetts 01803 and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C., and at the New England Regional Office in Burlington, Massachusetts.

Upon submission of substantiating data through an FAA Maintenance Inspector by an owner or operator, the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the compliance time.

This amendment becomes effective May 21, 1974.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts on May 1, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

NOTE.—The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.74-10784 Filed 5-9-74;8:45 am]

[Airspace Docket No. 74-SO-27]

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

Alteration of Transition Area

On March 20, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 10438), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Cherry Point, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Cherry Point, N.C., transition area is amended as follows:

"* * * longitude 76°53'00" W.); * * *" is deleted and "* * * longitude 76°53'00" W.); within a 6-mile radius of Beaufort-Morehead City Airport, Beaufort, N.C. (latitude 34°44'00" N., longitude 76°39'45" W.); within 3 miles each side of the 132° bearing from Marine Cherry Point RBN, extending

from the 6-mile radius area to the 8.5-mile radius area * * * " is substituted therefor.

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

Issued in East Point, Ga., on May 1, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.74-10786 Filed 5-9-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-847; ER Amdt. No. 7]

PART 217—REPORTING DATA PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS

Amendment to Filing Time Requirements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

By notice of proposed rule making EDR-257, dated November 12, 1973,[1] the Board proposed certain amendments to Parts 217, 239, 242, 243 and 298 of its Economic Regulations (14 CFR Parts 217, 239, 242, 243 and 298), which would: (1) require that certain reports due under these parts be received, rather than postmarked, by a specified due date; (2) prescribe a list of due dates for such filings; (3) require that requests for extensions of time for such filings be received not later than three (3) days prior to the due date; and (4) clarify the applicability of Part 239 to foreign carriers.

Comments in response to the notice were submitted by Air Zaire, Lufthansa German Airlines (Lufthansa), Pan American World Airways, Inc. (Pan Am) and Philippine Air Lines (Philippine).

Upon consideration of the comments, the Board has decided to adopt the amendments with modifications hereinafter discussed. Except to the extent modified herein, the tentative findings set forth in the Explanatory Statement of EDR-257 are incorporated herein and made final.

In EDR-257, the Board observed that the adoption of these amendments would make the reporting requirements of the Parts consistent with those in Part 241, one of the Board's primary information systems. We also pointed out that the reasons for proposing and adopting the reporting changes in EDR-257 were essentially the same as those underlying our proposal and adoption of the changes in Part 241, as set forth in EDR-227 and ER-773, respectively.

The comments of Lufthansa, Pan Am and Philippine were in opposition to the portion of the proposed rule which would eliminate references to postmarks and require instead that reports be received by the Board on or before a particular date. Lufthansa and Philippine contend that as foreign air carriers such a change would impose a particular hardship because of the geographic location of the data needed to prepare the reports. Pan Am's position is that it is difficult to insure that documents forwarded to the Board through the U.S. Postal Service will arrive at or before any specified time or date.

The Board has not found the arguments in opposition to the proposed specific due dates to be persuasive. Public policy requires that information, in order to serve the purpose for which it is collected and compiled, must be available to users as soon as practicable after the date or period to which it relates. In this regard, the Office of Management and Budget (OMB) in Circular No. A-91 (revised) dated April 26, 1972, stated that the shortest possible interval should exist between the date or period to which data refer and the date when compilation is completed, and the prompt public release of the figures should be made after compilation. In that circular, OMB also stated that the prompt release of official statistics on a regular schedule is of vital importance to the proper management of both private and public affairs.

The present irregularity in receipt of submittals from the carriers causes the Board's staff considerable administrative difficulty both in enforcing timely reporting by the carriers and in scheduling the coding, keypunching, editing, and processing of reported data. Too often, information disseminated by the Board, for which there is considerable demand, has been delayed by the irregular receipt of carrier reports. Carrier group and industry summaries of information cannot be computed until essentially all data is received by the Board.

Enforcement of timely reporting is thus imperative, because late reports from a few carriers can cause delay and sporadic availability of carrier data for staff analysis and reporting to the Board, evaluations of carrier financial fitness, compilations for Board publications, dissemination to other Government agencies, and for meeting commitments to international air transportation bodies.

It has been our experience that enforcement of timely reporting is significantly hampered when due date requirements are permitted to be determined by reference to postmarks, since the use of postage meters by many carriers makes it exceedingly difficult to ascertain whether overdue filings are attributable to delays in mail delivery or to late mailings by the carriers. The prescription of specific due dates for receipt of reports therefore provides a sounder basis for the enforcement of reporting requirements, as demonstrated by the improvement in the promptness with which we have been receiving reports filed under Parts 239 and 241, since those parts were amended to prescribe the due dates for our receipt rather than for postmarks.

As stated in the notice of proposed rule making, the Board is aware that the time allowed for filing may be lessened by the change from postmark to receipt filings. However, it should be noted that this regulation does not purport to, and is not intended to, restrict carriers to a specific means of delivery, such as the U.S. Postal Service. It should also be pointed out that, as we observed in EDR-257, this regulation does not represent a novel approach to the problem of on-time reporting, as it has long been our practice to require that documents presented in proceedings before the Board be actually received on the date set for their filing, without regard to the mode of delivery.

Air Zaire objects to the amendment which would require foreign air carriers to file reports on nonexistent operations, *i.e.*, foreign air carriers which do not exercise their rights under section 402 of the Federal Aviation Act. The carrier contends that the proposed rule would place a continuing burden on foreign carriers, such as Air Zaire, which are not operating to the United States. Under the subject amendment to Part 239, foreign air carriers which do not exercise their rights to serve the United States are required to file only a schedule appropriately noting such fact, so that the reporting burden is quite minimal. Since the alleged burden on the reporting carriers is clearly outweighed by our regulatory need to know which foreign air carriers are not exercising their permit authority, we have determined to make this proposed rule final.

This rule is being made effective June 30, 1974, so that it will be applicable to reports due August 10, 1974, for the quarter ended June 30, 1974. This should provide adequate lead time for achieving compliance with the rule, given the length of time between its date of publication and the prescribed due date for the quarterly report.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 217 of the Economic Regulations (14 CFR Part 217), effective June 30, 1974, as follows:

1. Amend paragraph (b) of § 217.3 to read as follows:

§ 217.3 Report of civil aircraft charters performed by foreign air carriers.

* * * * *

(b) Three copies of CAB Form 217[10] shall be filed for the quarters ending March 31, June 30, September 30, and December 31 of each calendar year. These reports shall be submitted to the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428, so as to be received on or before the due dates indicated below:

SCHEDULE OF DUE DATES

Filing for quarter ended	*Due date*
Mar. 31	May 10
June 30	Aug. 10
Sept. 30	Nov. 10
Dec. 31	Feb. 10

[1] Docket 26092, 38 FR 31842, November 19, 1973.

[10] CAB Form 217 may be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

2. Revise § 217.4 to read as follows:

§ 217.4 Extension of filing time.

If circumstances prevent the filing of a report on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the air carrier of the action taken, such a request must be delivered to the Board in writing at least three (3) days in advance of the due date, setting forth good and sufficient reason to justify the granting of the extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not in writing and received by the Civil Aeronautics Board at least three (3) days before the prescribed due date. If a request is denied, the foreign air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

(Secs. 204(a) and 402, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; (49 U.S.C. 1324, 1372))

Effective: June 30, 1974.

Adopted: April 16, 1974.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.74-10717 Filed 5-9-74;8:45 am]

[Reg. ER-848; ER Amdt. No. 4]

PART 239—REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Requirements for Requesting Extensions of Filing Time, Due Dates of Reports, and Clarification of Foreign Carriers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

By notice of proposed rule making EDR-257, dated November 12, 1973,[1] the Board proposed, *inter alia*, certain amendments to Part 239. For the reasons set forth in ER-847 (Part 217), published contemporaneously herewith, the Board hereby amends Part 239 of the Economic Regulations (14 CFR Part 239).

This rule is being made effective June 30, 1974, so that it will be applicable to reports due August 10, 1974, for the quarter ended June 30, 1974. This should provide adequate lead time for achieving compliance with the rule, given the length of time between its date of publication and the prescribed due date for the quarterly report.

In consideration of the foregoing, the Civil Aeronautices Board hereby amends Part 239 of the Economic Regulations (14 CFR Part 239), effective June 30, 1974, as follows:

1. Amend paragraphs (a), (b), and (d) of § 239.2, and delete and reserve paragraph (e) thereof, the section, as amended, to read in part, as follows:

§ 239.2 Applicability of part and CAB Form 239 filing requirements.

(a) This part applies to all certificated route carriers and certificated supplemental air carriers, commuter air carriers under Part 298 of the Board's Economic Regulations (14 CFR Part 298), air freight forwarders and international air freight forwarders under Parts 296 and 297 of the Board's Economic Regulations, respectively (14 CFR Parts 296, 297), and foreign route air carriers authorized to engage in scheduled air services.

(b) Two copies of each schedule in the CAB Form 239[2] report entitled "Report of Freight Loss and Damage Claims," shall be filed with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428, in accordance with the following list, entitled "List of Schedules in CAB Form 239 Report," so as to be received on or before the due date specified in that list.

[2] CAB Form 239 may be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

List of schedules in CAB Form 239 report

Schedule No.	Schedule title	Filing frequency	Due dates
	Certification	Quarterly	May 10, Aug. 10, Nov. 10, Feb. 10.
A	Report of Freight Loss and Damage Claims Paid	do	Do.
B	Analysis of Shortage	do	Do.
C	Analysis of Claims Processed	do	Do.
D	Summary of Freight Loss and Damage Claims Paid	Annually	Feb. 10.

Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

* * * * *

(d) Schedules B and D shall be filed by all certificated route air carriers, certificated supplemental air carriers, commuter air carriers, air freight forwarders and international air freight forwarders and foreign route air carriers.[3]

(e) [Reserved]

* * * * *

2. Redesignate footnote "33" to paragraph (d) of § 239.2 as footnote "2" and amend its text to read as follows:

3. Revise § 239.3 to read as follows:

§ 239.3 Extension of filing time.

If circumstances prevent the filing of a report on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the air carrier of the action taken, such a request must be delivered to the Board in writing at least three (3) days in advance of the due date, setting forth good and sufficient reason to justify the granting of the extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not in writing and received by the Civil Aeronautics Board at least three (3) days before the prescribed due date. If the request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

4. Revise § 239.4 to read as follows:

[3] Only foreign route air carriers authorized to serve the United States are required to file Schedules B and D of CAB Form 239. Data called for in such reports shall relate only to freight traffic from and/or to the United States and claims relating thereto.

§ 239.4 Certification.

The certificate of the officer in charge of the carrier's accounts, executed in duplicate, shall accompany each Form 239 filed with the Board. The certificate is the cover sheet of Form 239 and applise to all schedules and documents filed therewith.

(Secs. 204(a), 402 and 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757, 766; (49 U.S.C. 1324, 1372 and 1377))

Effective: June 30, 1974.

Adopted: April 16, 1974.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.74-10718 Filed 5-9-74;8:45 am]

[Reg. ER-849; ER Amdt. No. 5]

PART 242—REPORTING RESULTS OF SCHEDULED ALL-CARGO SERVICES

Requirements for Requesting Extensions of Filing Time and Due Dates of Reports

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

By notice of proposed rule making EDR-257, dated November 12, 1973,[1] the Board proposed, *inter alia*, certain amendments to Part 242. For the reasons set forth in ER-847 (Part 217), published contemporaneously herewith, the Board hereby amends Part 242 of the Economic Regulations (14 CFR Part 242), effective June 30, 1974, as follows:

1. Amend the table of contents so that the table, in pertinent part, reads as follows:

* * * * *

242.1 Applicability.
242.2 CAB Form 242—Report of Scheduled All-Cargo Services; filing requirements.
242.3 Extension of filing time.

[1] Docket 26092, 38 FR 31842, November 19, 1973.

* * * * *

2. Revise § 242.2 to read as follows:

§ 242.2 CAB Form 242—Report of Scheduled All-Cargo Services; filing requirements.

(a) Two copies of each schedule in CAB Form 242 report [2] entitled "Report of Scheduled All-Cargo Services," shall be filed with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428, in accordance with the following list, entitled "List of Schedules in CAB Form 242 Report," so as to be received on or before the due date specified in that list.

(b) List of Schedules in CAB Form 242 Report.

[2] CAB Form 242 may be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

Schedule No.	Schedule title	Filing frequency	Due dates
	Certification	Semi-annually	August 15 and April 5.
B	Invested Capital-Scheduled All-Cargo Services	do	Do.
P	Operating Statement-Scheduled All-Cargo Services	do	Do.
T	Aircraft Statistics-Scheduled All-Cargo Services	do	Do.
	Statement of Allocation Procedures	Initially and upon revision.	With other schedules when required.

Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

3. Revise § 242.3 to read as follows:

§ 242.3 Extension of filing time.

If circumstances prevent the filing of a report on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the air carrier of the action taken, such a request must be delivered to the Board in writing at least three (3) days in advance of the due date, setting forth good and sufficient reason to justify the granting of the extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not in writing and received by the Civil Aeronautics Board at least three (3) days before the prescribed due date. If the request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

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

Effective: June 30, 1974.

Adopted: April 16, 1974.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.74-10719 Filed 5-9-74;8:45 am]

[Reg. ER-850; ER Amdt. No. 2]

PART 243—REPORT OF CHARTER SERVICES PERFORMED FOR THE MILITARY AIRLIFT COMMAND

Requirements for Requesting Extensions of Filing Time and Due Dates of Reports

Adopted by the Civil Aeronautics Board at its office in Washington, D.C.

By notice of proposed rule making EDR-257, dated November 12, 1973,[1] the Board proposed, *inter alia*, certain amendments to Part 243. For the reasons set forth in ER-847 (Part 217), published contemporaneously herewith, the Board hereby amends Part 243 of the Economic Regulations (14 CFR Part 243).

This rule is being made effective June 30, 1974, so that it will be applicable to reports due August 10, 1974, for the quarter ended June 30, 1974. This should provide adequate lead time for achieving compliance with the rule, given the length of time between its date of publication and the prescribed due date for the quarterly report.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 243 of the Economic Regulations (14 CFR Part 243), effective June 30, 1974, as follows:

1. Revise § 243.2 to read as follows:

§ 243.2 Applicability and CAB Form 243 filing requirements.

(a) This part applies only to certificated air carriers performing Category B, Logair, or Quicktrans charter services under fiscal year contracts with the Military Airlift Command. Scheduled carriers operating full planeload Category X charters may include the results of such operations with Category B charters: *Provided*, That all Category X data are included—i.e., revenues, expenses, and traffic statistics: *And provided further*, That no data for "quasi-Category X" scheduled services are included.

(b) Three copies of each schedule in the CAB form 243 [2] report, entitled "Report of Charter Services Performed for the Military Airlift Command," shall be filed with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428, in accordance with the following list, entitled "List of Schedules in CAB Form 243 Report," so as to be received on or before the due date specified in that list.

(c) List of Schedules in CAB Form 243 Report.

[1] Docket 26092, 38 FR 31842, November 19, 1973.

[2] CAB Form 243 may be obtained from the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

Schedule No.	Schedule title	Filing frequency	Due dates
	Certification	Quarterly	June 1, Sept. 1, Dec. 1, March 30.
D-1	Summary of Invested Capital—MAC Charter Contracts.	do	Do.
D-2	Summary of Financial Results of Operations—MAC Charter Contracts.	do	Do.
D-3	Summary of Operating Statistics and Aircraft Utilization—MAC Charter Contracts.	do	May 10, Aug. 10, Nov. 10, Feb. 10.
D-4	Statement of Allocation Procedures—MAC Charter Contracts.	Initially and upon revision.	May 10, Aug. 10, Nov. 10, Feb. 10 when required.
D-4a	Certification of Previously Filed Allocation Procedures—MAC Charter Contracts.	Annually	Aug. 10 (not required if D-4 is filed).

Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

2. Revise § 243.3 to read as follows:

§ 243.3 Extension of filing time.

If circumstances prevent the filing of a report on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the air carrier of the action taken, such a request must be delivered to the Board in writing at least three (3) days in advance of the due date, setting forth good and sufficient reason to justify the granting of the extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not in writing and received by the Civil Aeronautics Board at least three (3) days before the prescribed due date. If the request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

3. Revise § 243.5 to read as follows:

§ 243.5 Certification.

The certificate of the officer in charge of the carrier's accounts, executed in triplicate, shall be filed quarterly with the Board. This certificate is the cover sheet of Form 243 and applies to all schedules and documents filed therewith and those that have been submitted previously as parts of this report for each quarter.

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

Effective: June 30, 1974.

Adopted: April 16, 1974.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.74-10720 Filed 5-9-74;8:45 am]

[Reg. ER-851; ER Amdt. No. 23]

PART 298—CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Requirements for Requesting Extension of Filing Time and Due Dates of Reports

By Notice of proposed rule making EDR-257, dated November 12, 1973,[1] the Board proposed, *inter alia*, certain amendments to Part 298. For the reasons set forth in ER-847 (Part 217), published contemporaneously herewith, the Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298).

This rule is being made effective June 30, 1974, so that it will be applicable to reports due August 10, 1974, for the quarter ended June 30, 1974. This should provide adequate lead time for achieving compliance with the rule, given the length of time between its date of publication and the prescribed due date for the quarterly report.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 298 of the Economic Regulations (14 CFR Part 298), effective June 30, 1974, as follows:

1. Amend § 298.60 by revising paragraph (b) and adding a new paragraph (c), to read as follows:

§ 298.60 Report of scheduled air taxi operations.

* * * * *

(b) Three copies of each schedule in the CAB Form 298-C report entitled "Report of Scheduled Operations of Commuter Air Carriers," shall be filed with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428, in accordance with the following list, entitled "List of Schedules in CAB Form 298-C Report," so as to be received on or before the due date specified in that list.

(c) List of Schedules in CAB Form 298-C Report.

[1] Docket 26092, 38 FR 31842, November 19, 1973.

Schedule No.	Schedule title	Filing frequency	Due dates
	Certification	Quarterly	May 10, Aug. 10, Nov. 10, Feb. 10.
A-1	Report of Aircraft Operated	do	Do.
T-1	Report of On-Line Origin and Destination of Traffic	do	Do.
T-2	Report of Flights Operated	do	Do.

Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

2. Revise § 298.61 to read as follows:

§ 298.61 Filing of flight schedules—current schedules and subsequent modifications.

Each commuter air carrier shall file with the Director, Office of Facilities and Operations, Civil Aeronautics Board, Washington, D.C. 20428, to be received within thirty (30) days after commencing operations, a copy of its most recent published flight schedules, along with a statement of rates and fares charged for transportation on scheduled flights. Thereafter, if any modification in such schedules or statement of rates or fares is made, a copy of such modifications shall be filed, to be received by the Board not later than ten (10) days after the modification becomes effective.

3. Revise § 298.62 to read as follows:

§ 298.62 Extension of filing time.

If circumstances prevent the filing of a report on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the air carrier of the action taken, such a request must be delivered to the Board in writing at least three (3) days in advance of the due date, setting forth good and sufficient reason to justify the granting of the extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not in writing and received by the Civil Aeronautics Board at least three (3) days before the prescribed due date. If the request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

4. Revise § 298.63 to read as follows:

§ 298.63 Certification.

The certificate of the officer in charge of the carrier's accounts, executed in triplicate, shall be filed quarterly with the Board. This certificate is the cover sheet of Form 298–C and applies to all schedules and documents filed therewith.

(Secs. 204 and 416, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771 (49 U.S.C. 1324, 1386))

Effective: June 30, 1974.

Adopted: April 16, 1974.

By the Civil Aeronautics Board:

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.74–10721 Filed 5–9–74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. 5, further amended]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians

AMOUNT OF PAYMENTS WHERE CUSTOMARY CHARGES FOR SERVICES FURNISHED ARE LESS THAN REASONABLE COST

On September 13, 1973, there was published in the FEDERAL REGISTER (38 FR 25448) a notice of proposed rulemaking with proposed amendments to Subpart D of Regulations No. 5 (20 CFR Part 405), regarding implementation of section 233 of Pub. L. 92–603 entitled "Amount of Payments Where Customary Charges for Services Furnished are Less Than Reasonable Cost." Interested persons were given until October 15, 1973, to submit written comments or suggestions thereon. Comments and suggestions received with regard to this notice of proposed rulemaking, responses thereto, and changes in the proposed regulations are summarized below.

1. Many comments urged that the proposed regulations be revised so that the provider's health insurance reimbursable costs and health insurance charges be compared to each other on an aggregate basis—without regard to whether the related services were rendered under Part A or Part B of title XVIII of the Social Security Act. Upon reconsideration, the Department believes that it was the intent of Congress that providers be able to rationally establish charges consistent with overall provider objectives and without regard to whether Medicare reimbursement for these services resulted from Part A or Part B. This suggestion is adopted and the regulations have been revised to indicate that the comparison will be between total health insurance charges and total health insurance costs without regard to whether the services were rendered under Part A or Part B of title XVIII.

2. Comments were received indicating that providers were inhibited in taking action to raise charges by uncertainty as to their ability to do so under economic stabilization rules. Other providers indicated that they were unable to gauge the effect of these provisions on their operations due to the uncertainty as to how such terms as "customary charges," "nominal charges," and "public providers" would be defined. The law has been amended to change the effective date of these provisions to apply to cost reporting periods beginning on or after January 1, 1974, to assure that providers will not suffer undue hardship and may reasonably comply with the new rules.

3. The statute authorizes reimbursement to public providers on the basis of fair compensation if such public provider furnishes services free of charge or for a nominal charge. Section 405.455(e), as published in the notice of proposed rulemaking, defined fair compensation to be the same as reasonable cost. No comments on this point have been received and the same definition of fair compensation is now proposed. However, many comments were received about the definition of "public provider" and "nominal charges."

(a) Some commenters indicated that the definition of "public provider" should be revised to include providers, not operated by a governmental agency, which receive public support either through charitable contributions or as a subsidy from a governmental agency. The Department believes that it was the intent of Congress to utilize the ordinary meaning ascribed to "public" i.e., only those providers actually operated by a governmental agency. Therefore, this suggestion has not been adopted.

(b) Public providers whose charges are more than 50 percent of cost, but who actually collect less than 50 percent of the cost of delivering services, requested that revenues rather than charges be compared to cost to determine whether they should be exempt from the effect of section 233 of Pub. L. 92–603. As the statute is specific in extending the exception to public providers whose charges, and not revenue collections, are nominal, we are unable to adopt this suggestion.

4. Some commenters indicated they were unsure of our interpretation or application of the term "customary charges." As the proposed regulations indicate by specific reference to existing regulations, the term "customary charges" simply means the same consistent charges that providers have been recording on Medicare bills since the start of the program.

5. Other commenters indicated they were unsure of the interpretation of the term "reasonable effort to collect such charges." This term envisions that the same effort be used to collect the charges as is required for recognition of health insurance program bad debts under § 405.420(e)(2) of the regulations.

6. Various editorial changes have also been made in the interest of clarity.

The regulations are issued under the authority contained in sections 1102, 1814(b), 1833(a), 1871, 49 Stat. 647, as amended, 79 Stat. 294, as amended, 79 Stat. 302, as amended, 79 Stat. 321; 42 U.S.C. 1302, 1395f(b), 1395l(a), 1395hh.

Effective date. These amendments shall be effective for cost accounting periods beginning on or after January 1, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance, and 13.801, Health

Insurance for the Aged—Supplementary Medical Insurance)

Dated: January 10, 1974.

J. B. CALDWELL,
Commissioner of Social Security.

Approved: May 2, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Paragraph (a) of § 405.401 is revised to read as follows:

§ 405.401 Introduction.

(a) Under the health insurance program for the aged, the amount paid to any provider of services for the covered services furnished to beneficiaries is required by section 1814(b) and section 1833(a)(2) of the Social Security Act to be the reasonable cost of such services. However, with respect to cost reporting periods beginning after December 31, 1973, payments to providers of services are based on the lesser of the reasonable cost of services or the customary charges to the general public for such services.

* * * * *

2. Paragraph (a) of § 405.402 is revised to read as follows:

§ 405.402 Cost reimbursement; general.

(a) In formulating methods for making fair and equitable reimbursement for services rendered beneficiaries of the program, payment is to be made on the basis of current costs of the individual provider, rather than costs of a past period or a fixed negotiated rate. All necessary and proper expenses of an institution in the production of services, including normal standby costs, are recognized. Furthermore, the share of the total institutional cost that is borne by the program is related to the care furnished beneficiaries so that no part of their cost would need to be borne by other patients. Conversely, costs attributable to other patients of the institution are not to be borne by the program. Thus, the application of this approach, with appropriate accounting support, will result in meeting actual costs of services to beneficiaries as such costs vary from institution to institution. However, with respect to cost reporting periods beginning after December 31, 1973, payments to providers of services for services rendered health insurance program beneficiaries are based on the lesser of the reasonable cost of services or the customary charges to the general public for such services.

* * * * *

3. Paragraph (a) of § 405.451 is revised to read as follows:

§ 405.451 Cost related to patient care.

(a) *Principle.* All payments to providers of services must be based on the reasonable cost of services covered under title XVIII of the Act and related to the care of beneficiaries. Reasonable cost includes all necessary and proper costs incurred in rendering the services, subject to principles relating to specific items of revenue and cost. However, for cost reporting periods beginning after December 31, 1973, payments to providers of services are based on the lesser of the reasonable cost of services covered under title XVIII of the Act and furnished to program beneficiaries or the customary charges to the general public for such services, as provided for in § 405.455.

* * * * *

4. The following new section is added to read as follows:

§ 405.455 Amount of payments where customary charges for services furnished are less than reasonable cost.

(a) *Principle.* Providers of services will be paid the lesser of the reasonable cost of services furnished to beneficiaries or the customary charges made by the provider for the same services. Public providers of service rendering services free of charge or at a nominal charge will be paid fair compensation for services furnished to beneficiaries. This principle is applicable to services rendered by providers in cost reporting periods beginning after December 31, 1973.

(b) *Definitions.*—(1) *Customary charges.* Customary charges for services rendered to beneficiaries are the charges as defined in § 405.452(d)(4). Such charges must be recorded on all bills submitted for program reimbursement. Where the provider does not actually impose such charges in the case of most patients liable for payment for its services on a charge basis or fails to make reasonable efforts to collect such charges from patients liable for payment for its services on a charge basis, customary charges for services rendered to beneficiaries shall be the charges as defined in § 405.452(d)(4) and recorded on the bills submitted for program reimbursement reduced in proportion to the ratio of the aggregate amount actually collected from patients liable for payment for services on a charge basis to the amounts that would be realized had charges consistent with the charges as defined in § 405.452(d)(4) and recorded on the bills submitted for program reimbursement been paid by or on behalf of all patients liable for payment on a charge basis.

(2) *Reasonable cost.* For purposes of comparison with customary charges, the reasonable cost of services furnished to beneficiaries shall exclude (i) payments made to a provider as reimbursement for bad debts arising from noncollection of Medicare deductible and coinsurance amounts, (ii) amounts which represent the recovery of excess depreciation resulting from termination, or a decrease in Medicare utilization (§ 405.415(d)(3)) applicable to prior cost periods, (iii) amounts applicable to prior cost periods resulting from disposition of depreciable assets (§ 405.415(f)), and (iv) payments to funds for the donated services of teaching physicians.

(3) *Public provider.* A public provider means any provider operated by a Federal, State, county, city, or other local Government agency or instrumentality.

(4) *Nominal charges.* A public provider's charges are considered nominal where the aggregate charges are less than one-half of the reasonable cost of services or items represented by such charges.

(5) *New provider.* A new provider is an institution that has operated as the type of facility for which it is certified in the program (or the equivalent thereof) under present and previous ownership for less than 3 full years.

(c) *Aggregation of charges.* It is appropriate that, on an aggregate basis, payments to a provider for covered services rendered beneficiaries under title XVIII should not exceed the customary charges made by the provider to the general public for the same services. In comparing charges and costs, customary charges for items and services, and the reasonable cost of such items and services will be aggregated, without regard to whether the related services were reimbursable under Part A or Part B of title XVIII. The principle established is to be applied after the provider's charges and costs have been adjusted in accordance with the requirements set forth in paragraph (b)(2) of this section and in §§ 405.480–405.488, to exclude any amounts attributable to physicians' services not reimbursable to the provider on a reasonable cost basis and to exclude costs and charges with respect to noncovered provider services.

Example. The reasonable cost of covered services furnished to program beneficiaries by a provider for a cost reporting period is $125,000. The customary charges to these beneficiaries for these services totaled $110,000. The amount to be reimbursed this provider will be $110,000 less deductible and coinsurance amounts to be borne by program beneficiaries.

(d) *Accumulation of unreimbursed costs and carryover to subsequent periods.*—(1) *General.* Any provider of services whose charges are lower than costs in any cost reporting period beginning after December 31, 1973, may carry forward costs attributable to program beneficiaries which are unreimbursed under the provisions of this section for the two succeeding reporting periods. Where beneficiary charges exceed reasonable cost in such subsequent periods, such previously unreimbursed amounts carried forward shall be reimbursed to the provider to the extent that such previously unreimbursed amounts carried forward, together with costs applicable to program beneficiaries in such subsequent periods, do not exceed customary charges with respect to services to program beneficiaries in such subsequent periods. If such two succeeding cost reporting periods combined include fewer than 24 full calendar months, the provider may carry forward costs unreimbursed under this section for one additional reporting period.

Example. In the reporting period ending December 31, 1974, the provider's reimbursable costs attributable to covered services

furnished program beneficiaries were $100,000. The provider's customary charges for these services were $90,000. The provider will, therefore, be reimbursed $90,000 less any deductible and coinsurance amounts but will be permitted to carry the unreimbursed $10,000 forward for the next two succeeding reporting periods. If, in the reporting period ending December 31, 1975, the charges to beneficiaries for covered services exceeded the reimbursable reasonable costs of such services by $10,000 or more, the provider could recover the entire $10,000 previously not reimbursed. If, however, beneficiary charges exceeded costs by $8,000, this amount would be added to the provider's reimbursable costs for this period. The balance of the unreimbursed amount or $2,000 would be carried over to the next reporting period.

(2) *New provider.* A new provider of services may carry forward for five succeeding cost reporting periods costs attributable to program beneficiaries which are unreimbursed under the provisions of this section during a base period, which includes any cost reporting period which begins after December 31, 1973, and ends on or before the last day of its third year of operation. Where beneficiary charges exceed reasonable cost in the five succeeding reporting periods, such previously unreimbursed amounts carried forward shall be reimbursed to the provider to the extent that such previously unreimbursed amounts carried forward, together with costs applicable to program beneficiaries in such subsequent periods, do not exceed customary charges with respect to services to program beneficiaries in such subsequent periods. If such five succeeding cost reporting periods combined include fewer than 60 full calendar months, the provider may carry forward costs unreimbursed under this section for one additional reporting period.

Example. A provider begins its operations on March 5, 1972. However, it begins to participate in the Medicare program as of January 1, 1973, and reports on a calendar year basis. Since it would be subject to the application of the provision for its cost reporting period beginning with January 1, 1974, it would be permitted to accumulate any unreimbursed costs (excess of costs over its charges) incurred during this reporting period. Since this cost reporting period ends before the end of the third year of operation, its carryover period will be the succeeding five cost reporting periods ending with December 31, 1979. (Had this provider begun its operations on July 1, 1973, and become a participating provider as of the same date (with a fiscal year ending June 30), it would have been able to accumulate any unreimbursed costs for the two cost reporting periods ending June 30, 1975, and June 30, 1976. Its carryover period would then be the five cost reporting periods ending no later than June 30, 1981, in the case of costs unreimbursed in either of the reporting periods ending June 30, 1975, and June 30, 1976.

(e) *Public providers.*—Fair compensation to public providers rendering services free of charge or at nominal charges, as defined in paragraph (b)(4) of this section, for the services they furnish will be the reasonable costs of covered services, as defined in this subpart.

[FR Doc.74-10740 Filed 5-9-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER A—GENERAL

PART 8—COLOR ADDITIVES

Listing of Color Additives for Cosmetic Use Exempt From Certification; Disodium EDTA-Copper

The Commissioner of Food and Drugs, on the basis of a petition (CAP No. 800069), submitted by Revlon Research Center, Inc., Bronx, NY 10473, and other relevant information, finds that disodium EDTA-copper is suitable and safe for use in the coloring of cosmetics under the conditions prescribed by this order and that certification is not necessary for the protection of the public health.

Disodium EDTA-copper is currently provisionally listed in § 8.501(g) (21 CFR 8.501(g)) for use in cosmetics under the name copper versenate. There are no other color additive petitions nor progress reports, as required by the color additive regulations (21 CFR Part 8), for the use of disodium EDTA-copper (copper versenate) in cosmetics. Accordingly, copper versenate will be deleted from § 8.501(g) when this order becomes effective.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 706 (b), (c) and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c) and (d))) and under the authority delegated to the Commissioner (21 CFR 2.120), Part 8 is amended in Subpart H by adding a new § 8.8006 to read as follows:

§ 8.8006 Disodium EDTA-copper.

(a) *Identity.* The color additive disodium EDTA-copper is disodium [[*N,N'*-1,2 - ethanediylbis[*N* - (carboxymethyl) glycinato]](4-) - $N,N',O,O',O^{N},O^{N'}$]cuprate(2-).

(b) *Specifications.* Disodium EDTA-copper shall conform to the following specifications and shall be free from impurities other than those named to the extent that such impurities may be avoided by good manufacturing practice:

Total copper, not less than 13.5 percent.
Total (ethylene-dinitrilo)tetraacetic acid, not less than 62.5 percent.
Free copper, not more than 100 parts per million.
Free disodium salt of (ethylene-dinitrilo) tetraacetic acid, not more than 1.0 percent.
Moisture, not more than 15 percent.
Water insoluble matter, not more than 0.2 percent.
Lead (as Pb), not more than 20 parts per million.
Arsenic (as AS), not more than 3 parts per million.

(c) *Uses and restrictions.* Disodium EDTA-copper may be safely used in amounts consistent with good manufacturing practices in the coloring of shampoos which are cosmetics.

(d) *Labeling requirements.* The labeling of the color additive shall conform to the requirements of § 8.32.

(e) *Exemption from certification.* Certification of this color additive is not necessary for the protection of the public health and therefore batches thereof are exempt from the requirements of section 706(c) of the act.

Any person who will be adversely affected by the foregoing order may at any time on or before June 10, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective July 9, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be announced in the FEDERAL REGISTER.

(Sec. 706 (b), (c), and (d), 74 Stat. 399–403 (21 U.S.C. 376 (b), (c), and (d)))

Dated: May 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-10823 Filed 5-9-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Antioxidants and/or Stabilizers for Polymers

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3B2899) filed by Ciba-Geigy Corp., Ardsley, NY 10502, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for safe use of octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate as an antioxidant and/or stabilizer in acrylonitrile-butadiene-styrene copolymers used in the manufacture of articles or components of articles that contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by adding to the item "Octadecyl 3,5-di-*tert*-butyl-4-hydroxyhydrocinnamate" a new limitation to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

	Limitations
* * *	* * *
	For use only:
Octadecyl 3,5-di-tert-butyl-4-hydroxyhydrocinnamate.	* * *
	4. At levels not to exceed 0.5 percent by weight of acrylonitrile-butadiene-styrene copolymers used in accordance with prior sanction or regulations in this Subpart F.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before June 10, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective May 10, 1974.

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

Dated: May 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–10824 Filed 5–9–74;8:45 am]

PART 121—FOOD ADDITIVES

Republication; Correction

In FR Doc. 65–13706 appearing at page 15845 in the issue of Thursday, December 23, 1965, the item "Diethylene glycol monoethyl ether" was inadvertently omitted from the list of substances in § 121.2520(c)(5) on page 15946. As corrected, § 121.2520(c)(5) is amended by alphabetically inserting the omitted item to read as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *
(5) * * *

COMPONENTS OF ADHESIVES

Substances	Limitations
* * *	* * *
Diethylene glycol monoethyl ether	
* * *	* * *

Dated: May 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–10825 Filed 5–9–74;8:45 am]

Title 37—Patents, Trademarks, and Copyrights

CHAPTER I—PATENT OFFICE, DEPARTMENT OF COMMERCE

PART 2—RULES OF PRACTICE IN TRADEMARK CASES

PART 6—CLASSIFICATION OF GOODS AND SERVICES UNDER THE TRADEMARK ACT

International Trademark Classification; Correction

In FR Doc. 73–10996 appearing at page 14681 in the issue of Monday, June 4, 1973 (38 FR 14681), the language in the tenth line of the sixth paragraph of the preamble reading "mark was registered" should read "application was filed", and the language in the sixth line of revised § 2.85(b) reading "registration was granted" should read "application was filed."

Dated: April 26, 1974.

C. MARSHALL DANN,
Commissioner of Patents.

Approved: May 3, 1974.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

[FR Doc.74–10822 Filed 5–9–74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A–1—GENERAL

PART 5A–7—CONTRACT CLAUSES

Option To Extend the Term of Contract

This change to the General Services Administration Procurement Regulations (GSPR) provides standard procedures for the extension of contracts and a clause for use in requirements type contracts when extending such contracts.

Section 5A–1.376–2 is amended as follows:

§ 5A–1.376–2 Exercise of options.

* * * * *

(d) An "Option to Extend the Term of Contract" clause for use in requirements type contracts is provided in § 5A–7.103–92.

The table of contents for Part 5A–7 is amended to add the following:

5A–7.103–92 Option to extend the term of contract.

Section 5A–7.103–92 is added as follows:

§ 5A–7.103–92 Option to extend the term of contract.

Where it is to the Government's advantage to extend existing contracts, the contractual clause specified below is authorized for use. Contracting officers are cautioned that such action must be predicated on a decision that an extension is in the best interest of the Government.

OPTION TO EXTEND THE TERM OF CONTRACT

The term of this contract may be extended by mutual consent of the parties, provided:

(a) A written notice of intent to extend is given to the Contractor 60 days before expiration of the current contract (this notice shall not be deemed to commit the Government to an extension).

(b) The extension of the contract shall be signed by both parties using Standard Form 30, Amendment of Solicitation/Modification of Contract.

(c) The extension shall be for a period of no more than 60 days.

(d) The prices of the current contract shall remain unchanged during the period of the extension.

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

Effective date. These regulations are effective April 30, 1974.

Dated: April 30, 1974.

M. J. TIMBERS,
Commissioner, FSS.

[FR Doc.74–10831 Filed 5–9–74;8:45 am]

PART 5A–72—REGULAR PURCHASE PROGRAMS OTHER THAN FEDERAL SUPPLY SCHEDULE

Monthly Supply Potential and Method of Award Clauses

The following prescribes revised monthly supply potential and related method of award clauses and revised guidelines to be used when they are utilized.

Section 5A–72.105–16 is amended as follows:

§ 5A–72.105–16 Monthly Supply Potential (MSP) and Method of Award clauses.

* * * * *

(c) *Guidelines for use of the MSP and Method of Award clauses.* (1) Items or groups of items will not be subdivided for award purposes. It should be noted that subdivision for partial quantities may be made only as progressive awards (see § 5A–72.105–15).

(2) The MSP clause provides space for bidders to insert their MSP's for individual items, or to furnish a combined MSP for all items or groups of items. This space shall not be rearranged or relocated in the item listing as it is designed to encourage bidders to furnish a combined MSP for as many items or groups of items as possible.

(3) Estimated requirements for the contract period and estimated peak monthly requirements (EPMR) shall be shown for each item whether the award is to be made on individual items or in the aggregate.

(4) The contracting officer shall use the estimated quantities and EPMR's

furnished by the Office of Supply Control in solicitations. Changes to the quantities furnished by Supply Control may be made by the contracting officer only after coordination with that office. Adjustments to the selected quantities shall be made to bring them in line with Standard Pack requirements and to round off the quantities.

(5) The number of orders which may be expected to be placed during the contract period will be shown in the FXI Requirements Forecast. This figure shall be shown in solicitations in parenthesis next to the EPMR. Accordingly, a note has been added to the MSP clause shown below to explain the significance of this parenthetical figure to bidders.

(d) *The Monthly Supply Potential clause.*

MONTHLY SUPPLY POTENTIAL

(a) The estimated requirements of the Government for the contract period and the estimated peak monthly requirements are shown in the schedule of items. Bidders are requested to indicate, in the spaces provided, the total quantity per month which they are willing to furnish. This monthly supply potential will be used in order to preclude the placement of orders in excess of a Contractor's production capacity. Bidders are urged to group as many items or groups of items as possible in setting their monthly supply potential since the items or groups for which they may be eligible for award cannot be predetermined. Such grouping will make it possible to make the fullest use of the production capacity of each successful bidder. For example, if a bidder's production facilities can produce all of the items, or groups, solicited, the bidder may insert a single overall limitation on the quantity that he can supply. Bidders are cautioned that in order to qualify for an award, their monthly supply potential must cover the Government's estimated peak monthly requirement for each item or group to be awarded. Groups or individual items will not be subdivided for award purposes.

(b) If a bidder does not specify a monthly supply potential, he will be deemed to offer to furnish 125 percent of the Government's estimated peak monthly requirement for the item or group of items. The quantity determined shall then be considered as the bidder's monthly supply potential

BIDDER'S MONTHLY SUPPLY POTENTIAL

Item or groups of items	*Bidder's monthly supply potential*

(c) For each bid item or group of bid items awarded pursuant to this solicitation, the Contractor shall be obligated to fill all orders (regardless of destination) received by him during any one calendar month after the effective date of the contract if the aggregate total quantity of such orders does not exceed either (i) his stated monthly supply potential or (ii) if no monthly supply potential is stated, 125 percent of the estimated peak monthly requirement for the item(s) awarded.

(d) The Contractor may refuse to accept orders, or portions thereof, in excess of the monthly quantities he is required to accept, which are received in any 1 calendar month. This refusal must be written and mailed to the ordering office within 5 days after receipt of the order. Failure to refuse the order within 5 days shall be deemed to be acceptance of the order by the Contractor.

(e) If the Contractor will not accept any additional orders after reaching his required monthly total, he is required to notify the Contracting Officer. This refusal shall be made within 5 days of the receipt of the order or the order will be deemed to have been accepted.

(f) Orders, or portions thereof, which have been properly refused by the Contractor may be procured outside of the contract without prejudice to either party.

(g) Delivery (shipment) of orders, or portions thereof, which have been accepted by the Contractor shall be made within the same number of days as required for orders under the contract which are not in excess of the required monthly quantity.

NOTE: The estimated peak monthly requirements shown in this solicitation are based primarily on the Government's economic order quantity. In order to give Contractors an indication as to the frequency of orders, the number of orders expected to be placed during the contract period is shown in parenthesis next to the estimated peak monthly requirements. Computations as to the frequency of orders are necessarily based on past experience, and Contractors are cautioned that this ordering pattern may change. This information is furnished to facilitate Contractors' production planning and has no bearing on the contractual obligations of either party.

(e) *The Method of Award clause for use with MSP clause.* * * *

METHOD OF AWARD

(a) Award will be made to the low responsive bidder based on the Government's estimated peak monthly requirements. The quantity awarded will be limited by the offeror's stated monthly supply potential. Within the limits prescribed by the offeror, the Government will apply bidder's monthly supply potential to any items or groups of items offered, as the Government's interest requires. Because groups or individual items will not be subdivided for award purposes, offeror's monthly supply potential must cover the Government's estimated peak monthly requirements for each group or item to be awarded to the bidder.

(b) Award will be made as follows:

(1) Groups _____: In the aggregate by group. The low aggregate bidder will be determined by multiplying the unit price submitted on each item by the estimated quantity specified, and adding the resultant extensions. In order to qualify for an award on a group, prices must be submitted on each item within the group.

(2) Items _____: Item-by-item.

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

Effective date. These regulations are effective on April 30, 1974.

Dated: April 30, 1974.

M. J. TIMBERS,
Commissioner, FSS.

[FR Doc. 74-10755 Filed 5-9-74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 180—DESEGREGATION OF PUBLIC EDUCATION

Amendments to Regulations for Title IV General Assistance Centers

Notice is hereby given that pursuant to the authority contained in Title IV of the Civil Rights Act of 1964 (78 Stat. 241, 42 U.S.C. 2000c), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, hereby amends Part 180 of Title 45 of the Code of Federal Regulations by amending §§ 180.13, 180.22, 180.23, and 180.24, as set forth below.

The amendments set forth provisions to protect the confidentiality of proposals submitted pursuant to subparts A and B until after the decisions on funding have been made, to create an additional service area for subpart B, and to revise the criteria for judging proposals submitted pursuant to subpart B.

The Request for Proposals procurement procedure is being utilized in fiscal year 1974 to award technical assistance service contracts to General Assistance Centers under Title IV of the Civil Rights Act of 1964. Sections 180.13, 180.22, 180.23, and 180.24 of the current regulations have been amended to conform with several minor and technical changes included in the RFP. The amendments do not substantially alter either the intent or the major procedural requirements related to the establishment of Title IV General Assistance Centers.

The amendments do not alter or differ from the funding criteria contained in the RFP which all potential offerors received. The changes made are intended to govern the award of contracts for the current fiscal year. In view of the time remaining in the fiscal year for consideration and review of proposals and since the changes are in the nature of technical amendments to conform the regulations to applicable procurement procedures, it has been determined that resort to proposed rule making procedures would be impracticable and contrary to the public interest under 5 U.S.C. § 553 (b).

Effective date: The effective date of this document shall be June 10, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.405; Civil Rights Act of 1964, Title IV; Sections 403, 404, and 405; Public Law 88-352; 42 U.S.C. 2000c, 2-4.)

Dated: April 12, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: May 6, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 180 of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 180.13 is revised to read as follows:

§ 180.13 **Proposals.**

(a) An applicant desiring to enter into an arrangement pursuant to this subpart for any fiscal year shall submit to the Commissioner a proposal for such fiscal year, which proposals shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use the funds awarded on the basis of such proposal only for the activities described in § 180.12. Such proposals, together with all correspondence and

other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner, unless such availability prior to the funding of proposals submitted under this subpart could result in another applicant obtaining a competitive advantage.

(42 U.S.C. 2000c–2.)

* * * * *

2. Section 180.22 is amended by revising paragraph (b) (1) to read as follows:

§ 180.22 Authorized activities.

* * * * *

(b) *Service areas.* (1) Activities authorized under paragraph (a) of this section shall be carried out in one of the following designated service areas, to be specified by the applicant in its proposal:

Area:	States
1	Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island.
2	New York, New Jersey, Puerto Rico, Virgin Islands.
3	Pennsylvania, Delaware, Maryland.
4	Virginia, West Virginia, District of Columbia.
5	North Carolina.
6	South Carolina.
7	Georgia.
8	Florida.
9	Alabama.
10	Mississippi.
11	Kentucky, Tennessee.
12	Ohio.
13	Indiana.
14	Illinois.
15	Michigan.
16	Wisconsin, Minnesota.
17	Texas.
18	Louisiana.
19	Oklahoma.
20	Arkansas.
21	New Mexico.
22	Iowa, Nebraska, Kansas, Missouri.
23	North Dakota, South Dakota, Montana, Colorado, Wyoming, Utah.
24	California, Nevada, Arizona.
25	Hawaii, Guam, American Samoa, Trust Territory of the Pacific Islands.
26	Oregon, Washington, Idaho.
27	Alaska.

* * * * *

3. Section 180.23 is amended by revising paragraph (a) to read as follows:

§ 180.23 Proposals.

(a) An applicant desiring to enter into an arrangement pursuant to this subpart for any fiscal year shall submit to the Commissioner a proposal for such fiscal year, which proposal shall set forth a program, project, or activity under which, and such policies and procedures as will assure that, the applicant will use the funds awarded on the basis of such proposal only for the activities described in § 180.22. Such proposals shall contain the information and materials described in § 180.13(b). Such proposals, together with all correspondence and other written materials relating thereto, shall be made readily available to the public by the applicant and by the Commissioner, unless such availability prior to the funding of proposals submitted under this subpart could result in another applicant obtaining a competitive advantage.

(42 U.S.C. 2000c–2.)

* * * * *

4. Section 180.24 is amended by revising paragraph (a) to read as follows:

§ 180.24 Criteria for awards.

(a) In approving proposals under this subpart, the Commissioner shall apply the following criteria:

(1) *Concentration of minority group students (27 points).* The number of minority group students enrolled in the public schools of the desegregating or desegregated school boards, municipalities, school districts, or other governmental units including State agencies legally responsible for operating a public school or schools which have requested technical assistance from the applicant, for the fiscal year preceding the fiscal year for which assistance is sought.

(2) *Needs assessment (9 points).* (i) The magnitude of desegregation-related educational needs assessed by the applicant with respect to desegregating or desegregated school boards, municipalities, school districts, or other governmental units within the applicant's service area, and (ii) the degree to which the applicant has demonstrated by objective evidence the existence of such needs.

(3) *Statement of objectives (12 points).* The degree (i) to which the applicant sets forth specific, measurable objectives for its program, project, or activity, in relation to specifically identified educational needs, and (ii) to which such objectives are realistically attainable within the limits of the project period and the available resources.

(4) *Activities (35 points).* (i) *Project design (23 points).* The extent to which (*a*) the proposal provides for a continuing exchange of information between the applicant and the school boards, municipalities, school districts, or other governmental units proposed to be served; (*b*) the proposed program, project, or activity promises to involve a substantial proportion of the desegregating or desegregated school boards, municipalities, school districts, or other governmental units within the applicant's service area; (*c*) the proposed program, project, or activity is part of a comprehensive, long-range approach to desegregation planning and implementation; and (*d*) the proposed services are concentrated upon classes or categories of beneficiaries which are sufficiently limited and specific to give promise of significant results:

(ii) *Staffing (12 points).*—The extent to which the proposal (*a*) contains evidence of background, training, and experience on the part of the professional staff employed or to be employed by the applicant in coping with special educational problems occasioned by desegregation; (*b*) the professional and other staff employed or to be employed by the applicant reflects the racial or ethnic composition of the population to be served; and

(5) *Evaluation (7 points).*—The extent to which the applicant sets out a format for objective, quantifiable measurement of the success of the proposed program, project, or activity in achieving the stated objectives, including (i) a timetable for compilation of data for evaluation, and (ii) a method of reviewing the proposed program, project, or activity in the light of such data.

(6) *Budget (10 points).* The degree to which (i) the proposal sets forth the lowest cost in relation to the numbers of minority group students to be served; and (ii) the proposal reflects prudent and balanced use of equipment, subcontracts, travel, and other support costs.

(42 U.S.C. 2000c–2.)

* * * * *

[FR Doc.74–10791 Filed 5–9–74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM–105; Amdt. Nos. 172–25, 173–80, 179–12]

TANK CAR UTILIZATION

Correction

In FR Doc. 74–9856 appearing at page 15034 in the issue of Tuesday, April 30, 1974, make the following corrections:

1. In § 173.123 paragraph (a)(5), in the first line insert the footnote "1" after the figure 105A100.

2. In § 173.263 paragraph (a)(9), in the second line change the figure 11AW60W5 to read 111A60W5.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Transportation Control Plan

On November 12, 1973, a notice of final rulemaking was published in the FEDERAL REGISTER (38 FR 31232) setting forth Transportation Control Plans for five Air Quality Control Regions (AQCR) in California.

An amendment to the gasoline transfer vapor control regulation, § 52.255(c)(3)(iii) has been included to correct an error made in the promulgation. As published, a one-year exemption was given to small bulk plants if more than 90 percent of the daily volume transferred was to storage tanks requiring vapor recovery (that is, if less than 10 percent of daily volume was to storage tanks not requiring vapor recovery). As amended, and originally intended, a one-year exemption is allowed to small bulk plants if less than 10 percent of daily volume transferred is to storage tanks requiring vapor recovery (that is, if greater than 90 percent of daily volume transferred is to storage tanks not requiring vapor recovery).

This correction simply clarifies the existing regulation and therefore good

cause has been found for publishing it as final rulemaking and for making it effective immediately.

(Sections 110(c), 301(a) of the Clean Air Act, 42 U.S.C. 1857c-5(c), 1857g)

Dated: May 3, 1974.

JOHN QUARLES,
Acting Administrator.

Section 52.255 of Part 52 of Chapter I, Title, Title 40 of the Code of Federal Regulations is amended as follows:

§ 52.255 Gasoline Transfer Vapor Control.

* * * * *

(c) * * *

(3) * * *

(iii) Facilities that do not have more than a 20,000 gallon per day throughput and distribute less than 10 percent of daily volume to delivery vessels that in turn service storage tanks that are required to have a vapor return of vapor balance system will not be required to have a vapor recovery system in operation before January 1, 1977. Facilities that exclusively service delivery vehicles which in turn service storage tanks that do not have a required vapor return or vapor balance system will not be required to have a vapor recovery system.

[FR Doc.74-10809 Filed 5-9-74;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Benomyl

A petition (PP 4F1421) was filed by E.I. du Pont de Nemours & Co., Inc., Wilmington, DE 19898, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) and its metabolites containing the benzimidazole moiety (calculated as benomyl) in or on the raw agricultural commodities bean vine forage at 50 parts per million and beans at 2 parts per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the tolerances are being established.

3. The tolerances established by this in meat and milk are adequate to cover residues resulting from the proposed and established uses and § 180.6(a)(1) applies for milk and § 180.6(a)(2) applies for meat. Residues from the proposed use are not expected in eggs and poultry.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.294 is amended by adding the new paragraph "50 parts per million * * *" and by revising the paragraph "2 parts per million * * *", as follows:

§ 180.294 Benomyl; tolerances for residues.

* * * * *

50 parts per million in or on bean vine forage.

* * * * *

2 parts per million in or on beans and peanut hulls.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before June 10, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on May 10, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 6, 1974.

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

[FR Doc.74-10810 Filed 5-9-74;8:45 am]

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

Profluralin; Correction

In FR Doc. 74-8457, appearing at page 13259, in the issue for Friday, April 12, 1974, on page 13260, § 180.348, the word reading "cycloproplymethyl" in the third line should be corrected to read "cyclopropylmethyl."

PART 170—WORKER PROTECTION STANDARDS FOR AGRICULTURAL PESTICIDES

Restatement of Certain Existing Standards

The Environmental Protection Agency adopts this Part 170 as standards and procedures governing worker protection requirements for pesticides and herein reiterates certain existing requirements having a bearing on this area.

Background information and basis for the standards. Since 1947 pesticide products have been subject to regulation under the Federal Insecticide, Fungicide and Rodenticide Act ("FIFRA;" 7 U.S.C. 135 et seq.) and have been and are required to be properly registered with this Agency. Before a pesticide was registered by the Agency, products were reviewed and evaluated with respect to usefulness and the risks they posed to man, beneficial animals, and the environment. This evaluation of risks included consideration of potential hazards to pesticide applicators and others including farm workers who might come in contact with the product during transportation, storage, application, or after the product had been applied. After an evaluation of these risks, determinations were made as to directions for use, warning statements, and restrictions, including reentry times, necessary to protect man and the environment.

Concern for the protection of all persons, including farm workers, who might be exposed to pesticides during and after application has been an integral part of the FIFRA registration process for many years. Restrictions against workers entering treated fields have been required for many pesticide products. These restrictions include label requirements specifying a permissible field reentry time to requirements for protective clothing, warnings against unnecessarily exposing workers to the risks posted by pesticides and specific exposure precautions. Since pesticide products on the market vary widely in toxicity and formulations, label requirements by EPA and predecessor Agencies, have been established on the basis of a careful chemical and crop use analysis.

The 1972 Amendments to the Federal Insecticide, Fungicide and Rodenticide Act (86 Stat. 973) retain pesticide registration and labeling as the primary standard setting vehicle. But the statute broadens Federal pesticide regulatory authority by making it "unlawful for any person to use any registered pesticide in a manner inconsistent with its labeling" (7 U.S.C. 136j(a)(2)(G)). These new provisions are essential to the broad purpose of the new Act to protect man and the environment from unreasonable adverse effects of pesticides.

Notices of proposed rulemaking. Pursuant to its authority and responsibility under FIFRA, as amended, to provide protection for farm workers exposed to pesticides, a notice was published in the FEDERAL REGISTER on July 31, 1973 (38 FR 20361) notifying interested parties of the intent of EPA to hold public hearings on the subject of farm worker protection and proposing certain standards in this area. The schedule of hearings was amended by further notices in the FEDERAL REGISTER on August 31 and October 12, 1973 (38 FR 21694, 38 FR 23556). Hearings at 13 locations throughout the

United States were completed in an attempt to obtain as much relevant information as possible to permit sound determinations on these and other issues.

Based on an evaluation of the hearing record and other available information, a second notice of proposed rulemaking was published in the FEDERAL REGISTER on March 11, 1974 (39 FR 9457). Interested parties were requested to submit their views on this proposal on or before April 12, 1974. After receiving several requests for additional time, this comment period was extended until April 26, 1974 (39 FR 13179).

The response to this proposal was unusually heavy with approximately 1000 written statements submitted and several conferences with interested parties. Written statements were received from growers, grower organizations, farm labor organizations, pesticide manufacturer organizations representatives of Federal and State local governments, the academic community, and general public interest groups. While the position taken by interested parties varied considerably on the specific provisions of the proposed regulations, they can generally be summarized as follows:

1. A majority of the comments received stressed that there is no proven need for additional restrictions as proposed. They expressed the belief that current labeling restrictions provide protection to farm workers from pesticide poisonings.

2. Several of the proposed definitions were confusing and comments urged simplification and clarification of these terms. This was particularly true with respect to the definition of "farm worker" or "worker" as proposed. The inclusion of children under 12 years of age who might be in the field at any time for any reason was strongly protested as to its relevance to worker protection.

The definition of protective clothing was opposed as inadequate by growers, manufacturers and labor groups. They expressed the view that gloves would increase the hazard by increasing absorption of pesticide residues confined in the gloves. The requirement of a hat with a brim was considered impractical since it would be very difficult to keep on the head during many hand labor operations such as fruit thinning, and thus may increase hazard as contrasted with other head coverings.

3. The proposed 12 hour post-application time was indicated to be arbitrary and that many operations can be carried out safely within 12 hours after application and commonly recognized safe practices require this. It was further pointed out that under certain drying conditions 12 hours is not adequate to assure drying of sprays.

4. Posting treated fields as expressed in the proposed regulations is impractical, ineffective and prohibitively expensive if required for all pesticide applications. Concern over warning workers was encouraged but the method was different depending upon crop oriented and worker related practices.

5. Comments concerning those highly toxic materials specified in § 170.6 which would require a 48 hour post-application time stressed that differences in crops, dosages and geographical areas should be more adequately considered before establishing a national standard of this type. Specific studies, experience and examples were cited. Some authorities felt that certain of the chemicals designated in this section did not warrant a 48 hour post-application time and requested reduction of the interval or deletion of the chemical from the list. The inclusion of Galecron/Fundal in this section caused particular concern because of the relatively low dermal toxicity and the record of safe use.

6. Many of those responding expressed great concern over the proposed harvest entry times in §§ 170.100 through 170.113. The application of preharvest intervals established in connection with registration and tolerance setting to worker protection was challenged as unwarranted and unrelated. The State of California has established reentry times for certain pesticides on specific crops which are equal to or exceed the preharvest interval. These are, however; designed to solve specific local problems and could be continued.

Applicability of existing standards. Labeling for currently registered products are required to bear adequate directions for use, warnings and cautions which are designed to prevent injury to man and the environment, and any additional restrictions necessary to prevent illegal contamination of food or feed. The necessary protective clothing and equipment to protect the applicator and other persons involved in handling and applying pesticides are set forth on the label or each pesticide product.

Labeling restrictions have been developed to prevent illegal contamination of feed and food. Prior to registration of pesticides for use on crops, tolerances or other clearances under the Food, Drug, and Cosmetic Act (68 Stat. 514 (21 U.S.C. 246a)) are established to cover any residues which can reasonably be expected to remain on food or feed at harvest. As a part of the registration and tolerance setting process, the timing and rate of application and a minimum period of time between last application and harvest is clearly defined. For example, a label for a parathion product bearing directions for use on applies must include a statement such as: Do not apply within 14 days of harvest. This is the period of time determined to be necessary for the reduction of residues on the fruit to a level below the one part per million tolerance.

While the initial consideration in establishment of preharvest intervals is normally the reduction of residues on the crops to acceptable levels, they are usually more than adequate to protect workers who are harvesting the crop from excessive residues on the fruit and foliage.

EPA requirements and precautions for pesticide use, including farmworker reentry times, are contained on the labels of a number of presently registered pesticide products and have been contained therein for some years. Label use restrictions are presently enforceable by law with both civil and criminal penalties for misuse under sections 12 and 14 of FIFRA as amended (7 U.S.C. 136j(a)(2)(G), 1361(a)). Labeling includes not only material affixed to the pesticide container, but all other instructional material accompanying the product in the channels of trade. In addition to the standards herein adopted, the Agency will continue to enforce current and future label requirements including directions for use and precautionary statements which are crop/use oriented and more restrictive.

Establishment or Worker Protection Standards. After consideration of the responses to the March 11 proposal, reevaluation of the hearing record and other available information, it has been determined that additional general standards should be adopted as a precaution against possible adverse effects to farm workers. The regulations issued herewith include the following provisions:

1. A prohibition against applying pesticides when unprotected workers are in the area being treated.

2. A requirement that unprotected workers not enter fields treated with pesticides until sprays have dried or dusts have settled (with noted exceptions for longer reentry times or situations not requiring reentry times).

The March 11 proposal would have required a 12 hour period immediately following treatment during which time workers would not be permitted in treated fields unless protective clothing was worn. After consideration of the responses to this proposal it was determined that waiting until sprays dried or dusts settled was more practical and would in many cases provide greater protection to workers than the 12 hour period. It was indicated also that sprays applied to crop during the late afternoon may require more than 12 hours to dry if followed by heavy dew.

3. A listing of certain highly toxic pesticides (as determined by 40 CFR 162.8) which requires a longer reentry time is indicated in § 170.3. A thorough review of the data on these pesticides and the comments received in response to the March 11 proposal supports this action. Reentry times of 24—48 hours are established for 12 highly toxic pesticides. The March 11 proposal would have placed Galecron/Fundal in this category. A reevaluation of the dermal toxicity and the absence of any reported cases of illness resulting from exposure to crops treated with this pesticide has convinced EPA that the March 11 proposal with respect to Galecron Fundal is not warranted.

The proposed 48 hour interval has been reduced to 24 hours for Guthion, Phosalone, EPM and Ethion. This was based largely on the experience of regulatory agencies who have determined through

experience that a 24 hour period is adequate.

4. A description of the protective clothing requirements for workers who must enter treated fields prior to expiration of the designated "reentry time". The requirement of a wide brimmed hat and fingerless gloves as proposed in the March 11 notice has been modified.

5. If labeling is more restrictive than the standards set forth, the labeling restrictions will take precedence over the requirements stated in the general regulations.

6. Situations where these requirements will not apply because of other restrictions or their non-agricultural aspects have been specifically provided for. This includes situations where the risk is not considered to warrant restrictions beyond those required on labeling and certain agricultural and non-agricultural applications to which these standards are not addressed.

7. A requirement that workers be given appropriate and timely warnings when working in fields to be treated with pesticides is retained. The March 11 proposal would have required posting for fields treated with any pesticide. This has been shown to be unworkable and unnecessary for all cases. The requirement that warning be given to workers or that fields be properly posted or both is considered to be feasible and adequate and is provided for in the final regulation.

8. A recognition of state responsibility and authority to set additional restrictions to meet local problems as warranted, and sanction of such action by EPA. The record indicates the significance, if not the scientific basis, of different problem severity in different geographical/climatic regimens. EPA will encourage states to carry out this responsibility.

9. The March 11 proposal would have established "harvest entry times" equal to the preharvest intervals on a chemical/crop basis for 13 highly toxic pesticides. During this time farm workers not wearing proposed protective clothing would not have been permitted to enter treated fields to harvest crops or perform other work resulting in more than one half hour per workday of exposure to treated crops. While it was recognized that such "harvest entry times" would provide potential over-protection of workers, it was presumed that this would not work an undue hardship on growers or farm workers. This presumption has proven to be incorrect based on numerous statements of growers, grower associations, Federal and state research, extension and regulatory agencies, and individuals. It has been shown that entry after 48 hours following treatment is often necessary under conditions that would make protective clothing impractical and unnecessary.

These worker protection standards will be subject to a continuing review and various provisions will be added, deleted, or amended as warranted by new or additional information. The specific standards set forth in 170.3(b)(ii) and the exemptions set forth in 170.4(c) will be of a continuing nature with additions and changes made as research results become available or reviews of existing data are completed. EPA is sponsoring a number of research programs to determine what adverse effects if any may be expected when workers are exposed to crops treated with certain commonly used pesticides. Examples of the pesticide use pattern to be investigated include the use of parathion on citrus in California and the use of parathion on peaches in the State of Washington. In addition EPA will be issuing regulations and guidelines under the amended FIF RA which will set forth more specific requirements for registration with respect to reentry problems.

Further Restrictions by States:

State agencies have responsibilities for the control of pesticides under State laws. The California Department of Food and Agriculture has under state law established reentry intervals and other requirements for certain pesticide uses based on special problem situations arising within that State. When special situations exist which require restrictions to protect workers in addition to those set by this Agency, the responsible State agencies are encouraged to establish such additional restrictions as warranted by available data. State agencies should report such information and actions to EPA so that consideration may be given to the need for additions or changes in the national standards. EPA will cooperate with state agencies in the evaluation of local problems and encourages establishment and compliance with state restrictions which are more stringent than those set forth above.

Pursuant to the authority vested in me by section 25 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat. 997), this part 170 is adopted and shall become effective on June 10, 1974. Registrants with products currently registered under the Act will be advised of any required labeling changes to reflect these requirements.

Dated: May 8, 1974.

JOHN QUARLES,
Acting Administrator.

Sec.
170.1 General.
170.2 Definitions.
170.3 General standard.
170.4 State standards, labels and exemptions.
170.5 Warnings.

170.1 General.

This part contains occupational safety and health standards for farm workers performing hand labor operations in fields after ground (other than those incorporated into the soil), aerial or other type of application of pesticides.

170.2 Definitions.

Terms used in this subpart shall have the meanings set forth for such terms in the Act. In addition, as used in this subpart, the following terms shall have the meanings stated below:

(a) The term "reentry time" means the period of time immediately following the application of a pesticide to a field when unprotected workers should not enter as provided for in § 170.3(b).

(b) The term "farm worker" or "worker" means any person or persons engaged in agricultural hand labor in the field.

(c) The term "field" means any treated land area, or part thereof, upon which one or more pesticides are used for agricultural purposes, all as specified by this part.

(d) The term "protective clothing" means at least a hat or other suitable head covering, a long sleeved shirt and long legged trousers or a coverall type garment (all of closely woven fabric covering the body, including arms and legs), shoes and socks.

170.3 General standard.

(a) *Application.* No owner or lessee shall permit the application of a pesticide in such a manner as to directly or through drift expose workers or other persons except those knowingly involved in the application. The area being treated must be vacated by unprotected persons.

(b) *Reentry times.* (1) No owner or lessee shall permit any worker not wearing protective clothing (under § 170.2 (d)) to enter a field treated with pesticides until sprays have dried or dusts have settled, unless exempted from such requirements, or a longer reentry time has been assigned to that pesticide;

(2) Pesticides containing the following active ingredients have a reentry time of at least the interval indicated:

	Hours
(i) Ethyl parathion	48
(ii) Methyl parathion	48
(iii) Guthion	24
(iv) Demeton	48
(v) Azodrin	48
(vi) Phosalone	24
(vii) Carbophenothion	48
(viii) Metasystox-R	48
(ix) EPN	24
(x) Bidrin	48
(xi) Endrin	48
(xii) Ethion	24

(3) The preceding requirements of this part notwithstanding, workers should not be permitted to enter treated fields if special circumstances exist which would lead a reasonable man to conclude that such entry would be unsafe.

170.4 State standards, labels and exemptions.

(a) Nothing herein shall prevent a duly authorized state regulatory agency from setting and enforcing more restrictive standards for workers in fields treated with pesticides,

(b) If the label for a pesticide bears restrictions against workers entering treated fields which are more stringent than those set forth above, the label restrictions shall apply,

(c) The restrictions set forth in this part shall not apply with respect to:

(1) Mosquito abatement treatments and related public pest control programs;

(2) Greenhouse treatments which are applied in accordance with labeling directions and restrictions;

(3) Livestock and other animal treatments which are applied in accordance with labeling directions and restrictions;

(4) Treatment of golf courses and similar non-agricultural areas which are applied in accordance with labeling directions and restrictions.

170.5 Warnings.

(a) When workers are expected to be working in a field treated or to be treated with a pesticide, appropriate and timely warning to such workers shall be given. The warning may be given orally and/or by posting warning signs at the usual points of entrance to the field, and/or on bulletin boards at points where the workers usually assemble for instructions. Where any person has reason to believe that a farm worker is unable to read, he shall give the farm worker oral warning and make reasonable effort to ensure understanding of such warning. When required, warnings shall be given in appropriate languages other than the English language. Oral warnings should be given in such a manner as to inform workers of areas or fields which should not be entered without protective clothing, the period of time the area or field should be vacated and actions to take in case of accidental exposure.

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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

Bureau of Alcohol, Tobacco and Firearms

[27 CFR Part 4]

LABELING AND ADVERTISING OF WINE

Hearing on Proposed Regulatory Changes Regarding Metric Standards of Fill

Notice is hereby given under section 5 of the Federal Alcohol Administration Act (49 Stat. 981, as amended (27 U.S.C. 205)), of a public hearing to begin at 10 a.m. (e.d.t.) on Tuesday, June 11, 1974, in the George S. Boutwell Auditorium, seventh floor, Internal Revenue Service Building, 1111 Constitution Avenue, NW., Washington, D.C. At that time and place all interested parties will be afforded the opportunity to be heard, in person or by authorized representative, concerning the following proposed regulatory changes in 27 CFR Part 4.

The Wine Institute, a trade association representing a number of wine producers in California, has petitioned the Bureau of Alcohol, Tobacco and Firearms for amendment of certain provisions relating to the labeling and advertising of wine (27 CFR Part 4) issued under the provisions of the Federal Alcohol Administration Act (27 U.S.C. 205). The following proposals were among those included in their petition:

Proposal 1. Metric Standards of Fill. To strike the regulations setting forth standards of fill for wine contained in 27 CFR 4.72(a) and substitute in their place the following sizes based on the metric system:

3 liters	(3 liters.)
1.5 liters	(1½ liters.)
1 liter	(1 liter.)
0.75 liter	(¾ liter.)
0.375 liter	(⅜ liter.)
0.187 liter	(1/5 liter.)

Comment. A vast majority of the world's industrial nations presently use the metric system of measure or plan to do so in the near future. The metric system is widely utilized in world trade and commerce and is the internationally recognized system of measurement. Numerous legislative proposals introduced into the United States Congress have sought the replacement of our current system of measure based upon English units, with the metric system. Although legislation has yet to be passed, most observers believe that the United States will "go metric" within a few years.

Adoption of these metric standards of fill would conform United States bottle sizes with the 6 sizes which appear to be widely discussed internationally. Adoption of these metric standards of fill would also enable domestic wine producers to bottle wine in the same bottles for both domestic and international sale since these metric standards of fill would be acceptable to other nations.

The proposed change to metric units of measure should not substantially alter present bottle capacities since the metric standards of fill correspond closely to the most popular bottle sizes used in the United States. For example, the .75 liter bottle which equals 25.36 fluid ounces, corresponds to the 4/5 quart, the equivalent of 25.60 fluid ounces.

In an effort to help educate consumers as to metric sizes, the proposed rule making set forth below provides that when metric standards of fill are applied prior to November 1, 1976, the net contents would be stated in both metric units and equivalent units in English measure. After November 1, 1976, equivalent units could be shown but would not have to be shown.

Proposal 2. Container Units per Shipping Case. To add a subsection to 27 CFR 4.72 to specify the number of container (bottle) units that must be packed in a shipping case or shipping container. The Wine Institute proposes that the following container units per shipping case be adopted on a mandatory basis:

Container size:	*Units per case*
3 liters	4
1.5 liters	6
1 liter	12
0.75 liter	12
0.375 liter	24
0.187 liter	48

Comment. Presently, no similar provision exists with respect to case sizes; however, by tradition most wineries pack the same number of bottles per case or shipping container.

If wine cases are standardized, marketing and pricing of wine could be simplified since each case containing the same size bottle would contain the same quantity in liters. Therefore, a "case" of wine would automatically represent the precise quantity of wine in both number of bottles and liters to the retailer or consumer depending upon the bottle size. Standard case sizes in liters might aid producers, wholesalers and retailers in determining state or federal taxes and in records keeping.

It is proposed to make this requirement effective November 1, 1976 in order to coincide with the proposed date for mandatory metric bottling of wine.

Proposal 3. Standards of Fill for Imported Wines. To extend the proposed standards of fill to all wines imported into the United States. The Wine Institute's proposal is to eliminate the exemption from standard of fill requirements presently granted to wines imported into customs custody in original containers as set forth in 27 CFR 4.70(b).

Comment. This proposal seeks to eliminate the exemption of imported wines from standard wine container requirements including the standard of fill requirements established at § 4.72(a). Since foreign wines are currently imported in a wide variety of container sizes, removal of this exemption would reduce imported wines to a limited number of bottle sizes which would correspond to those used by domestic producers.

Since no standard of fill is imposed upon imported wines, numerous container sizes of wines are imported, many of slightly different capacities (e.g., 23, 23.5, 24, 25, 25.6, or 26 ounces), and there may be at least some element of deception under present conditions. Imposition of the standards of fill with resultant limitations on allowable bottle sizes, upon both domestic and imported wines would create 6 easily distinguishable bottle sizes applicable to all wines both domestic and imported.

A public hearing was conducted on October 26, 1971, in Washington, D.C. which dealt with this proposal. However, it was rejected at that time on grounds that: (1) Each wine producing nation bottles wine in a size traditional to that country; (2) most nations use the metric system to which the United States does not conform; and (3) bottling according to the United States standards of fill would force foreign wine producers to bottle wines exclusively for the United States market; many might be reluctant to do so since at time of bottling, many wine producers do not know the destination of their wines.

The objections raised at the previous public hearing to removal of the exemption from standards of fill granted imported wines, would be overcome with adoption of metric standards of fill acceptable for use in international trade. Adoption by the international community of the standards of fill set forth in proposal 1 would aid in satisfying these objections.

The effective date of this proposal would be delayed until November 1, 1976, to correspond with the date that metric bottling of wines becomes mandatory for domestically bottled wine. This would allow foreign as well as domestic bottlers the opportunity to convert their wine production to the new metric standards

through changes in machinery, bottles and labels.

Proposal 4. Applicability of Current Standards of Fill. To permit wine to be bottled or packed in the metric sizes set forth in proposal 1 as well as in the standards of fill presently contained in 27 CFR 4.72(a) for a period of two years after the effective date of the adoption of the proposed regulations. The Wine Institute further proposes that bottling in the metric sizes be mandatory after the expiration of the two year period.

Comment. Adherence to the proposed standards of fill would be optional for a period of two years from the adoption of the proposed regulations. During this time bottlers could bottle either according to the present or proposed standards of fill. The two-year period would enable bottlers to make the necessary changes in bottles, machinery and labels to permit metric bottling. This period would also serve to acquaint the consumer with the new bottle sizes. However, no bottler would be prohibited from using the current bottle sizes until the expiration of the two-year period.

Proposal 5. Exemption for Previously Bottled Wine. To permit wine bottled under the present standards of fill prior to the expiration of the two-year period to be sold and shipped at any time after that date.

Comment. Wines bottled according to the current standards of fill before the expiration date of the two-year transition period would be specifically exempted from the new standards of fill requirements. Since wine commonly is aged in the bottle, many bottlers will continue to maintain stocks of vintage wines bottled according to the current standards of fill, long after metric bottling is mandatory. This proposal would allow marketing of these wines at some later date without rebottling in order to comply with the proposed standards of fill. This exemption would apply to both domestic and foreign wines.

In order to enforce this provision relative to imported wines, it is further proposed that after October 31, 1976, wine imported in original containers which do not conform to the standards of fill imposed by §§ 4.73(a) and 4.74, be accompanied by a certificate signed by the bottler or packer that such wine was bottled prior to November 1, 1976.

This proposal was not advanced by the Wine Institute.

On the basis of the foregoing comments, it is proposed to amend the regulations relating to the labeling and advertising of wine (27 CFR Part 4) substantially as follows:

1. Amend § 4.10 by (1) amending the definition of "Gallon", paragraph (j), to make it clear that units of liquid measure authorized in Part 4 need not be of the English system of measurement; and (2) redesignating present paragraph (o) as paragraph (p) and inserting a new paragraph (o) which provides the definition of a "liter." As amended, § 4.10 reads as follows:

§ 4.10 Meaning of terms.

* * * * *

(j) *Gallon.* "Gallon" means United States gallon of 231 cubic inches of alcoholic beverage at 60 F. Liquid measures expressed in ounces, pints, or quarts are subdivisions of the gallon as so defined.

* * * * *

(o) *Liter.* "Liter" means a volume of liquid measure equivalent to 33.82 United States fluid ounces.

(p) *Use of other terms.* Any other term defined in the Federal Alcohol Administration Act and used in this part shall have the same meaning assigned to it by such act.

2. Amend § 4.37 by (1) adding a new paragraph (b) requiring that bottles filled according to the metric standards of fill prior to November 1, 1976, also show the equivalent volume in the English system of measure; (2) redesignating present paragraphs (b), (c), (d), (e), and (f) as paragraphs (c), (d), (e), (f), and (g); (3) permitting net contents of wine not bottled according to a specific standard of fill to be expressed in either the English or metric system of measure for wines bottled prior to November 1, 1976; and (4) updating the references to the standards of fill in present paragraphs (a) and (c). As amended, § 4.37 reads as follows:

* * * * *

§ 4.37 Net contents.

(a) The net contents of wine for which a standard of fill is prescribed in Subpart H shall be stated in the same manner and form in which such standard of fill is set forth therein.

(b) When net contents of wine are expressed in liter measure as prescribed by the standards of fill at § 4.73(a), the equivalent volume in the English system of measure shall also be shown for wine bottled prior to November 1, 1976. The equivalent volumes shall be expressed as follows:

3 liters (3 quarts, 5.44 fl. oz.)
1.5 liters (1 quart, 1 pint, 2.72 fl. oz.)
1 liter (1 quart, 1.82 fl. oz.)
0.75 liter (1 pint, 9.36 fl. oz.)
0.375 liter (12.68 fl. oz.)
0.187 liter (6.34 fl. oz.)

(c) The net contents of wine for which no standard of fill is prescribed in Subpart H shall be stated in the metric system of measure except that, for wine bottled prior to November 1, 1976, net contents may be expressed in the English system of measure as follows:

(1) If 1 pint, 1 quart, or 1 gallon, the net contents shall be so stated.

(2) If less than a pint, the net contents shall be stated in fractions of a pint, or in fluid ounces.

(3) If more than a pint, but less than a quart, the net contents shall be stated in fractions of a quart, or in pints and fluid ounces.

(4) If more than a quart, but less than a gallon, the net contents shall be stated in fractions of a gallon, or in quarts, pints, and fluid ounces.

(5) If more than a gallon, the net contents shall be stated in gallons and fractions thereof.

(d) All fractions shall be expressed in their lowest denomination.

(e) The net contents need not be stated on any label if the net contents are displayed by having the same blown, etched, sand-blasted, marked by underglaze coloring, or otherwise permanently marked by any method approved by the Director, in the sides, front, or back of the bottle, in letters and figures in such manner as to be plainly legible under ordinary circumstances, and such statement is not obscured in any manner in whole or in part.

(f) The statement of net contents shall indicate exactly the volume of wine within the container, except that the following tolerances shall be allowed:

(1) Discrepancies due exclusively to errors in measuring which occur in filling conducted in compliance with good commercial practice.

(2) Discrepancies due exclusively to differences in the capacity of containers resulting solely from unavoidable difficulties in manufacturing such containers so as to be of uniform capacity: *Provided,* That no greater tolerance shall be allowed in case of containers which, because of their design, cannot be made of approximately uniform capacity than is allowed in case of containers which can be manufactured so as to be of approximately uniform capacity.

(3) Discrepancies in measure due to differences in atmospheric conditions in various places and which unavoidably result from the ordinary and customary exposure of alcoholic beverages in containers to evaporation.

The reasonableness of discrepancies under this paragraph shall be determined on the facts in each case.

(g) Unreasonable shortages in certain of the containers in any shipment shall not be compensated by overages in other containers in the same shipment.

Par. 3. Add a new section to provide that the bottler of imported wine furnish to customs a certificate stating that such imported wine was bottled or packed prior to November 1, 1976, if such wine is to be released from customs custody on or after that date in containers not conforming to the standards of fill at §§ 4.73(a) and 4.74. As added, § 4.46 reads as follows:

§ 4.46 Certificate of non-standard fill.

Imported wine in original containers in which imported shall not be released from customs custody after October 31, 1976, if such wine is not in containers conforming to the standards of fill prescribed at §§ 4.73(a) and 4.74 unless such wine is accompanied by a statement signed by the bottler or packer that the wine was bottled or packed prior to November 1, 1976.

Par. 4. Amend § 4.70 to remove the exemption from the standard wine container requirements currently granted to imported wine, and to grant certain exemptions from the metric standards of

fill to wines bottled before the effective date of the proposed amendment to the regulations. As amended, § 4.70 reads as follows:

§ 4.70 Application.

(a) Except as provided in paragraph (b) or (c) of this section, no person engaged in business as a producer, rectifier, blender, importer, or wholesaler of wine, directly or indirectly or through an affiliate, shall sell or ship or deliver for sale or shipment, or otherwise introduce in interstate or foreign commerce, or receive therein, or remove from customs custody, any wine unless such wine is bottled or packed in the standard wine containers herein prescribed.

(b) Sections 4.70–4.74 shall not apply (1) to sake; or (2) to wine packed in containers of 5 gallons or more; or (3) to imported wine in the original containers in which entered in customs custody if such wine was bottled or packed on or before October 31, 1976; or (4) to wine domestically bottled or packed, either in or out of customs custody, prior to October 24, 1943, if the container, or the label on the container, bears a conspicuous statement of the net contents thereof, and if the actual capacity of the container is not substantially less than the apparent capacity upon visual examination under ordinary conditions of purchase or use.

(c) Sections 4.73 and 4.74 shall not apply to wine domestically bottled or packed, either in or out of customs custody, prior to November 1, 1976, if such wines were bottled or packed according to the standards of fill prescribed in § 4.72(a).

Par. 5. Amend § 4.71 to update the reference in paragraph (2) to the standards of fill, and in paragraph (3) to the headspace requirements. As amended, § 4.71 reads as follows:

§ 4.71 Standard wine containers.

* * * * *

(2) *Fill.* It shall be so filled as to contain the quantity of wine specified in one of the standards of fill prescribed in § 4.72 or 4.73; and

(3) *Headspace.* It shall be made and filled as to have a headspace not in excess of 6 percent of its total capacity after closure if the net contents of the container is .187 liter or more, and a headspace not in excess of 10 percent of such capacity in the case of all other containers.

Par. 6. Amend § 4.72 by adding a new paragraph (c) which states that the present standards of fill will no longer be effective on or after November 1, 1976. As added, § 4.72(c) reads as follows:

§ 4.72 Standards of fill.

* * * * *

(c) The standards of fill in paragraph (a) of this section shall not apply on or after November 1, 1976. The metric standards of fill prescribed in § 4.73(a) may be substituted for the standards of fill in paragraph (a) of this section on or after November 1, 1974, but must be applied on or after November 1, 1976.

Par. 7. Add a new section prescribing metric standards of fill for the bottling of wine, to be used optionally in lieu of standards prescribed at § 4.72(a) on and after November 1, 1974, but to be mandatory on and after November 1, 1976. Section 4.73 reads as follows:

§ 4.73 Metric standards of fill.

(a) The standards of fill for wine shall be the following subject to the tolerances hereinafter allowed:

3 liters
1.5 liters (1½ liters)
1 liter
0.75 liter (¾ liter)
0.375 liter (⅜ liter)
0.187 liter (3/16 liter)

(b) The tolerances in fill shall be the same as are allowed by § 4.37 in respect to statement of net contents upon labels.

(c) *Effective date.* The effective date of this section shall be November 1, 1976 except that, the standards of fill prescribed in paragraph (a) of this section may be applied in lieu of those listed at § 4.72(a) on or after November 1, 1974.

Par. 8. Add a new section prescribing the number of bottles which shall be packed per shipping case or shipping container when metric standards of fill are applicable. Section 4.74 reads as follows:

are applicable. Section 4.74 reads as follows:

§ 4.74 Bottles per shipping case.

Wines bottled subject to the standards of fill expressed in § 4.73(a) shall be packed with the following number of bottles per shipping case or shipping container:

Bottle sizes:	*Bottles per case*
3 liters	4
1.5 liters	6
1 liter	12
0.75 liter	12
0.375 liter	24
0.187 liter	48

Requests to present oral testimony. All persons who desire to present oral testimony should so advise the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, not later than June 4, 1974. Requests shall be submitted in an original and three copies and must include (1) the name and address of the party submitting the request, (2) the name and address of the person or persons who will present oral testimony, and (3) the approximate length of time desired for the presentation of testimony.

Submission of written material. Any interested party may submit to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226, in an original and nine copies, relevant written data, views, or arguments for incorporation into the record of hearing. Written material must be submitted not later than June 4, 1974. Written comments or suggestions which are not exempt from disclosure by the Bureau of Alcohol, Tobacco and Firearms, may be inspected by any person upon compliance with 27 CFR 71.22(d)(7). The provisions of 27 CFR 71.31(b) shall apply with respect to designation of portions of comments or suggestions exempt from disclosure. The name of any person submitting comments (whether or not exempt from disclosure in whole or in part) is not exempt from disclosure.

At the conclusion of the hearing, a reasonable time will be afforded interested parties for examination of the record and submission of written arguments and briefs.

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

APRIL 26, 1974.

Date: May 7, 1974.

Approved:

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

[FR Doc.74–10793 Filed 5–9–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Part 71]

GENERAL PROVISIONS

Proposed Identification of Certain Swine for Interstate Movement

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that, pursuant to the provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, and the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 115, 117, 120, 123, 125), the Animal and Plant Health Inspection Service is considering amending Part 71, Title 9, Code of Federal Regulations to provide for a uniform system of identification for swine moved interstate.

Statement of considerations. Significant progress has been made in the control and eradication of swine diseases in the United States in recent years. However, there is reason to believe that various communicable diseases of swine still exist in all the States and Territories, the District of Columbia, and Puerto Rico, and there is an urgent need for a uniform system of swine identification which would make it possible to trace diseased or exposed swine moved interstate back to their herds of origin in order to locate foci of infection with minimum delay and prevent further interstate spread of swine diseases.

Such a system would provide for a practical and economical means of identifying all swine moved interstate and for the surveillance of such swine for disease at concentration points and slaughtering establishments. It would contribute substantially to the Department's surveillance system for foreign animal diseases, to the emergency hog cholera eradication program and to all other swine disease eradication programs and activities which depend greatly upon the ability to trace swine found to be affected with various diseases at slaughter to their herds of origin.

In the hog cholera eradication program, documented cases exist wherein the lack of identification of diseased swine moved interstate resulted in failure to locate the source of infection with the subsequent spread of the disease requiring the expenditure of large sums to eradicate outbreaks that later occurred. Also the diversion of slaughter swine which were carriers of the disease, from slaughter to feeding or breeding, much of which could have been controlled had all such swine been properly identified, was the principal factor in the widespread dissemination of hog cholera in fiscal year 1973.

The eradication of tuberculosis in swine requires the use of identification procedures whereby swine diagnosed as tubercular at slaughter can be traced back through marketing channels to their herds of origin. Without such identification the source of infection cannot be located and eradicated. Present industry methods for identifying swine usually facilitate tracing of diseased animals to the point of purchase only, where commingling of swine from multiple sources makes further tracing extremely difficult and in many cases impossible.

The eradication of brucellosis in swine is based primarily on the collection of blood samples at slaughter with traceback of reacting animals to their origin. A system of identification which makes such tracing possible is imperative if infected herds are to be located and the infection eradicated.

The successful eradication of swine diseases depends upon the Department's ability to traceback to the place of origin, swine found diseased at the place of slaughter, at concentration points or at farms. The maintenance of appropriate records by persons involved in the handling of such swine is essential for such traceback. Accordingly this document includes a request for the keeping of such records by such persons.

Due to the rapid transport of animals and animal products in international channels of trade, the threat of introduction and spread of foreign animal diseases affecting swine, such as foot-and-mouth disease, swine vesicular disease, or African swine fever, is ever present and makes it essential that foci of infection be located and suppressed in the most rapid manner possible. Surveillance of identified swine at slaughter is the best means of monitoring the Nation's swine population for such diseases should they occur in this country.

At the present time, swine identification requirements are limited to the identification of certain swine moved interstate under the hog cholera regulations contained in 9 CFR Part 76. This proposal would provide for a more extensive system of identification of all swine for the purpose of preventing the interstate spread of either native or exotic communicable diseases of swine.

The regulations in 9 CFR Part 71, would be amended as follows:

A new § 71.19 would be added to read:

§ 71.19 Identification of swine for interstate movement.

All interstate movements of swine shall comply with the applicable provisions of this Part and other parts of this Subchapter.

(a) Swine which are moved interstate shall be individually identified by one of the following approved methods:

(1) *Slaughter swine or swine for sale for slaughter.* To provide for traceback to their herd of origin: [6] All swine moved interstate for slaughter or for sale for slaughter shall be individually identified to the herd of origin [6] by a Veterinary Services-approved tattoo code applied [7] to the shoulder area of each swine prior to such interstate movement and before they are commingled with swine from any other source. However, such swine may be moved interstate, without such prior identification, directly from a herd of origin [6] to a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), or a State inspected slaughtering plant, or to a stockyard posted under the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), or a market agency or dealer registered under said Packers and Stockyards Act, if such swine are individually identified to the herd of origin [6] by a Veterinary Services-approved tattoo code applied [7] to the shoulder area of each swine upon arrival thereat and before they are commingled with swine from any other source.[8]

(2) *Swine other than for slaughter.* To provide for traceback of swine to their herd of origin [9]: All swine moved interstate for any purpose other than slaughter or for sale for slaughter shall be individually identified to the herd of origin [9] by a Veterinary Services-approved eartag,[10] prior to such interstate movement and before they are commingled with swine from any other source, and such swine shall be accompanied by an official inspection certificate issued by a Veterinary Services or State inspector, or an accredited veterinarian, or a shipping permit, bill of lading, waybill, or invoice, stating (1) the name and address of the owner or shipper, (2) the place from which the swine were moved interstate, (3) the destination of the swine, (4) the number of swine covered by the document, and (5) the individual numbers of the approved eartags or registry identification. This document which accompanies the swine shall be delivered by the carrier to the consignee.[11] However, such swine may be moved interstate without such prior identification or documentation directly from a herd of origin [9] to a stockyard posted under the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), or to a market agency or dealer registered under said Packers and Stockyards Act, if such swine are individually identified to the herd of origin [9] by a Veterinary Services-approved eartag [10] upon arrival thereat and before they are commingled with swine from any other source.[11] Further, registered swine may be identified in the same manner as recorded with the particular registry association in lieu of the approved eartag.

(b) Each person who ships, transports, or otherwise causes the movement of the swine interstate is responsible for the identification of the animals as required by this section. No such person shall remove or tamper with or cause the removal of or tampering with an identification tattoo or eartag required in this section for interstate movement of swine, except at the time of slaughter, or as may be authorized by the Deputy Administrator, Veterinary Services, upon request in specific cases and under such conditions as he may impose to insure continuing identification.

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[6] The herd of origin of swine shipped for slaughter or for sale for slaughter is any place where such swine were farrowed or any other place where they were maintained for a minimum of 30 days immediately prior to shipment.

[7] Veterinary Services-approved tattoo codes will be assigned to owners, market agencies, dealers, and other persons upon application to the State Animal Health Official or the Area Veterinarian in Charge, Veterinary Services, Animal and Plant Health Inspection Service, for the State in which such owner, market agency, dealer, or other person maintains his principal place of business.

[8] It is requested that the operator of each livestock concentration point, slaughter establishment or other place of business where such swine are identified on arrival in accordance with this section, enter such identification on the yarding receipt, scale ticket, invoice, waybill, or similar document relating to the swine, and that such document be maintained on file at the place of business for at least one year and be made available for inspection during ordinary business hours upon request by a Veterinary Services or State inspector.

[9] The herd of origin for swine other than swine shipped for slaughter or for sale for slaughter shall be the farm or other place where such swine were farrowed or maintained for breeding purposes.

[10] Serial numbers of eartags to be used will be assigned to owners, market agencies, dealers, and other persons upon application to the State Animal Health Official or the Area Veterinarian in Charge, Veterinary Services, Animal and Plant Health Inspection Service, for the State in which such owner, market agency, dealer, or other person maintains his place of business.

[11] It is requested that the operator of each livestock concentration point or other place of business where such swine are identified upon arrival in accordance with this section, enter such identification on the yarding receipt, scale ticket invoice, waybill, or similar document relating to the swine and that such documents be maintained on file at the place of business for at least one year and be made available for inspection during ordinary business hours upon request by a Veterinary Services or State inspector. It is further requested that the official inspection certificate or other document required by this section to accompany certain swine interstate be maintained on file at the farm or other place of business of the consignee for at least one year and be made available for inspection during ordinary business hours upon request by a Veterinary Services or State inspector.

(c) The Deputy Administrator, Veterinary Services, upon request to him, may approve other identification systems in specific cases and under such conditions as he may prescribe if he determines that such systems provide the necessary information to allow for traceback of the swine to their herd of origin.

Any person who wishes to submit written data, views or arguments concerning the proposed amendment may do so by filing them with Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, Maryland 20782 before August 12, 1974.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 870, Hyattsville, Maryland 20782, during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER.

Done at Washington, D.C., this 7th day of MAY 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-10882 Filed 5-9-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket OSH-36]

VINYL CHLORIDE

Proposed Standard

1. *Background.* Vinyl chloride (chloroethene) Chemical Abstracts Service Registry No. 75015, is a synthetic chemical made by oxychlorination of ethylene or by hydrochlorination of acetylene. It is the parent compound of a series of themoplastic resin polymers and copolymers which are widely used for containers, wrapping film, electrical insulation, pipe, conduit, and a variety of other products. Vinyl chloride has been made commercially in this country since 1939 and present production is in excess of seven billion pounds per year.

Vinyl chloride (VC) is a gas at ambient temperature and pressure and is a chlorinated hydrocarbon which has moderate liver toxicity. The previous standard set a ceiling value of 500 parts per million (ppm) (29 CFR 1910.93, Table G-1).

On January 22, 1974, the Occupational Safety and Health Administration (OSHA) was informed by the National Institute for Occupational Safety and Health (NIOSH) that the B. F. Goodrich Chemical Company reported that deaths of several of its employees from a rare liver cancer (angiosarcoma) may have been occupationally related. As a result of this notification and after consultation with the National Institute for Occupational Safety and Health (NIOSH), and a joint inspection of the plant by OSHA, NIOSH, and the Kentucky Department of Labor, a fact-finding hearing on possible hazards involved with the manufacture and use of VC was announced on January 30, 1974 (39 FR 3874) and held on February 15, 1974.

2. *Carcinogenicity of VC.* Information produced at this hearing demonstrated that exposure of laboratory animals (mostly Sprague-Dawley rats) to VC by inhalation at and below the then current OSHA standard of 500 ppm induced tumors, including angiosarcomas of the liver. Professor Cesare Maltoni, of the Instituto di Oncologia, Bologna, Italy, reported on a series of experiments on the effect of exposure of rats, mice, and hamsters to VC at concentrations of 10,000; 6,000; 2,500; 500; 250; and 50 ppm for varying periods of time (TR-43-63). Some of the experiments have been concluded, and others are still ongoing. The experimental results reported were that tumors have been observed in groups of animals exposed to VC at concentrations as low as 250 ppm. No tumors were observed in the group of animals exposed to VC at a concentration of 50 ppm. It also appears that the total number of tumors, as well as the numbers of angiosarcomas of the liver, decreased as the concentrations of VC were reduced to 250 ppm. Another experiment by Professor Maltoni was reported underway involving the exposure of 300 animals to VC at concentrations of 50 ppm, in order to assess in a more definitive way whether that level of exposure produces tumors in animals. Data reported by Torkelson, Oyen and Rowe (American Industrial Hygiene Association J 22: 254-361 (1961)) indicate that exposure to VC at concentrations of 50 ppm failed to induce tumors in rats, hamsters, rabbits, and dogs.

The employees of the B. F. Goodrich Chemical Company who died from angiosarcoma of the liver had an average exposure of approximately 19 years to vinyl chloride, at unknown concentrations, and variable exposures to other volatile chemicals. (TR 93). Some employees of Union Carbide, Firestone Tire and Rubber, and Goodyear were also reported in post-hearing comments to have had exposure to vinyl chloride and to have died from angiosarcoma of the liver. Finally, autopsies of four deceased employees revealed their liver angiosarcoma tumors were histologically indistinguishable from the angiosarcoma tumors observed in Professor Maltoni's experimental animals.

3. *The Emergency Temporary Standard.* On the basis of all information available at that time, and the fact that employees were being exposed at levels around the experimentally observed effect level of 250 ppm, an Emergency Temporary Standard (ETS) was promulgated on April 5, 1974 (39 FR 12342) as 29 CFR 1910.93q. This standard reduced the level from a ceiling of 500 ppm to 50 ppm ceiling. It was expressly recognized that this standard limiting exposures to a 50 ppm level was intended to be a tentative, interim standard, to be in effect no longer than six months, during which time the whole question of possible safe exposure to VC would be reconsidered more fully and in the light of more information, especially results of experiments which were known to be underway at that time.

4. *Additional information.* On April 15, 1974, information and data were presented to representatives of OSHA, NIOSH and the EPA by the Industrial Bio-Test Laboratories, Northbrook, Illinois, concerning results of animal exposure studies with VC, sponsored by the Manufacturing Chemists Association (MCA). Although only preliminary in nature, these results revealed that 2 out of 200 mice exposed to VC concentrations of 50 ppm for 7 hours a day, five days a week, for approximately 7 months, developed angiosarcomas of the liver.

The Industrial Bio-Test Lab data indicate that exposure to VC at 50 ppm may well constitute a serious health hazard to employees. Also, the question of a safe level of exposure for humans cannot be determined at this time, and may continue as a matter for scientific deliberation for many years. We therefore conclude that it is now necessary to propose to change the 50 ppm level established in the ETS to as low a level as can be detected using methodologies outlined in this proposal.

(5) *The proposed permanent standard.* The requirements for a complete standard under section 6(b) of the Occupational Safety and Health Act of 1970 are much more comprehensive than the provisions of the ETS promulgated on April 5. The following proposals are responsive to the additional information on the carcinogenicity of VC, and the requirements of the Act.

A. *Level of exposure.* The proposed standard for employee exposure is set at no detectable level, as determined by a sampling and analytical method capable of detecting vinyl chloride at concentrations of 1 ppm with an accuracy of 1 ppm±50 percent. Although more sensitive methods may be available now or in the future, the methodological sensitivity proposed appears to be the most feasible and generally available. A method of 1 ppm sensitivity has been recommended to OSHA by NIOSH. To minimize the number of persons at risk, a requirement would be established for regulating areas where vinyl chloride is manufactured, reacted, stored, handled, released, repackaged, or used, including operations with polyvinyl chloride containing detectable levels of vinyl chloride. Access to the areas would be limited to authorized employees.

B. *Monitoring.* A program of monitoring would be required to establish whether there are detectable levels in regulated areas and to permit determination of employee exposures on an individual basis. Provision would also be

made for an opportunity to observe monitoring by employees or their designated representatives, as required by section 8(c)(3) of the Act.

C. *Control methods.* Where detectable levels of VC are monitored, two programs would be triggered; an engineering and work practice program to reduce levels below detectability; and while this is on-going, a respiratory protection program for employees in the regulated area.

Engineering controls and work practices are favored methods of compliance because they tend to avoid contamination of the ambient air in the workplace. Accordingly, it is proposed to require the institution of engineering controls and of workpractice methods as soon as feasible, and to require the use of respirators pending the institution of such controls, to supplement such controls where they are insufficient to reduce concentrations of vinyl chloride below the detectable level, in specified work situations, and in cases of emergency. The proposal for continuous flow and pressure demand types of respirators is based on the recommendations of NIOSH, which has observed leakage through chemical cartridge respirators at high concentrations of VC.

A requirement would also be established for the provision and use of protective clothing for employees in the regulated areas. The protective clothing would minimize skin contact with VC vapor, and would provide some measure of protection from splash of liquid in the event of a spill or rupture of equipment. Food, beverages, and like products would be prohibited in the regulated area.

Written operational and emergency plans would be required, along with employee training in routine and emergency duties. Specific requirements would be established for emergency actions and for routine maintenance and decontamination operations, including vessel entry, which are known to present particular hazards.

The purposes of operational and emergency plans and training are to apprise employees of the hazards to which they may be exposed, of the precautions they must take to avoid such hazards, and to rehearse employees in the procedures they must follow in emergencies.

D. *Medical surveillance.* Comprehensive requirements for employee medical examinations are proposed, including necessary tests. Some additional guidance is included for the convenience of physicians. The proposed requirements have been recommended to OSHA by NIOSH as reasonably appropriate to detect liver dysfunction which may be indicative of, or predisposing to, the development of liver angiosarcomas.

E. *Records and reports.* Records of monitoring, medical examinations, and entry to regulated areas are proposed, with provision for access by appropriate OSHA and NIOSH officials. Specific provisions for employee access to monitoring records are included, as well as the requirement to furnish a copy of a medical record to an employee's physician on the employee's request. Establishments conducting VC operations would be required to identify themselves to OSHA, and to report incidents (accidents) resulting in the release of vinyl chloride.

Accordingly, pursuant to sections 6(b), 6(c), and 8(c) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1596, 1599; 29 U.S.C. 655, 657), Secretary of Labor's Order No. 12–71 (36 FR 8754) and 29 CFR Part 1911, it is hereby proposed to amend 29 CFR Part 1910 by revising § 1910.93q as set forth below.

Written data, views, and arguments concerning the proposals may be mailed to the Docket Officer, Docket OSH–36, Room 230, 1726 M Street, N.W., Occupational Safety and Health Administration, Washington, D.C. 20210, postmarked not later than June 10, 1974.

Pursuant to 29 CFR 1911.11 (b) and (c), interested persons may file objections to the proposals, requesting an informal hearing with respect thereto, in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked on or before June 10, 1974;

(3) The objections must specify the provisions of the proposed rule to which objection is taken, and must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

As revised, § 1910.93q would read as follows:

§ 1910.93q Vinyl Chloride.

(a) *Scope and application.* (1) This section applies to any area or operation in which vinyl chloride (chloroethene), Chemical Abstracts Service Registry No. 75015, is manufactured, reacted, released, repackaged, stored, or used, including areas and operations involving polyvinyl chloride where detectable levels of vinyl chloride are released.

(2) This section does not apply to the handling or use of fabricated products made entirely or in part of polyvinyl chloride.

(b) *Definitions.* (1) "Assistant Secretary" means the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor or his designee.

(2) "Authorized employee" means an employee whose duties require him to be in the regulated area and who has been specifically assigned by the employer; and any employee who enters such an area as a designated representative of employees to exercise an opportunity to observe monitoring and measuring of vinyl chloride.

(3) "Closed container" means any container which prevents the release of vinyl chloride to the environment.

(4) "Contaminated" means capable of releasing a detectable level of vinyl chloride.

(5) "Decontamination" means reduction of vinyl chloride concentrations to less than detectable levels.

(6) "Detectable level" means an airborne concentration of vinyl chloride measurable by a sampling and analytical method capable of measuring concentrations of 1 ppm, with an accuracy of 1 ppm±50 percent.

(7) "Director" means the Director, National Institute for Occupational Safety and Health, or any person directed by him or the Secretary of Health, Education, and Welfare to act for the Director.

(8) "Emergency" means an unforseen circumstance or set of circumstances, resulting in the release of vinyl chloride into areas occupied by employees.

(9) "Exposure" means actual contact with vinyl chloride when unprotected by required personal protective equipment and clothing.

(10) "Fabricated product" means a finished product or part of such product, made of polyvinyl chloride, entirely or in part, including semifinished products such as film, sheet, block, bar, or extrusion stock.

(11) "OSHA Area Director" means the Director for the Occupational Safety and Health Administration Area Office having jurisdiction over the geographic area in which the establishment is located.

(12) "Polyvinyl chloride" means polyvinyl chloride homopolymer or copolymer before such is converted to a fabricated product.

(13) "Protective clothing" means clothing protective against vinyl chloride.

(14) "Vinyl chloride" means vinyl chloride monomer.

(15) "Waste resin" means any resin or other reaction products removed in the cleaning of equipment, such as vessels and piping.

(c) *Reference.* College of American Pathologists, 230 N. Michigan Ave., Chicago, Illinois 60601.

(4) *Regulated areas.* (1) A regulated area shall be established where (i) vinyl chloride is manufactured, reacted, released, repackaged, stored, or used; or (ii) polyvinyl chloride capable of releasing detectable levels of vinyl chloride is manufactured, reacted, released, repackaged, stored, or used.

(2) Access to regulated areas shall be limited to authorized employees.

(3) A daily roster of employees entering regulated areas shall be made and maintained. The rosters, or summaries thereof, shall be kept for at least 20 years.

(e) *Monitoring.* (1) Every regulated area shall be monitored for detectable levels of vinyl chloride.

(2) The monitoring shall assure that any exposure may be determined for each authorized employee with a confidence level of 95 percent.

(3) Employees or their designated representatives shall be afforded an opportunity to observe monitoring and measuring required by this paragraph.

(i) Where exercise of an opportunity requires entry to an area where the use

of protective clothing, equipment, facilities, or procedures is required, such clothing, equipment, facilities, and procedures shall be provided to all persons entitled to exercise the opportunity, at no cost to any of them.

(ii) Persons exercising the opportunity shall be instructed regarding:

(A) The toxicity and fire hazard of vinyl chloride; and

(B) The protective steps and measures necessary for their protection.

(iii) Observers shall be permitted, without interference to the persons performing the monitoring and measuring, to:

(A) Observe all steps and procedures related to the collecting, processing, and evaluation of particular monitoring and measurement samples;

(B) Record quantities and results obtained;

(C) Observe the condition of monitoring and measuring equipment;

(D) Receive a demonstration of the calibration and function tests of the monitoring and measuring equipment performed on site; and

(E) Examine instructions and documents related to the procedures and equipment for monitoring and measuring.

(4) Accurate and complete records of all required monitoring shall be made and maintained for not less than 20 years. Such a record shall (i) state the date of such monitoring and the levels determined; and (ii) identify the instruments and methods used.

(f) *Engineering controls and work-practice methods.* (1) Where detectable levels of vinyl chloride are measured, immediate protection shall be provided against exposure to vinyl chloride by the use of engineering controls, workpractice methods, and respirators as follows:

(i) Feasible engineering controls and workpractice methods shall immediately be used to reduce airborne concentrations of vinyl chloride below the detectable level;

(ii) Wherever feasible engineering controls and workpractice methods which can be instituted immediately are not sufficient to reduce concentrations of vinyl chloride below the detectable level, they shall nonetheless be used to reduce the concentrations to the lowest practicable level, and shall be supplemented by means of respirators in accordance with paragraph (g) of this section;

(iii) Wherever no feasible engineering control or workpractice method can be instituted immediately, immediate respiratory protection shall be provided in accordance with paragraph (g) of this section; and

(iv) In any case covered by paragraph (f)(1) (ii) or (iii) of this section, the employer shall also undertake as soon as practicable a program to reduce airborne concentrations of vinyl chloride below the detectable level, or to the greatest extent feasible, solely by means of engineering controls and workpractice methods and as soon as feasible.

(2) There shall be tests made for process or equipment leaks and for emission of vinyl chloride which may result from workpractices. The frequency of these tests shall be such as to insure the integrity of equipment and adherence to proper workpractices.

(g) *Respiratory protection.* (1) A respiratory protection program in accordance with § 1910.134 shall be established and implemented where respirators are required to be used by this section.

(2) Respirators shall be used only in cases of emergency and where required by any other provision of this section. Respirators may not be used in lieu of feasible engineering controls or workpractice methods.

(3) Respirators or combinations of respirators for protection against vinyl chloride shall be selected from among the following:

(i) A positive pressure full facepiece self-contained breathing apparatus;

(ii) A pressure-demand full facepiece self-contained breathing apparatus operating in the pressure-demand mode;

(iii) A combination type "C" pressure-demand full facepiece respirator operating in the pressure-demand mode and a pressure-demand self-contained breathing apparatus operating in the pressure-demand mode; or

(iv) A combination type "C" continuous flow respirator and a pressure-demand self-contained breathing apparatus operating in the pressure-demand mode.

(h) *Protective clothing.* (1) Employees entering regulated areas shall be provided full-body protective clothing, footwear or shoe covers, and gloves, at no cost to them, and required to wear it while in the regulated area.

(2) Where polyvinyl chloride powder containing detectable levels of vinyl chloride is handled, employees shall also be:

(i) Provided and required to wear headcoverings;

(ii) Required to remove all protective clothing at each exit from the regulated area; and

(iii) Required to shower after the last exit of the day.

(3) Clean protective clothing shall be provided whenever contaminated or soiled, but not less frequently than weekly. Contaminated clothing shall be decontaminated before reuse by removal for laundering or disposal.

(i) *Hygiene facilities and practices.* (1) Where employees are required by this section to wear protective clothing and equipment, change rooms shall be provided in accordance with § 1910.141(e).

(2) Where employees are required by this section to shower, shower facilities shall be provided in accordance with § 1910.141(d)(3).

(3) Storage or consumption of food or beverages, storage or use of smoking or non-food chewing products, and the storage or application of cosmetics are prohibited in regulated areas.

(j) *Emergency situations.* (1) A written operational plan for emergency situations shall be developed for each regulated area.

(2) In the event of an emergency, appropriate portions of the plan shall be put into operation.

(i) Hazardous conditions created by the emergency shall be eliminated and the affected area shall be decontaminated prior to the resumption of normal operations.

(ii) Special medical surveillance by a physician shall be instituted within 24-hours for employees present in the affected area at the time of the emergency.

(iii) Where an employee has a known contact with liquid vinyl chloride such employee shall be required to shower as soon as possible, unless contraindicated by physical injuries.

(iv) An incident report on the emergency shall be reported as required in paragraph (q)(2) of this section.

(3) Each authorized employee shall be trained in a program relating to the hazards of vinyl chloride and the precautions for safe use.

(i) The program shall include:

(A) The nature of the fire hazard, and the necessary protective steps;

(B) The nature of the toxic hazard, including local and systemic effects, acute and chronic effects including specifically the carcinogenic hazard;

(C) The specific nature of operations which could result in exposure to vinyl chloride, and necessary protective steps;

(D) The purpose for and application of the medical surveillance program;

(E) The purpose for and application of decontamination practices;

(F) The purpose for and significance of emergency practices and procedures;

(G) The employee's specific role under normal operating or emergency conditions;

(H) Specific information to aid the employee in recognition and evaluation of conditions and situations which may result in the release of vinyl chloride;

(I) The purpose for and application of specific first aid procedures and practices;

(J) A review of this standard at the employee's first training and indoctrination program and annually thereafter.

(ii) All materials relating to the program shall be provided upon request to authorized representatives of the Assistant Secretary and the Director.

(k) *Signs and labels.* (1) Entrances to regulated areas shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT AREA
AUTHORIZED PERSONNEL ONLY

(2) Areas containing operations covered in paragraph (k)(1)(4) of this section shall be posted with signs bearing the legend:

CANCER-SUSPECT AGENT IN THIS AREA
FULL IMPERVIOUS AIR-SUPPLIED EQUIPMENT REQUIRED
AUTHORIZED PERSONNEL ONLY

(3) Containers of waste or other materials contaminated with vinyl chloride shall be labeled:

VINYL CHLORIDE CONTAMINATED MATERIAL
CANCER-SUSPECT AGENT
DISPOSE OF OR DECONTAMINATE USING AUTHORIZED PRECEDURES

(4) Containers of polyvinyl chloride containing detectable levels of vinyl chloride shall be labeled:

POLYVINYL CHLORIDE
CONTAINS VINYL CHLORIDE
VINYL CHLORIDE IS A
CANCER-SUSPECT AGENT
ABSORBED BY BREATHING AND
THROUGH SKIN

(5) Containers of vinyl chloride shall be labeled:

VINYL CHLORIDE
DANGER
EXTREMELY FLAMMABLE GAS
UNDER PRESSURE
MAY POLYMERIZE WITH
EXPLOSIVE FORCE
POISON
CANCER SUSPECT AGENT AND
ANESTHETIC
ABSORBED BY BREATHING
AND THROUGH SKIN

(6) No statement shall appear on or near any required sign, label or instruction, which contradicts or detracts from the effect of any required warning, information or instruction.

(l) *Maintenance and decontamination.* (1) Emphasis shall be placed upon immediate clean up of spills, periodic inspection, prompt repair of equipment and leaks, and proper handling, storage and disposal or decontamination of materials to prevent airborne contamination and accidental skin contact with vinyl chloride. Waste materials, equipment, and other sources of vinyl chloride in closed containers, may not be placed in areas of excessive temperature or sunlight since build-up of internal pressure may result in rupture of the container, fire or explosion.

(2) Waste resins or other materials contaminated with vinyl chloride shall be placed in closed containers pending disposal or decontamination.

(3) Appropriate procedures shall be developed and implemented for the decontamination or disposal of all such waste material.

(4) In maintenance or repair operations on contaminated—systems or equipment, including vessel entry, employees engaged in such operations shall be (i) provided with and required to wear and use a whole-body air-supplied suit impervious to vinyl chloride, and a respirator in accordance with paragraph (g) of this section; and (ii) required to shower after removing protective equipment.

(5) Protective clothing and equipment shall be clean and dry for each use.

(6) When vessels or piping systems are opened local exhaust ventilation shall be provided to remove the escaping vapor from all occupied areas.

(7) (i) Vessels to be entered shall first be ventilated and monitored so that the concentration of vinyl chloride is reduced to a level within the protection factor capability of the protective equipment.

(ii) When vessels are to be entered, all piping to such vessel shall be:

(A) Opened, blanked and tagged; or

(B) Where welded piping is in use, not less than 2 valves in series, which isolate the vessel from any other connection to such line, must be closed and secured.

(iii) No employee shall enter a vessel, except when another employee properly trained and equipped for entry is present and is observing the employee in the vessel. The observer shall have means for signalling for help in the event the employee experiences problems. Under such conditions, the observer shall signal for help, and shall not enter to assist the employee until another person is present to observe.

(m) *Transportation loading and unloading.* (1) Facilities for the loading and unloading of vinyl chloride to and from containers shall have each transfer line and vapor-equalizing line equipped with vent connections, and shall have an inert gas purging system. Vent and purge effluent shall be returned to a process stream or flared in a safe location.

(2) Procedures shall be developed and implemented for the transfer of vinyl chloride. Written copies of such procedures shall be provided employees engaged in such operations, and such employees shall be fully trained and rehearsed in all procedures.

(3) Employees engaged in transfer operations shall be provided with and required to wear respirators in accordance with paragraph (g) of this section.

(n) *Polymer handling operations.* (1) Containers of polyvinyl chloride releasing detectable levels of vinyl chloride shall be opened and transferred only under local exhaust ventilation which reduces the concentration of vinyl chloride below the detectable level.

(2) Hot operations, such as but not limited to milling, calendering and extruding, which release detectable levels of vinyl chloride, shall be carried on only under local exhaust ventilation which reduces the concentration of vinyl chloride below the detectable level.

(o) *Medical surveillance.* Not later than ---------- 1974, a program of medical surveillance shall be instituted, and shall provide each authorized employee with an opportunity for examinations in accordance with this paragraph. All medical examinations and procedures shall be performed by or under the supervision of a licensed Doctor of Medicine (MD) or Doctor of Osteopathy (DO). All medical examinations and tests shall be provided without cost to the employee.

(1) At the time of initial employment, or upon institution of screening, a physical examination shall be performed with specific attention to detecting enlargement of liver or spleen by abdominal palpation.

(2) At the time of initial employment or upon institution of screening, and annually thereafter, a medical history checklist shall be completed by the employee. This list shall include questions concerning:

(i) Alcohol intake;

(ii) Past history of hepatitis;

(iii) Past exposure to potential hepatotoxic agents, including drugs and chemicals;

(iv) Past history of blood transfusions; and

(v) Past history of hospitalizations.

(3) At the time of initial employment, or upon institution of screening, a serum specimen shall be obtained for screening with respect to the following bio-chemical determinations of liver function:

(i) Total bilirubin;

(ii) Alkaline phosphatase;

(iii) Serum glutamic oxalacetic transaminase (SGOT);

(iv) Serum glutamic pyruvic transaminase (SGPT); and

(v) Gamma glustamyl transpeptidase (GGTP).

(4) Additional tests that may optionally be considered for use in screening include:

(i) Lactic dehydrogenase;

(ii) Serum protein determinations;

(iii) Serum protein electrophoresis; and

(iv) Platelet count.

(5) Laboratory analyses for all biological specimens included in medical examinations shall be performed in laboratories accredited by the College of American Pathologists or licensed under 43 CFR Part 74.

(6) If the results of screening required in paragraph (o)(3) of this section are normal, screening shall be repeated:

(i) Every six months for employees who have been employed in vinyl chloride related operations for 10 years or more; and

(ii) Annually for all other employees entering regulated areas.

(7) If one or more liver function tests performed are abnormal, serum testing shall be repeated as soon as possible, preferably within two to four weeks. If no abnormalities are present upon rescreening, serum testing shall be repeated in three months.

(8) If abnormalities persist upon rescreening, the employee shall be withdrawn from areas where contact with vinyl chloride is possible, and an individualized medical workshop shall be instituted. Suggested as initial steps are a complete physical examination and various special procedures such as hepatitis B antigen determination and liver scanning. If liver function abnormalities are determined to be unrelated to liver disease, the employee may be permitted to return to vinyl chloride-related employment, subject to individual medical evaluation.

(9) A complete and accurate record of the results of medical examinations shall be made and maintained for the duration of employment plus five years, or for 20 years, whichever is longer.

(p) *Records.* (1) Records of monitoring and measuring, medical records, and regulated area entry rosters and summaries, shall be made available for examination and copying upon request to authorized representatives of the Assistant Secretary and the Director.

(2) In the event that the employer ceases to do business and there is no successor to receive and retain his records for the prescribed period, these records shall be transmitted by registered mail to the Director, and each employee individually notified in writing of this transfer.

(3) Employees and their designated representatives shall be provided access to examine and copy records of monitoring and measuring.

(4) Former employees shall be provided acces to examine and copy records reflecting their own exposures.

(5) Upon written request of any employee, a copy of the medical record of such employee shall be furnished to a physician designated by the employee in such request.

(q) *Reports.* (1) Not later than _____ _____ the following information shall be reported to the OSHA Area Director. Any change in such information shall be reported to the OSHA Area Director within 15 days of such change.

(i) The address and location of each establishment which has one or more regulated areas; and

(ii) The number of employees in each regulated area during normal operations, including maintenance.

(2) Incidents which result in the release of vinyl chloride into any area where employees may be exposed shall be reported in accordance with this paragraph.

(i) A report of the occurrence of the incident and the facts obtainable at that time including a report on any medical treatment of affected employees shall be made within 24 hours to the OSHA Area Director.

(ii) A written report shall be filed with the OSHA Area Director within 15 calendar days thereafter and shall include:

(A) A specification of the amount of material released;

(B) A description of the area involved and the extent of known and potential employee exposure and area affected;

(C) A report on any medical treatment of affected employees and any medical surveillance program implemented; and

(D) An analysis of the circumstances of the incident, and measures taken or to be taken, with specific completion dates, to avoid further similar releases.

(3) Upon completion of any monitoring and measuring which discloses that any employee has actually been exposed to detectable levels of vinyl chloride, each such employee shall be individually notified in writing. The notice shall:

(i) Be delivered not later than 10 working days after completion of the monitoring and measuring;

(ii) State the actual exposure in terms of concentration and time; and

(iii) State the steps which have been taken, are being taken, and will be taken, with specific completion dates, to terminate the exposure and prevent a recurrence.

(Secs. 6(b), 6(c), and 8(c), 84 Stat. 1593, 1596, 1599 (29 U.S.C. 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754))

Signed at Washington, D.C. this 6th day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–10748 Filed 5–9–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 25]

[Docket No. 13696; Notice 74–19]

TRANSPORT CATEGORY AIRPLANES

Type A Passenger Emergency Exit Capacity

The FAA is considering rule making to revise the passenger seating configuration limit that is applicable to Type A exits on transport category airplanes. Sections 25.807(c) (2) and (3) of the Federal Aviation Regulations (FARs) currently provide that for each pair of Type A exits (consisting of one on each side of the fuselage) the airplane may have a maximum passenger seating configuration of 100.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for early institution of public proceedings in actions related to rule making. An "advance" notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule making problem.

Interested persons are invited to participate in the rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591. Communications should be received on or before July 9, 1974, to assure proper consideration. All comments submitted will be available, both before and after the closing date for comments, for examination by interested persons.

The regulatory provisions relating to Type A exits that are contained in § 25.807 of the Federal Aviation Regulations were adopted by Amendment 25–15, effective October 24, 1967. That amendment also established the provision, in § 25.803(c), that manufacturers show by demonstration that the maximum seating capacity of an airplane having a capacity of more than 44 passengers can be evacuated to the ground within 90 seconds, under conditions prescribed in the regulation. As discussed in the preamble to Amendment 25–15, the allowable passenger seating limit of 100 that was established for each pair of Type A exists was less than the evacuation capacity that had been demonstrated by test. As a result of receiving data and information tending to indicate that some of the considerations leading to the conservative limitation may no longer be applicable, the FAA has instituted a regulatory study project to reevaluate the limitation. The study will include the factors originally considered in establishing the limitation as well as any other factors found to be pertinent. Those factors originally considered include pertinent evacuation tests and demonstrations, exterior slides, the number, location, and size of aisles and passageways, and evacuation system reliability.

Data available to the FAA on in-service evacuations, slide deployments, and evacuation demonstrations indicate that more than 100 passengers have been evacuated through a Type A exit within 90 seconds. The data further indicate that Type A exit systems may have higher in-service reliability than was anticipated at the time the limitation was established in the regulations. However, the FAA believes it is important to review all relevant data on safety and cost considerations that may be applicable to any proposed change in the Type A exit passenger seating limitation. To this end, the FAA solicits data, views, and arguments from all interested persons on the questions set forth below. Data supporting an answer should be submitted or identified sufficiently that the FAA may obtain or develop it.

1. Do the data available on evacuation tests and in-service incidents that relate to the evacuation capacity of Type A exits under emergency conditions indicate that the 100 passenger limitations may safely be increased?

2. What reliability has been demonstrated for Type A exit systems by service experience and tests?

3. What relationships may be established between reliability and passenger emergency evacuation capability of Type A exits?

4. How would the emergency evacuation capability of Type A exits be affected by specific increases in passenger seating capacity and by specific passenger seating configuration considerations?

5. If there are other factors that should be considered, how should the relevant data be related to the emergency evacuation capability of Type A exits?

6. If the commentator recommends specific passenger capacities for consideration, what economic and safety benefits or penalties would be associated with them?

Issued in Washington, D.C., on May 2, 1974.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.74–10787 Filed 5–9–74;8:45 am]

[14 CFR Part 39]

[Docket No. 74–NW–4–AD]

AIRWORTHINESS DIRECTIVES

Boeing Model 737–100/200 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the

Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 737–100/200 Series Airplanes. There have been four reports of erratic air data indications on pitot-static flight instruments on the 737–100/200 series airplanes which have been traced to excessive amounts of water accumulating in the pitot-static lines after heavy rain and high wind conditions. Erratic air data indications could result in a serious airplane accident during landing or take off.

Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require (A) draining the pitot-static lines after a heavy rain storm, and (B) terminating the airworthiness directive by modifying the pitot-static tubes to include a vertical rise on the Boeing Model 737–100/200 series airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: Regional Counsel, Airworthiness: Rules Docket, FAA Building, Boeing Field, Seattle, Washington 98108. All communication received on or before July 10, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to all Model 737 airplanes, certificated in all categories, listed in Boeing Service Bulletin 737–34–1031 dated March 1, 1974, or later FAA approved revisions. To prevent erroneous information from being displayed on the pitot-static flight instruments:

(A) (1) Unless already accomplished within the last 300 hours' time in service, or modified in accordance with section (B), drain the pitot-static lines within the next 300 hours' time in service after the effective date of this AD.

(2) Repeat section (A)(1) before the first flight after the airplane has sustained ground exposure to a rain storm reported by the U.S. National Weather Service or an accredited observer as heavy (R+) or greater.

(B) As a terminating action to this AD, within the next 2500 hours' time in service after the effective date of this AD, modify the pitot-static tubing to include a vertical rise just inboard of each pitot-static probe in accordance with Boeing Service Bulletin 737–34–1031, dated March 1, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

Issued in Seattle, Washington on May 2, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.74–10788 Filed 5–9–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–SO–48]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Tifton, Ga., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before June 10, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Tifton transition area described in § 71.181 (39 FR 440) would be amended as follows:

"* * * long. 86°29'06" W.) * * *" would be deleted and "* * * long. 86°-29'06" W.); within a 5-mile radius of Eaglehead Airport (lat. 31°23'00" N., long. 83°36'00" W.) * * *" would be substituted therefor.

The proposed amendment is required to provide controlled airspace protection for IFR operations at Eaglehead Airport. A special prescribed instrument approach procedure to this airport, utilizing Tifton VOR, is proposed in conjunction with the alteration of this transition area. If the proposed alteration is acceptable, the airport operating authorization will be changed from VFR to IFR.

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 of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on May 2, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.74–10789 Filed 5–9–74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 40, 50, 70]

LIGHT-WATER-REACTOR FUEL CYCLE FACILITIES

"As Low as Practicable" Guidelines

In 1971, the Atomic Energy Commission amended its regulations to improve the framework in 10 CFR Part 20 for assuring that reasonable efforts are maintained by Commission licensees to keep releases of radioactive materials in effluents as low as practicable. The term "as low as practicable" as used in Commission regulations means as low as is practicably achievable taking into account the state of technology and the economics of improvements in relation to benefits to the public health and safety and in relation to the utilization of atomic energy in the public interest. Also in 1971, the Commission published proposed amendments to 10 CFR Part 50 to provide numerical guidance on as low as practicable guidelines for light-water-cooled nuclear power reactors. This guidance was in the form of specific design objectives and limiting conditions for operation of such reactors.

In 1973, the Commission initiated comprehensive engineering and environmental studies to form the basis for providing specific guidance on as low as practicable effluent releases for fuel cycle facilities other than reactors. The Commission is now considering amending its regulations 10 CFR Parts 40, 50, and 70 to include specific as low as practicable guidance for effluent releases from licensed uranium mills, uranium hexafluoride refineries, enriched uranium fuel fabrication plants, fuel reprocessing facilities, and plutonium mixed oxide fuel fabrication plants.

The purpose of this notice is to invite advice and recommendations on this matter from all interested persons. Specifically, comments are requested on the following questions:

1. Is it desirable to develop more definitive criteria for design objectives for fuel cycle facility waste treatment systems to keep levels of radioactive materials in effluents as low as practicable? If so, should the criteria be in the form of:

a. Waste treatment equipment requirements and performance specifications; or

b. Ranges of numerical criteria; or

c. Other? (Specify)

2. If the criteria are in the form of waste treatment equipment requirements, what should be required on the basis of technology already in commercial use?

3. If the criteria are in the form of ranges of numerical criteria, should they be in the form of ranges of:

a. Quantities of radionuclides released in gaseous and liquid effluents?

b. Concentrations of radionuclides in effluents at the point of release on-site?
c. Concentrations of radionuclides in the environment?
d. Annual exposures to individuals offsite?
e. Average annual radionuclide intake guides for population groups?
f. Annual exposures to population groups
g. Annual average exposures to the whole population (man-rems)?
h. Other? (specify)

4. If more definitive criteria were to be derived in any one of the above categories on the basis of available technology not yet in routine use, what equipment or ranges of numerical criteria would be appropriate?

5. As a result of further technological advances and of more experience with techniques already under development, can substantial further reduction of releases of radioactive materials in effluents be obtained? If not, why not? If such incremental reductions can be obtained, what are:
a. The processes involved?
b. The media and nuclides involved?
c. The extent of the additional reduction?
d. The probable length of time before the process could be commercially feasible?
e. The expected cost to the facility operator?
f. Any expected problems with the process in plan operation that may increase inplant risks?

The Commission has concluded that action to include in its regulations "as low as practicable" guidelines for fuel cycle facilities would constitute a major Federal action significantly affecting the quality of the human environment and as such will require the preparation of an environmental impact statement pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA). Accordingly, an impact statement(s) will be prepared should the Commission determine it is in the public interest to proceed to amend its regulations as described above.

Under the President's Reorganization Plan No. 3 of 1970, the Environmental Protection Agency (EPA) is responsible for establishing generally applicable environmental radiation standards for the protection of the general environment from radioactive materials. EPA is issuing an advance notice of proposed rule making, concurrently with the issuance of this AEC notice of intent to amend its regulations, providing notice that EPA is considering issuing generally applicable standards under its authority to assure protection of the general public from exposure to radiation resulting from the normal operations of the entire light-water reactor uranium fuel cycle (pg. 16906). EPA generally applicable standards would apply to environmental radiation resulting from operations of the entire fuel cycle and will not differentiate class of facility.

The specific guidance on levels of radioactive material that may be considered "as low as practicable" in effluent releases from uranium mills, uranium hexafluoride refineries, enriched uranium fuel fabrication plants, fuel reprocessing facilities and plutonium mixed oxide fuel fabrication plants, which is the subject of this AEC notice, would be formulated to be compatible with and implement any generally applicable environmental standards established by EPA. The EPA would reflect AEC's findings as to practicability of emission controls in establishing its generally applicable standards.

Interested persons are invited to submit written comments and suggestions with respect to the foregoing matters, or any other matters pertinent to the subject matter of his notice. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff by June 24, 1974. Copies of comments received by the Commission may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

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

Dated at Washington, D.C. this 1st day of May 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-10818 Filed 5-9-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 213]

[Docket No. 26677; EDR-268]

TERMS, CONDITIONS, AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS

Filing and Approval of Schedules of Foreign Air Carriers

MAY 7, 1974.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 213 of its Economic Regulations (14 CFR Part 213) so as to revise the provisions of § 213.3(c) thereof which relate to the issuance of an order requiring the holder of a foreign air carrier permit covered by a bilateral agreement to file copies of its existing and proposed schedules with the Board for approval. The principal features of the proposed amendment are explained in the attached explanatory statement and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a) and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before June 10, 1974, and in reply comments received on or before June 20, 1974, will be considered before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

Explanatory Statement. Part 213 of the Board's Economic Regulations was adopted to give the Board powers, analogous to those of most foreign governments, to issue orders requiring foreign air carriers to file their schedules of service with the Board, and to permit the Board, subject to Presidential stay or disapproval, to disapprove those schedules which are found to be contrary to applicable law or to adversely affect the public interest. However, under the present provisions of the regulation issuance of an order requiring the filing of schedules by a foreign air carrier operating pursuant to a bilateral agreement requires findings different from an order directed to a carrier of a nation with which there is no such agreement.

Section 213.3(b) applies in the case of a foreign air carrier whose section 402 permit for scheduled foreign air transportation is not covered by a bilateral air transport agreement between the United States and the permit holder's country. Upon a finding "that the public interest so requires," the Board may issue a schedule-filing order with respect to such foreign air carrier. However, under § 213.3(c), which is applicable to foreign air carriers whose permits for scheduled air transportation are covered by a bilateral air transport agreement between the United States and the permit holder's country, the Board must make, in addition to a "public interest" finding, a further finding that the foreign air carrier's government (or aeronautical authority) has, over the objections of the United States, restricted[1] a U.S. carrier's operating rights provided for in such bilateral agreement.

It is not clear that this required additional finding provides for Board action under Part 213 in various circumstances where foreign governmental (or aeronautical authority) action or inaction has the effect of depriving U.S. carriers of a fair and equal opportunity to exercise operating rights provided for in an applicable air transport agreement. The deprivation of fair and equal opportunity can impair U.S. operating rights as much as action which denies such rights. Accordingly, the Board is tentatively of the view that § 213.3(c) should be clarified to in terms provide for utilization of the Part 213 procedures in such circumstances. Specifically the Board proposes to amend § 213.3(c) to add, as

[1] The applicable language of § 213.3(c), detailing such "restriction," reads, "* * * taken action which impairs, limits, terminates, or denies operating rights provided for in such air transport agreement, of any U.S. air carrier designated thereunder with respect to flight operations to, from, through, or over the territory of such foreign government."

an alternative to the existing requisite finding (i.e., the finding required in addition to the "public interest" finding) that the government or aeronautical authorities, over the objections of the United States Government, have "* * * (2) otherwise denied or failed to prevent the denial of, in whole or in part, the fair and equal opportunity to exercise the operating rights, * * *" provided for in the applicable bilateral air transport agreement, with respect to a U.S. air carrier designated under the agreement.

The revision here proposed is consistent with, and is intended to further, the "Bermuda Principles" incorporated in United States bilateral air transport agreements with other countries. The "Bermuda Principles" provide, inter alia, that "there shall be a fair and equal opportunity for the airlines of each contracting party to operate on any route covered by this Agreement." As the United States and British Governments emphasized in their Joint Statement and Press Release, issued at the time of the negotiation of the Bermuda Agreement, such "fair and equal opportunity" does not contemplate any "predetermination of frequency or capacity or of any arbitrary division of air traffic between countries and their national airlines." Rather such "fair and equal opportunity" incorporates the machinery of the bilateral which serves to "obviate unfair competition by unjustifiable increases of frequencies or capacity," as well as to obviate other practices which may deprive one country's carriers of a fair and equal opportunity to compete for traffic on the route.[2]

The Board has recently completed a study which indicates that several foreign governments do in fact engage in various practices which have had the effect of depriving U.S. carriers of a fair and equal opportunity to exercise rights granted to such carriers by the applicable bilateral air transport agreement.[3] As reflected in the Joint U.S.-U.K. statement, such a denial can arise from the failure of a foreign government, or its aeronautical authorities, to take appropriate action to deter its carriers from the operation of excessive capacity in a manner inconsistent with the principles set forth in the bilateral agreement. Particular problems in this regard may arise from excessive scheduling made possible by drawing upon a large volume of so-called "Sixth Freedom" traffic; i.e., traffic originating or destined to points beyond the homeland of the carrier and carried via the homeland to or from the United States. The Bermuda principles provide that carriers of the respective parties to the bilateral agreement are entitled to carry a reasonable amount of "Fifth Freedom" third-country "fill up" traffic as appropriate and necessary for through airline operations between the airline's homeland and distant points. However, services geared substantially to traffic from beyond the homeland in essence constitute third-country operations, outside the scope of homeland-originating through services contemplated by the Fifth Freedom authorizations in the bilateral. When a pattern of such operations develops, it is clear such operations may constitute an unwarranted infringement upon the basic "Third" and "Fourth Freedom" direct transport rights of the national carriers of the United States and the third country to or from which such traffic is carried. The fair and equal opportunity of U.S. carriers may thus be seriously jeopardized.

Other practices, which may equally deprive U.S. carriers of such a fair and equal opportunity, are detailed in the Board's study. Examples of such governmental actions would include limitations upon the remittance of funds; limitations upon U.S. carriers doing business in the foreign country; discriminatory currency conversion rules; or discriminatory or inequitable landing or other fees or air traffic control rules. Such action, or inaction, can effectively inhibit real competitive equality to a degree which should warrant appropriate action in the public interest under section 213.3.

The revision of § 213.3(c), as proposed, would insure the ability of the U.S. Government to take effective action in such cases. With respect to our bilateral partners, the amendment would, in effect, give this government the same control over foreign air carriers' schedules as the governments of those carriers possess over U.S.-flag carriers' schedules. The Board would, of course, observe all relevant provisions of any applicable bilateral agreement before invoking the Part 213 procedure. Specifically, the Board would defer any proposed Part 213 action insofar as necessary to comply with consultation procedures contemplated by the bilateral. For this reason, our bilateral partners need not fear that the proposed rule would in any way impair U.S. bilateral obligations. However, because of the relationship between the proposed revision of Part 213 and United States rights and obligations under outstanding bilateral air transport agreements, the Board will submit its final rules to the President for approval.

It is therefore proposed to amend Part 213 of the Board's Economic Regulations (14 CFR Part 213) as follows:

Amend § 213.3(c) to read as follows:

§ 213.3 Filing and approval of schedules.

* * * * *

(c) In the case of any foreign air carrier permit for scheduled air transportation which is the subject of an air transport agreement between the United States and the government of the holder, the Board may with or without hearing issue an order, similar to that provided for in subsection (b) of this section, if it makes the findings provided for in that subsection and, in addition, finds that the government or aeronautical authorities of the government of the holder, over the objections of the United States Government, have: (1) Taken action which impairs, limits, terminates, or denies operating rights, or (2) otherwise denied or failed to prevent the denial of in whole or in part, the fair and equal opportunity to exercise the operating rights, provided for in such air transport agreement, of any U.S. air carrier designated thereunder with respect to flight operations to, from, through, or over the territory of such foreign government.

Excerpt from "Joint Statement Relating to the International Air Transport Policy of the United States and British Governments," (14 Dept. St. Bull., No. 347, 302–6 (February 24, 1946)).

* * * * *

4. Consequently, both parties believe * * * they should follow the basic principles agreed to at Bermuda, including particularly

(A) fair and equal opportunity to operate air services on international routes and the creation of machinery to obviate unfair competition by unjustifiable increases of frequencies or capacity;

(B) the elimination of formulae for the predetermination of frequencies or capacity or of any arbitrary division of air traffic between countries and their national airlines;

(C) the adjustment of Fifth Freedom traffic with regard to:

(1) traffic requirements between the country of origin and the countries of destination,

(2) the requirements of through airline operation, and

(3) the traffic requirements of the area through which the airline passes after taking account of local and regional services.

* * * * *

Excerpt from the "Joint Press Release of the United Kingdom and United States Delegations on the Work of the Bermuda Conference—January–February, 1946." (Dept. of State Press Release No. 103, February 11, 1946).

* * * * *

* * * At the same time the principles provide for fair and equal opportunity for air carriers of the two Nations to operate between their respective territories and to provide air transport facilities matched to the needs of the public. The fair and equal opportunity referred to above does not imply the allocation of frequencies by agreement but only the right of each nation to

[2] See in this connection, Joint Statement Relating to the International Air Transport Policy of the United States and British Governments, 14 Dept. St. Bull., No. 347, 302–6 (February 24, 1946); Joint Press Release of the United Kingdom and the U.S. Delegations on the Work of the Bermuda Conference—January–February, 1946, Dept. of State Press Release No. 103, February 11, 1946; George P. Baker (Chairman of the U.S. Delegation to the Bermuda Conference), The Bermuda Plan as the Basis for a Multilateral Agreement, lecture delivered at McGill University, April 18, 1947. Excerpts of pertinent portions of these documents are attached hereto.

[3] See "Restrictive Practices Used by Foreign Countries to Favor their National Carriers," prepared by the Bureau of International Affairs, Civil Aeronautics Board, August 1973. The unclassified section of this study is available from the Civil Aeronautics Board, Publication Services Section, Room 515, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

offer the services it believes justified under the principles agreed to * * *. This paragraph in referring to the carriage by air carriers of one of the two nations of so called "Fifth Freedom" traffic—that is passengers and cargo between two foreign countries—recognizes this Fifth Freedom privilege, granted in the Annex, so long as the carriage of these loads does not defeat the primary objective of the agreed international air services which is to provide air transport adequate for the traffic between the country of origin of the aircraft and the country of destination of the traffic.

* * * * *

Excerpt from George P. Baker (Chairman of the U.S. Delegation to the Bermuda Conference), "The Bermuda Plan as the Basis for a Multilateral Agreement" (Lecture delivered at McGill University, April 18, 1947).

* * * * *

* * * The purpose of the two statements mentioned [fair and equal opportunity and taking consideration of the interest of the air carriers of the other government so as not to effect unduly its services] was, as they were drawn up at Bermuda, to protect against "unfair trade practices" and I remember clearly in the discussions which took place while the wording of these paragraphs was being formed that it was well understood by all concerned that the freedom of the management of an airline company to put on or take off schedules would be the same as the present freedom of either of two competing bus lines between New York and Washington to experiment with their schedules without restriction. It was also clearly understood, however, that one company should not indulge in practices which were specifically for the purpose of driving a competitor out of business in any way unless that should take place indirectly through one line giving much better service at fair rates for such service * * * There was certainly no intention that free opportunity to compete on a fair basis and the right to do half the business were, as concepts, even distantly related. The line giving the service most desired by the travelers on that route was to be allowed to carry as many as wished to travel on it. The overall principle was that the airline of any country properly certificated by that country should have a fair chance to show the traveling public the kind of service it could supply but the apportionment of traffic between airlines would be the result of consumer choice.

As a protection, however, purely destructive practices of one line against another should not be allowed nor should the subsidizing of one airline more than another be allowed to enable one airline to give the same service to the public at a lower rate. These were the thoughts behind the phrasing of the paragraphs just mentioned. I clearly remember the conversations which took place.

The above statements immediately follow the paragraph which states that air transportation facilities available to the traveling public should bear close relationship to the public need for such transportation. The purpose of this paragraph was to prevent the continued operation of aircraft at unnecessarily low load factors since it was realized that such activity would be generally detrimental to all lines servicing the route. Such cases might be those where a government might desire to support excessive operations of its own airline for competitive advantage or where one private airline with strong financial backing felt it could afford competitive over-servicing to its advantage over a competitor without such strong financial backing. There was, as I remember, no difficulty in getting general acceptance of the phraseology covering this point. There is in the three paragraphs under discussion clear understanding that there shall be a fair field and no favor for the certificated airlines taking part in air transport over any route. There is, however, neither in these three paragraphs nor anywhere else in the Agreement, nor was there meant to be, any intention that there should be equal apportionment of traffic between such lines * * *

The other paragraph in the final act which has come in for much discussion by other than the two parties to the Agreement is that dealing with the Fifth Freedom traffic * * *. There were certain clear principles behind this paragraph: (1) No country should have the right to operate "merry-go-round" services between two foreign countries (unless, of course, so requested by those countries). (2) Services upon which Fifth Freedom traffic could be carried should be through service out from or back to the home country.

* * * * *

[FR Doc.74-10862 Filed 5-9-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 85]

CONTROL OF AIR POLLUTION FROM NEW MOTOR VEHICLES AND NEW MOTOR VEHICLE ENGINES

Hydrocarbon Exhaust Emission Standards and Test Procedures To Permit Exclusion of Methane

On April 30, 1971, the Administrator of the Environmental Protection Agency promulgated a national primary and secondary ambient air quality standard for hydrocarbons (36 FR 8186). This ambient air quality standard specifies the maximum concentration of hydrocarbons (excluding methane) considered by the EPA to be consistent with attainment of the national primary and secondary ambient air quality standard for photochemical oxidants. Methane is excluded from the measurement of atmospheric hydrocarbon concentrations to determine compliance with the ambient air quality standard because methane is not considered to participate in the atmospheric photochemical reactions leading to the formation of photochemical oxidants, and because substantial ambient levels of methane are known to originate from uncontrollable sources.

On July 2, 1971, the Administrator of the Environmental Protection Agency promulgated a hydrocarbon exhaust emission standard applicable to new gasoline fueled light duty motor vehicles beginning with the 1975 model year (36 FR 12652). On April 11, 1973, the Administrator granted a one year suspension of the effective date of that standard and promulgated interim hydrocarbon emission standards applicable to such vehicles during the 1975 model year (38 FR 10317, April 26, 1973). The abovementioned light duty vehicle hydrocarbon exhaust emission standards, and standards promulgated by the EPA which limit exhaust hydrocarbon emissions from new light duty Diesel motor vehicles, new light duty trucks, and new gasoline fueled and Diesel heavy duty engines, all require that total hydrocarbons (including methane) in the vehicle's or engine's exhaust meet specified limits. Measurement of total hydrocarbons, rather than nonmethane hydrocarbons, was specified in the promulgation of these motor vehicle emission standards because at the time of their promulgation adequate techniques for the routine measurement of methane in motor vehicle exhaust were not considered by the Administrator to be available for promulgation, because the methane fraction of the hydrocarbon emissions from current vehicles was taken to be inconsequentially low, and since emission control systems were expected to reduce all components of the hydrocarbon exhaust equally.

On June 29, 1973, the Ford Motor Company submitted a petition to the Environmental Protection Agency requesting amendment of the motor vehicle and motor vehicle engine exhaust emission test procedures to permit exclusion of methane in determining compliance with Federal motor vehicle emission standards. In support of that request, the petition includes information on the failure of methane to participate in atmospheric reactions leading to the formation of photochemical oxidants, on the quantities of methane contained in the exhaust of light duty motor vehicles equipped with various types of emission control systems, and on the availability of instrumental methods for measurement of methane in light duty motor vehicle exhaust. The petition states that failure to exclude methane in determining compliance of light duty motor vehicles with Federal emission standards for exhaust hydrocarbons makes control of nitrogen oxide emissions from the vehicles more difficult and causes fuel economy to suffer, although no data are included in the petition to substantiate or quantify the magnitude of these effects.

In response to the petition by the Ford Motor Company, the Environmental Protection Agency is considering proposing regulations which would employ the measurement of non-methane hydrocarbons, rather than total hydrocarbons, to determine compliance with Federal motor vehicle and motor vehicle engine emission standards. In making such a change, the numerical values of exhaust emission standards for hydrocarbons would be changed to equivalent values expressed in terms of non-methane hydrocarbon emissions. However, while the conversion of motor vehicle exhaust hydrocarbon standards to a non-methane basis would appear a technically desirable goal, such a change would require significant expenditures of resources by the Environmental Protection Agency, motor vehicle manufacturers, and other motor vehicle emissions testing laboratories for modification of existing equipment and procedures. Furthermore, before such proposed rulemaking could be promulgated, substantial efforts would be

required by the Environmental Protection Agency to establish revised testing procedures and to determine the magnitudes of non-methane hydrocarbon emission standards equivalent to present total hydrocarbon standards.

In order to obtain further information needed to evaluate a number of technical issues relating to such a regulatory change and to better determine the advantages and disadvantages of making such a change, the Environmental Protection Agency invites comments from all interested parties. Since catalytic converters may preferentially reduce the photochemically reactive portion of the hydrocarbon exhaust, the current "total" hydrocarbon standard may unnecessarily penalize vehicles equipped with these converters. For this reason information relating to making such a change for light duty vehicles and light duty trucks is especially sought since a large proportion of the post 1975 model year light duty vehicles and light duty trucks are expected to use catalytic converters in their emission control systems. In addition, although all comments relevant to this matter will be considered, comments are particularly solicited on the following aspects:

(1) *Identification of non-reactive hydrocarbon components of motor vehicle exhaust which should be excluded in determining compliance with motor vehicle emission standards.* In addition to methane, Environmental Protection Agency scientists have identified ethane, propane, acetylene, and benzene as components of motor vehicle hydrocarbon exhaust which can be considered to be essentially non-reactive in the formation of photochemical oxidants. Comments are solicited on the exclusion of the above compounds in determining compliance with motor vehicle hydrocarbon exhaust emission standards as well as on any additional compounds measured in the current total hydrocarbon determination which do not significantly participate in the formation of photochemical oxidants.

(2) *Availability of methods for routine measurement of non-reactive hydrocarbon components in motor vehicle exhaust.* Comments are solicited on the availability of measurement methods suitable for use in conjunction with the Federal emission test procedures prescribed in this part to determine exhaust emission of the hydrocarbon compounds referred to in item (1) above. Such comments should indicate: the degree of development of the methods; commercial availability of instruments required for use of the methods, including lead-time which would be required to provide adequate numbers of such instruments for general use in Federal and private motor vehicle emission testing facilities; ranges of concentration measurable using the method, and accuracy and precision of the method; and cost of using the method relative to the current method for measurement of total hydrocarbons specified in this part, considering both the costs of the necessary materials and equipment for using the method and the manpower required for its use. When methods of non-reactive hydrocarbon measurement which are not compatible with present EPA procedures for collecting and analyzing the exhaust gas are suggested, such comments are requested on the availability of compatible alternative collection and analysis procedures (e.g., when instrumentation suggested for light duty diesel powered vehicles is not compatible with the continuous exhaust analysis procedures used for these vehicles). Such comments are also sought on the availability of methods which could be used to directly quantify the photochemical reactivity of motor vehicle exhaust hydrocarbon emissions without separate determination of individual chemical species.

(3) *Quantities of reactive and non-reactive hydrocarbon compounds in motor vehicle exhaust.* Comments are solicited on the quantities of non-reactive hydrocarbon compounds referred to in item (1), above, which are found in exhaust emissions from current motor vehicles and motor vehicle engines and from vehicles and engines using advanced emission control systems or alternative engine designs likely to be used in future years. Comments are also sought on the extent to which adoption of advanced emission control systems or alternative engine designs may lead to changes in the photochemical reactivity of the remainder of the organic exhaust emissions.

(4) *Impact of total vs. reactive hydrocarbon standards.* Comments are solicited on the extent to which reactive hydrocarbon emission standards requiring reductions (from 1970 levels for light duty vehicles and from uncontrolled levels for heavy duty engines) equal to those required by presently promulgated standards for total hydrocarbons could be achieved at lower cost, with increased fuel economy, reduced maintenance requirements, or other savings to the prospective vehicle purchaser. Comments are also sought on the extent to which such cost savings might be offset by increased costs of motor vehicle compliance testing using reactive hydrocarbon measurement methods.

(5) *Lead time required for implementation of non-reactive hydrocarbon testing.* Comments are solicited on the lead-time which motor vehicle and motor vehicle engine manufacturers and other private emission testing laboratories would require to implement testing methods for non-reactive hydrocarbon exhaust emissions.

(6) *Impact of reactive hydrocarbon standards on other motor vehicle compliance efforts.* Comments are solicited on the extent to which exclusion of non-reactive hydrocarbon compounds including exclusion of methane, ethane, propane, acetylene, and benzene, referred to in item (1) above, in determining compliance with Federal hydrocarbon exhaust emission standards for new motor vehicles and new motor vehicle engines, would impact on the effective conduct of other current or planned motor vehicle emission compliance efforts. In particular, comments are sought on the extent to which State motor vehicle emission inspection and maintenance programs using non-dispersive infrared measurement techniques for hydrocarbon emissions measurements would be adversely affected by adoption of reactive exhaust hydrocarbon standards for new vehicles and engines.

Information responsive to this advance notice may be submitted in writing. All such written material should be submitted with five copies to the Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention: Office of Mobile Source Air Pollution Control (AW-455). To be effectively considered, all relevant material should be received not later than July 9, 1974. Comments submitted will be made available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

This advance notice of proposed rule making is issued under the authority of Section 202, 206, and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857f-1(a)).

Dated: May 1, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-10807 Filed 5-9-74;8:45 am]

[40 CFR Part 180]

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

Binapacryl; Proposed Revocation

In the FEDERAL REGISTER of April 13, 1966 (31 FR 5723), the Secretaries of Agriculture and Health, Education, and Welfare issued a joint statement to the effect that all pesticides registered for use on food or feed on a no-residue, or zero tolerance, basis must have negligible residue tolerances established by December 31, 1970 or registration would be canceled. Susequently, it was agreed that, in general, registrations should be continued in those situations where petitions had been submitted prior to December 31, 1970, but that in no event would any such registration be continued without tolerance beyond December 31, 1971 (notice was published in the FEDERAL REGISTER of December 5, 1970; 35 FR 18550)). Because a number of these petitions were submitted just prior to the December 31, 1970 deadline and because amendments to the petitions were subsequently submitted, interim tolerances were established in connection with many such petitions pending the completion of final review and action. An order establishing interim tolerances for combined residues of the insecticide and fungicide binapacryl (2-*sec*-butyl-4,6-dinitrophenyl - 3 - methyl-2-butenoate) and its metabolite 2-*sec*-butyl-4,6-dinitrophenol in or on apples, grapes, and

pears at 0.2 part per million was published in the FEDERAL REGISTER of August 30, 1972 (37 FR 17554) in connection with Pesticide Petition No. 8F0728 submitted by the FMC Corp., Middleport, NY 14105.

Accordingly, on the initiative of the Administrator and because data are inadequate to support the establishment of permanent tolerances and because FMC Corp. has withdrawn Pesticide Petition No. 8F0728 (notice of withdrawal was published in the FEDERAL REGISTER of February 26, 1974 (39 FR 7484))), it is concluded that the interim tolerances for combined residues of binapacryl and its aforesaid metabolite in or on apples, grapes, and pears at 0.2 part per million should be revoked.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a (e), (m)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.319 *Interim tolerances* be amended by deleting the item "Binapacryl (2-*sec*-butyl-4,6-dinitrophenyl-3-methyl-2-butenoate) * * *" from the list of items in the table.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before June 10, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons may, on or before June 10, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the Hearing Clerk.

Dated: April 30, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-10808 Filed 5-9-74;8:45 am]

[40 CFR Part 190]

ENVIRONMENTAL RADIATION PROTECTION REQUIREMENTS

Normal Operations of Activities in the Uranium Fuel Cycle

Reorganization Plan No. 3, which became effective on December 2, 1970, transferred certain functions from the Atomic Energy Commission to the Environmental Protection Agency "* * * to the extent that such functions of the Commission consist of establishing generally applicable environmental standards for the protection of the general environment from radioactive material. As used herein, standards mean limits on radiation exposures or levels, or concentrations or quantities of radioactive material, in the general environment outside the boundaries of locations under the control of persons possessing or using radioactive material." The Environmental Protection Agency is planning to issue generally applicable standards under this authority to assure protection of the general public from exposure to radiation from normal operations of the uranium fuel cycle. As used herein the uranium fuel cycle means all facilities or operations, including transportation, that are involved in the processing, fissioning, and reprocessing of uranium for the production of electrical power by light-water reactors, from the time uranium ore leaves the mine through the reprocessing of uranium after burnup in reactors and its eventual recycle back into fuel supply. Nuclear power generation based on recycled plutonium fuel, plutonium fuel, or thorium fuel are excluded from this consideration, as are mining operations, but future consideration of these activities is contemplated when appropriate.

Reorganization Plan No. 3 transferred to the Environmental Protection Agency the responsibility for establishing generally applicable environmental radiation standards for the protection of the general environment from radioactive materials. The responsibility for the implementation and enforcement of these EPA radiation standards remained with the Atomic Energy Commission. The standards considered herein will implement this division of responsibilities by stating generally applicable environmental radiation standards that normal operations of all facilities comprising the uranium fuel cycle should satisfy in the general environment outside their site boundaries; such standards will apply to environmental radiation resulting from the combined operations of the entire fuel cycle. The implementation of these standards through the issuance and enforcement of licenses for individual facilities, including technical specifications of effluent points, is expected to be carried out by the Atomic Energy Commission under its responsibilities. Therefore, EPA will reflect AEC's findings as to practicability of emission controls in its deliberations. In this regard, the AEC has announced in this issue of the FEDERAL REGISTER (39 FR 16902) its intent to consider rulemakings providing design and operating guidance for several types of facilities in the uranium fuel cycle to keep radioactive materials in effluents "as low as practicable." It is anticipated that EPA's generally applicable standards for the uranium fuel cycle will be effectively implemented through such design and operating guidance.

A major national effort has been underway for more than a decade to develop light-water-cooled nuclear reactors using enriched uranium for fuel for the generation of electrical power. The current rapid growth of this energy source also requires increases in associated activities and operations of the uranium fuel cycle. Increases are expected in the various operations involved in the processing of uranium ore to supply enriched uranium for the increasing generation of electricity by power reactors. Similar increases will also be necessary in fuel fabrication, fuel reprocessing, and transportation requirements.

The Agency believes that existing Federal Radiation Protection Guidance is not, by itself, entirely adequate to control the impacts associated with these expanded activities for three principal reasons: (1) the control of individual sources of radiation under existing guidance that radiation doses be maintained as far below Federal Radiation Protection Guides "as practicable" does not require sufficiently explicit consideration of total population dose, (2) existing guidance does not adequately deal with the long-term impact of the release of long-lived nuclides to the environment, and (3) a recent study by the National Academy of Sciences—National Research Council [1] concluded that current Federal Radiation Protection Guides for the average exposure of the population are "unnecessarily high."

The standards envisioned by this advance notice of rulemaking will be designed to provide environmental and public health protection from the potential effects of normal radioactive effluents from all operations within the uranium fuel cycle. These standards will include consideration of the particular health risks attributable to environmental radiation due to operations of the uranium fuel cycle and the general capability and costs of measures available to mitigate these risks. Although the standards will encompass abnormal but anticipated releases of radioactive material to the environment associated with effluent control measures, potential releases associated with the possibility of accidents involving the nuclear safety of facilities are beyond the scope of the proposed rulemaking, which is limited to environmental radiation due to normal operations.

A number of long-lived radionuclides are discharged to the environment as a result of planned operations within the fuel cycle, with consequent buildup of environmental levels and commitments for population dose that may persist for tens, hundreds, or thousands of years. The extent of population doses which may occur as a result of such commitments are related to the physical half-life of the radionuclide, the extent of its dispersion through environmental media, and the period over which it remains available in the environment so that it can interact with and expose humans and other species through air and water directly, by direct radiation, or by accumulation in and transferral through food chains. The Agency believes it is important to recognize this perspective of radiation risk in addition to that of annual exposure of individuals, which is an adequate measure only for shorter-

[1] Report of the Committee on Biological Effects of Ionizing Radiation entitled "The Effects on Populations of Exposures to Low Levels of Ionizing Radiation" National Academy of Sciences, Washington, D.C. (November, 1972)

lived radionuclides, and to consider appropriate standards to control such long-term dose commitments.

In addition to protection against environmental buildup of long-lived materials, standards are also contemplated to limit doses to the whole body or organs of individuals due to short-lived radioactive effluents.

On June 9, 1971, the Atomic Energy Commission proposed (36 FR 1113) an Appendix I to 10 CFR Part 50 setting forth new design and operation guides for light-water-cooled power reactors. After a careful examination of current waste treatment technology for such plants, EPA concluded at that time that the proposed design guides could be implemented so that design doses to individuals offsite would routinely be limited to less than 5 millirems per year, and that operational control measures could be taken to limit doses to the maximum exposed individual to well within the range of 20–40 millirems per year proposed as limiting conditions of operation. The Agency further decided for the time being not to exercise its authority to propose generally applicable standards for radioactive material in the general environment from light-water-cooled nuclear power reactors. These findings were stated by the Agency on February 23, 1972, at the rulemaking hearing on proposed Appendix I conducted by the Atomic Energy Commission, and will be reviewed along with additional information developed for the uranium fuel cycle.

With respect to standards for the uranium fuel cycle it is important both to limit the public health and environmental impact of radiation doses to the public due to planned releases to the lowest levels feasible and to keep key facilities in the uranium fuel cycle in operation in order to maintain the benefits to the health and welfare of society provided by a continuous uninterrupted supply of electric power. The Agency will attempt to strike a balance between these two goals in proposing standards for the uranium fuel cycle.

Pursuant to the Atomic Energy Act of 1954, as amended, advance notice is hereby given that proposed additions to 40 CFR Part 190 are contemplated specifying generally applicable standards for environmental levels of exposure and radioactive materials due to normal operations of activities in the uranium fuel cycle. Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be sent to the Criteria and Standards Division, Office of Radiation Programs, Environmental Protection Agency, Washington, D.C. 20460, on or before June 24, 1974. The agency also will consider the need for holding technical public hearings after the comment period ends. All communications received on or before June 24, 1974, will be considered by the Administrator before taking action on the proposed rule. Communications received in response to this notice may be examined in the Agency's Public Affairs Office, 4th and M Streets, SW., Washington, D.C. 20460.

JOHN QUARLES,
Acting Administrator.

MAY 6, 1974.

[FR Doc.74-10805 Filed 5-9-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 108]

LOANS TO LOCAL AND STATE DEVELOPMENT COMPANIES

Proposed Change of Interest Rate for State Development Companies

Notice is hereby given that pursuant to authority contained in section 501 of the Small Business Investment Act of 1958 (SBI Act), Pub. L. 85-699, 27 Stat. 694, as amended, it is proposed to revise, as set forth below, § 108.501-1(f), Part 108 of Chapter 1, Title 13 of the Code of Federal Regulations.

Prior to the final adoption of such revision, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to the Office of Community Development, Small Business Administration (SBA), Washington, D.C. 20416, on or before May 20, 1974.

Information: Revised § 108.501-1(f) would alter policy to establish the rate of interest charged for section 501 loans at the cost of money to the Treasury with an 8 percent maximum ceiling. This change is being made to adjust the program to today's economy.

It is proposed that Part 108 be amended to read as follows:

108.501-1 Section 501 Loans.

* * * * *

(f) *Interest Rate.* The rate of interest on section 501 loans to state development corporations shall be at a rate (not to exceed 8 percent per annum) which shall be established annually at the beginning of each fiscal year by the Administer, taking into consideration the average market yield on outstanding U.S. Treasury obligations of comparable maturity, plus such additional charge, if any, to cover other costs of the program as the Administrator may determine and as consistent with the section 501 program.

THOMAS S. KLEPPE,
Administrator.

MAY 6, 1974.

[FR Doc.74-10996 Filed 5-9-74;10:11 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM-138]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Notice of Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on June 3, 1974 at 10 a.m. in Room 847 of the Federal Communications Commission, 1919 M Street NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The agenda of the June 3 meeting concerns preparation for participation in meetings of a Working Party of CCITT Study Group 1 of the International Telecommunication Union to be held in Geneva, Switzerland, October 7–11, 1974, and will include a review of word count studies already made by the participants and plans for additional word count studies to be made during the next two months.

Members of the general public who desire to attend the meeting on June 3 will be admitted up to the limit of the capacity of the meeting room.

Dated: May 2, 1974.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

[FR Doc. 74-10867 Filed 5-9-74;8:45 am]

[CM-139]

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Notice of Meeting

The Executive Committee of the National Review Board for the Center for Cultural and Technical Interchange Between East and West (East-West Center) will meet in open session at 515 22nd Street NW., Washington, D.C., in Room 507 on June 3, 1974 from 9:30 a.m. to 4:30 p.m.

The Committee will discuss the incorporation of the East-West Center.

For purposes of fulfilling building security requirements, anyone wishing to attend the meeting must advise the Executive Secretary by telephone in advance of the meeting. Telephone: 632-2841.

Dated: May 3, 1974.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.74-10868 Filed 5-9-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[New Mexico 21356]

NEW MEXICO

Notice of Application

MAY 1, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), El Paso Natural Gas Company has applied for a 10¾ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 24 E.,
Sec. 28, SE¼, E½SW¼.

This pipeline will convey natural gas across 0.350 miles of national resource land in Eddy County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above right-of-way application.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-10863 Filed 5-9-74;8:45 am]

[New Mexico 20270, 20271, 20272 and 20279]

NEW MEXICO

Notice of Applications

MAY 1, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Southern Union Gas Company has applied for four 2-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 11 W.,
Sec. 7, Lot 1, NE¼NW¼.
T. 31 N., R. 12 W.,
Sec. 26, SW¼NE¼, S½NW¼, N½SW¼.

These pipelines will convey natural gas across .804 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above four right-of-way applications.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-10865 Filed 5-9-74;8:45 am]

[New Mexico 19888 and 19890]

NEW MEXICO

Notice of Applications

MAY 1, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), Southern Union Gathering Company has applied for two 2-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 10 W.,
Sec. 7, lot 9;
Sec. 20, lots 4, 5, 6, 7.

These pipelines will convey natural gas across .465 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to allow the public an opportunity to comment upon the filing of the above two right-of-way applications.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, NE, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-10866 Filed 5-9-74;8:45 am]

OUTER CONTINENTAL SHELF OFFSHORE EAST TEXAS AND LOUISIANA

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1972), nominations are

hereby requested for areas in the Outer Continental Shelf Offshore East Texas and Louisiana (Tentative Sale # 38) for possible oil and gas leasing under the Outer Continental Shelf Lands Act [43 U.S.C. 1331–1343 (1970)]. Nominations will be considered for any or all of the following mapped areas:

1. All that area shown on Outer Continental Shelf Leasing Maps—Texas No. 5, 5B, 6, 6A, 7, 7A, 7B and 7C. These eight maps are now arranged in a set, which sells for $5.

2. All that area shown on Outer Continental Shelf Leasing Maps—Louisiana No. 1 through No. 11A. This is a set of 26 maps, which sells for $15.

3. All that area on Outer Continental Shelf Leasing Map NG 15–1 (Bay City) landward of the 600 meter depth contour and east of the east boundary of the E 60 range of blocks (approximate longitude 95°08.1′ W). This is an individual map, available at $2.

4. All that area on Outer Continental Shelf Leasing Maps NG–15–2 (Garden Banks), NH 15–12 (New Orleans), NG 15–3 (New Orleans South No. 1), NH 16–7 Mobile South No. 1, and NH 16–10 (Mobile South No. 2) landward of the 600 meter depth contour. These are available individually at a price of $2 each.

All these maps may be purchased from the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113. All nominations must be described in accordance with the Outer Continental Shelf Leasing Maps prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

In addition to requesting nominations by industry of tracts for possible oil and gas leasing within the specified areas, this notice also requests particular geological, environmental, biological, archaeological, socio-economic or other information which might bear upon leasing and development within this general area. Information on these subjects will be helpful in the final section of tracts pursuant to 43 CFR 3301.4. This information is sought from Federal, State and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or subdivisions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision as to whether or not to offer particular tracts within these areas for lease. Comments relating to general matters which would be applicable to oil and gas operations in any part of the Outer Continental Shelf are not sought at this time.

Nominations and comments must be submitted not later than June 28, 1974, in envelopes labeled "Nominations of Tracts for Leasing in the Outer Continental Shelf—East Texas-Louisiana" or "Comments on leasing in the Outer Continental Shelf—East Texas-Louisiana," as appropriate. They must be submitted to the Director, Attention 730, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Manager, Geological Survey, Suite 336, Imperial Office Building, 3301 North Causeway Boulevard, Metairie, Louisiana 70002 and to the Manager, Gulf of Mexico Outer Continental Shelf office, Bureau of Land Management at the address cited above.

Tracts will be selected for competitive bidding pursuant to the established Departmental procedures and only after compliance with all requirements of the National Environmental Policy Act of 1969 [42 U.S.C. 4321–4347 (1970)]. Notice of any tracts selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date and hour at which bids will be received and opened.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: May 7, 1974.

JACK O. HORTON,
Assistant Secretary
of the Interior.

[FR Doc.74–10799 Filed 5–9–74;8:45 am]

National Park Service

[Order No. 1]

ADMINISTRATIVE OFFICER AND ADMINISTRATIVE ASSISTANT

Golden Gate National Recreation Area; Delegation of Authority

Delegation of Authority Regarding Execution of Contracts for Supplies, Construction, Equipment and Services.

1. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $25,000 for supplies, equipment and services, including construction in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

2. *Administrative Assistant.* The Administrative Assistant may execute and approve contracts not in excess of $2,000 for supplies, equipment and services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478) dated March 22, 1973: Western Region Order No. 7 (37 FR 6326) dated March 28, 1972.)

Dated: February 14, 1974.

WILLIAM J. WHALEN,
Superintendent, Golden Gate
National Recreation Area.

[FR Doc.74–10801 Filed 5–9–74;8:45 am]

[Order No. 1]

ADMINISTRATIVE OFFICER AND ADMINISTRATIVE ASSISTANT

Minute Man National Historical Park; Delegation of Authority

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for equipment, supplies or services.

1. *Administrative Officer.* The Administrative Officer, Minute Man National Historical Park, may execute, approve and administer contracts not in excess of $2,000 for supplies, equipment or services, including construction, in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Officer in behalf of any area under the administration of Minute Man National Historical Park.

2. *Administrative Assistant.* The Administrative Assistant, Minute Man National Historical Park, may issue Purchase Orders not in excess of $500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds. This authority may be exercised by the Administrative Assistant in behalf of any area under the administration of Minute Man National Historical Park.

3. This order supersedes Boston Group Order No. 2 dated November 27, 1972, (38 FR 810).

(National Park Service Order No. 77, (38 FR 7478) as amended; North Atlantic Region Order No. 1, (39 FR 3695)).

Dated: February 19, 1974.

DAVID L. MOFFITT,
Superintendent, Minute Man
National Historical Park.

[FR Doc.74–10800 Filed 5–9–74;8:45 am]

[Order No. 6]

ADMINISTRATIVE OFFICER AND PURCHASING AGENT

Colonial National Historical Park, Va.; Delegation of Authority

Delegation of Authority Regarding Execution of Contracts and Purchase Orders for Equipment, Supplies, or Services.

1. *Administrative Officer.* The Administrative Officer, Colonial National Historical Park, may execute, approve, and administer contracts not in excess of $25,000 for supplies, equipment or services including construction, in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

2. *Purchasing Agent.* The Purchasing Agent, Colonial National Historical Park, may issue Purchase Orders not in excess of $2,500 for supplies, equipment or services in conformity with applicable regulations and statutory authority and sub-

ject to the availability of appropriated funds.

3. This order supersedes Order No. 5 dated May 22, 1972, (37 FR 12735).

(National Park Service Order No. 77, (38 FR 7478) as amended; Mid-Atlantic Region Order No. 1 (39 FR 3694).)

Dated: February 11, 1974.

JAMES R. SULLIVAN,
Superintendent, Colonial National Historical Park.

[FR Doc.74-10804 Filed 5-9-74;8:45 am]

[Order No. 2]

CLERK, TYPING

Guilford Courthouse National Military Park; Delegation of Authority

Section 1. Clerk, Typing. The Clerk, Typing may execute and approve contracts not in excess of $2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds. This authority may be exercised by the Clerk, Typing in behalf of any area administered by the Superintendent, Guilford Courthouse National Military Park.

Section 2. Re-Delegation. The authority delegated in this Order Number may not be re-delegated.

Section 3. Revocation. This order supersedes Order No. 1 issued August 29, 1963 and published in 28 FR 9482.

(National Park Service Order No. 77 (38 FR 7478), as amended Southeast Region Order No. 5 (37 FR 7721), as amended).

Dated: December 3, 1973.

WILLARD W. DANIELSON,
Superintendent.

[FR Doc.74-10802 Filed 5-9-74;8:45 am]

[Order No. 2]

ADMINISTRATIVE ASSISTANT

Ocmulgee National Monument, Ga.; Delegation of Authority

Delegation of Authority Regarding Execution of Purchase Orders for Supplies, Equipment or Services.

1. *Administrative Assistant.* The Administrative Assistant may execute and approve purchase orders not in excess of $2,000 each for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

2. *Revocation.* This order supersedes Order No. 1 issued May 15, 1963 (28 FR 4859).

(National Park Service Order No. 77 (38 FR 7478), as amended, Southeast Region Order No. 5 (37 FR 7721), as amended.)

Dated: December 19, 1973.

W. P. CRAWFORD,
Superintendent, Ocmulgee National Monument.

[FR Doc.74-10803 Filed 5-9-74;8:45 am]

Office of the Secretary

[INT FES 74-20]

SANTA YNEZ UNIT, SANTA BARBARA CHANNEL, OFF CALIFORNIA

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the U.S. Geological Survey, Department of the Interior, has prepared a final environmental impact statement on an Exxon Company, U.S.A. proposed plan of development of 17 Outer Continental Shelf oil and gas leases known as the Santa Ynez Unit, Santa Barbara Channel, off California.

Reading copies of the three-volume final environmental impact statement on "Proposed Plan of Development, Santa Ynez Unit, Santa Barbara Channel, off California" are available at the following places:

U.S. Geological Survey
Public Inquiries Office
National Center, Mail Stop 341
Reston, Virginia 22092

U.S. Geological Survey Library
Building No. 5, Pacific Coast Center
345 Middlefield Road
Menlo Park, California 94025

U.S. Geological Survey Library
Building 25, Denver Federal Center
Denver, Colorado 80225

U.S. Geological Survey
Public Inquiries Office
1012 Federal Building
1961 Stout Street
Denver, Colorado 80202

U.S. Geological Survey
Public Inquiries Office
7638 Federal Building
300 North Los Angeles Street
Los Angeles, California 90012

U.S. Geological Survey
Public Inquiries Office
108 Skyline Building
508 Second Avenue
Anchorage, Alaska 99501

U.S. Geological Survey
Public Inquiries Office
504 Custom House
555 Battery Street
San Francisco, California 94111

Santa Barbara City Library
Anapamu & Anacapa Streets
Santa Barbara, California 93101

Upon written request individual copies may be obtained from the Chief, Conservation Division, U.S. Geological Survey National Center, Mail Stop 650, Reston, Virginia 22092, or from the Area Oil and Gas Supervisor, 7744 Federal Building, 300 North Los Angeles Street, Los Angeles, California 90012.

ROYSTON C. HUGHES,
Acting Secretary of the Interior.

[FR Doc.74-10864 Filed 5-9-74;8:45 am]

[Int (Fes 74-22)]

GUILFORD COURTHOUSE NATIONAL MILITARY PARK, NORTH CAROLINA

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for proposed Development Concept Plan—Guilford Courthouse National Military Park, North Carolina.

The final environmental statement considers the development of a new visitor center; sequential tour routes for foot, bicycle and auto travel; historic restorations; improved utilities and miscellaneous site improvements.

Copies of the final environmental statement are available from or for inspection at the following locations:

Southeast Region
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344

Office of the Superintendent
Blue Ridge Parkway
P.O. Box 7606
Asheville, North Carolina 28807

Office of the Superintendent
Guilford Courthouse National Military Park
P.O. Box 9334
Greensboro, North Carolina 27408

Dated: May 9, 1974.

W. W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.74-11038 Filed 5-9-74;11:49 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Approval and of Withdrawal of Approval

The regulations in 9 CFR Part 76, as amended, contain restrictions on the interstate movement of swine and swine products to prevent the spread of hog cholera and other swine diseases. This document adds certain livestock markets to the list of livestock markets approved for purposes of the regulations on the basis of a determination of their eligibility for such approval under § 76.18 of the regulations and removes from the list certain other livestock markets which have been found no longer to qualify for such approval.

The following livestock markets preceded by an asterisk are specifically approved to handle any class of swine and those livestock markets not preceded by an asterisk are specifically approved to handle slaughter swine only:

GEORGIA	
Bainbridge Auction Market.	Bainbridge.
County Line Milling Company.	Pelham.
Dawson Livestock Company.	Dawson.
Effingham County Stockyard.	Springfield.
Flint River Livestock Market.	Bainbridge.
Forshee Livestock Company Inc.	Statesboro.
Fortner Buying Station	Kite.
*Grady County Swine Producers Association.	Cairo.
Grady Stockyards, Inc.	Cairo.
*Lolli Sales Pavilion	Macon.
Mitchell County Livestock Market.	Camilla.
Mt. Vernon Hog Market	Mt. Vernon.
Seaboard Stockyard	Colquitt.

ILLINOIS	
*Interstate Producers Livestock Association.	Fieldon.
INDIANA	
*Huntington Livestock Company.	Huntington.
IOWA	
Heinold Hog Market	Birmingham.
Heinold Hog Market	Donnellson.
*Middletown Auction Sales, Inc.	Middletown.
*Wayland Livestock Auction Market.	Wayland.
KANSAS	
*Junction City Livestock Sales, Inc.	Junction City.
KENTUCKY	
Adair County Stockyards	Columbia.
Brown Livestock Company.	Clinton.
Farmers Livestock Market.	Morganfield.
*Kentucky-Tennesse Livestock Market.	Guthrie.
*Madison Sales Co., Inc	Richmond.
*Maysville Stockyard	Maysville.
*Murray Livestock Co	Murray.
*Ohio Valley Producers Livestock Association.	Clinton.
*Rockcastle Feeder Pig Sales.	Broadhead.
*Schneider & Colston Sale Barn.	S. Walton.
Square Deal Slaughter Swine Stockyards.	Nancy.
*Winchester Stockyards	Winchester.
MINNESOTA	
*Farmers Livestock Auction Market.	Caledonia.
*Geneva Livestock Exchange.	Geneva.
*Jackson Livestock Exchange, Inc.	Jackson.
*Lamberton Stockyards	Springfield.
Morrell Hog Buying Station.	Madison.
*So. St. Paul Union Stockyards.	So. St. Paul.
*Spring Valley Sales Co., Inc.	Spring Valley.
*Wisconsin Feeder Pig Marketing Co-op.	Perham.
MISSISSIPPI	
*Glynn Robinson Stockyard.	West Point.
Liberty Stockyard	Liberty.
*Triangle Stock Yard, Inc.	Columbus.
MISSOURI	
Armour & Company	Bethany.
*Buffalo Sale Barn	Buffalo.
*Callaway Stock Sales Company.	Fulton.
*Central Missouri Sales Co., Inc.	Sedalia.
*Edina Auction Market, Inc.	Edina.
*Farmers Auction Company.	Mountain View.
*Four State Livestock Auction Center.	Diamond.
Kleen-Leen, Inc	Jackson.
*Licking Livestock Auction.	Licking.
*Olean Livestock Market	Olean.
Otto Hollon Hog Market	Milan.
*Potosi Livestock Market	Potosi.
*St. James Livestock Auction.	St. James.
MISSOURI—Continued	
*Southern Missouri Hog Sales, Inc.	Mountain Grove.
Swift Fresh Meats Company.	Eolia.
*Ireland & Thorne Livestock Market, Inc.	Trenton.
NORTH CAROLINA	
D. F. Foust Livestock Auction Market, Inc.	Greensboro.
Lumberton Auction Company.	Lumberton.
*MCM Livestock, Inc	Whiteville.
NORTH DAKOTA	
*Watford City Livestock Auction.	Watford City.
OHIO	
Filz Rancho, Inc	Greenville.
Producers Livestock Association.	Woodville.
TENNESSEE	
Algood Stockyard	Algood.
Nashville Union Stockyard.	Nashville.
So. Memphis Stock Yards Company.	Memphis.
TEXAS	
*Pantex Feeder Pig Sale	Darrouzett.
VIRGINIA	
Farmers Livestock Market, Inc. of Tazewell, Virginia.	Tazewell.
WEST VIRGINIA	
*United Livestock Sales Company.	Parkersburg.
WYOWING	
*Stockman's Livestock Company.	Torrington.

The following livestock markets are *deleted* from the specifically approved lists:

DELAWARE	
*C. Stanley Short, Inc	Kenton.
GEORGIA	
Parkers Stockyard	Statesboro.
Waycross Livestock Market.	Waycross.
ILLINOIS	
Krey Stockyard	Pleasant Hill.
IOWA	
*Anthon Pig Company	Anthon.
Delbert Bullard	West Point.
Milton Hog Company	Milton.
*Smith Feeder Pig Company.	Sheldon.
*Wayland Sales Company, Inc.	Wayland.
KENTUCKY	
Brown and Whayne Livestock Company.	Clinton.
Lebanon Stockyards, Inc	Lebanon.
*New Walton Stockyards	So. Walton.
Walton Sales Barn	Walton.
MISSOURI	
Krey Stockyards	Eolia.
*Licking Livestock Sale	Licking.
*North Missouri Sale Pavilion.	Trenton.
Penn Packing Company—Hog Buying Station.	Unionville.
Potosi Livestock Market	Potosi.
MISSISSIPPI	
*West Point Stockyards, Inc.	West Point.
MONTANA	
*Public Auction Yards	Billings.
NORTH CAROLINA	
*Cape Fear Livestock Market, Inc.	Fayetteville.
J & R Hog Market	Lumberton.
Valleydale Hog Buying Station.	Henderson.
OHIO	
Filz Ranch Livestock	Greenville.
Ohio Valley Livestock Corp. d/b/a Lewisburg Livestock Yard.	Lewisburg.
TENNESSEE	
Henderson Sales Co	Henderson.
*Hughes Feeder Pigs	Guys.
*Mid-South Feeder Pigs Center.	Lebanon.
TEXAS	
Breckenridge Stockyards	Breckenridge.
Clifton Livestock Commission Company, Inc.	Clifton.
Meridian Livestock Auction	Meridian.
Moore's Livestock Commission Company.	McKinney.
Port City Stockyards Company.	Sealy.
WEST VIRGINIA	
Weston Livestock Sales Company.	Weston.
WYOMING	
*Wyoming Cow Palace Auction.	Torrington.

(Sec. 2, 32 Stat. 792, as amended; secs. 4 and 5, 23 Stat. 32, as amended; sec. 1, 75 Stat. 481; sec. 1, 32 Stat. 791, as amended; secs. 3 and 4, 33 Stat. 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132 (21 U.S.C. 111–113, 114g, 120, 125, 126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141).)

Effective date. The foregoing notice shall become effective on May 9, 1974.

This action imposes certain restrictions necessary to prevent the spread of hog cholera and relieves certain restrictions presently imposed. It should become effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative, procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of May, 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–10827 Filed 5–9–74; 8:45 am]

Commodity Credit Corporation

[Amdt. 9]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1974)

The CCC Monthly Sales List for the fiscal year ending June 30, 1974, published in 38 FR 19259 is amended as follows:

1. The last sentence of section 1(b) entitled "General" published in 38 FR 19259 as amended in 38 FR 22808 and 26012 and 39 FR 10305 is revised to read as follows:

Interest at 11½ percent will be charged for delinquent payments on consignment and track sales of grain from the date of sale to the date payment is received.

2. The sixth sentence of section 1(c) entitled "General" published in 38 FR 19259 as amended in 38 FR 22808 and 26102 and 39 FR 10305 is revised to read as follows:

"Interest to date of payment will be at 11½ percent."

Effective Date: 2:30 p.m. (e.d.t.) April 30, 1974.

Signed at Washington, D.C. on May 3, 1974.

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

[FR Doc.74-10829 Filed 5-9-74;8:45 am]

Forest Service

JACKPINE GULCH TIMBER SALE

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Jackpine Gulch Timber Sale, Forest Service Report Number USDA-FS-FES (Adm.) 74-61.

The environmental statement concerns a proposed sale of 7,930 MBF of timber from 19 cutting blocks covering 964 acres located in Madison County, State of Montana, Madison Ranger District, Beaverhead National Forest. The sale will require construction of 11.3 miles of permanent single lane road with turnouts with a safe driving speed of 10 miles per hour. An additional 11.8 miles of temporary roads will be required for access into and within the individual cutting blocks. Timber harvested in clearing road right-of-way will add 480 MBF of timber to the total cut.

This final environmental statement was filed with CEQ on May 2, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA Forest Service
Northern Region
Federal Building, Room 3077
Missoula, MT 59801

USDA, Forest Service
Beaverhead National Forest
Corner Highway 41 and Skihi St.
P.O. Box 1258
Dillon, MT 59725

USDA Forest Service
Madison Ranger District
Ennis, MT 59729

A limited number of single copies are available upon request to Charles R. Hartgraves, Forest Supervisor, Beaverhead National Forest, P.O. Box 1258, Dillon, Montana 59725.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

MAY 2, 1974.

[FR Doc.74-10850 Filed 5-9-74; 8:45 am]

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

ANNUAL SURVEY ON POLLUTION ABATEMENT EXPENDITURES

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to initiate an annual survey on pollution abatement expenditures for the year 1973 and for each year thereafter, under the authority of Title 13, United States Code, sections 181, 224 and 225. This survey is significant in the manufacturing area and on the basis of information and recommendations received by the Bureau of the Census the data will have significant application to the needs of the public and industry and are not available from non-governmental or other governmental sources.

The amount actually spent for pollution abatement will have a very important impact on the U.S. economy. The magnitude of these expenditures requires that they be given special consideration in forecasts and in general background for economic policies. The Census Bureau in cooperation with the Bureau of Economic Analysis is preparing to develop comprehensive, consistent estimates of actual expenditures for pollution abatement. These estimates will be compatible with the framework of Gross National Product (GNP) accounts and, hence, will be most useful for analyses by government, industry and the general public.

This survey, if conducted, shall begin not earlier than June 10, 1974.

In order to evaluate the content of the questionnaire, the Bureau of the Census has conducted a preliminary study. A sample of over 1,100 establishments was selected in order to determine the reportability of the questionnaire. Based on the review of the responses to this survey, a more complete study is feasible.

Copies of the proposed form are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of this proposed survey should be submitted in writing to the Director of the Census Bureau by June 10, 1974, and will receive consideration.

Dated: May 7, 1974.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

[FR Doc.74-10853 Filed 5-9-74;8:45 am]

VOTING RIGHTS

Determination of Director of the Bureau of the Census

In accordance with section 4(b)(2) of the Voting Rights Act of 1965 (42 U.S.C. 1973b) as amended by section 4 of the Voting Rights Act Amendment of 1970 (Pub. L. 91-285) and the determination of the Attorney General made pursuant to the Act published in the August 1, 1970 issue of the FEDERAL REGISTER (35 FR 12354) the Director of the Bureau of the Census has determined that in the following political subdivisions considered as a separate unit less than 50 per centum of the persons of voting age residing therein voted in the presidential election of November 1968.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

POLITICAL JURISDICTIONS WITH LESS THAN 50 PERCENT VOTING IN PRESIDENTIAL ELECTION OF NOVEMBER 1968

CONNECTICUT

New Haven County:
Southbury town
New London County:
Groton town
Tolland County:
Mansfield town

NEW HAMPSHIRE

Cheshire County:
Rindge town
Coos County:
Millsfield twp.
Pinkhams grant
Stewartstown town
Stratford town
Grafton County:
Benton town
Hillsborough County:
Antrim town
Merrimack County:
Boscawen town
Rockingham County:
Newington town
Sullivan County:
Unity town

MAINE

Aroostook County:
Caswell plantation
Limestone town
Ludlow town
Nashville plantation
Reed plantation
Woodland town
Unorg. Terr. of Connor
Cumberland County:
New Gloucester town
Hancock County:
Sullivan town
Winter Harbor town
Kennebec County:
Chelsea town
Lincoln County:
Somerville plantation
Penobscot County:
Carroll plantation
Charleston town
Webster plantation
Waldo County:
Waldo town
Washington County:
Beddington town
Cutler town

MASSACHUSETTS

Barnstable County:	Middlesex County:
Bourne town	Ayer town
Sandwich town	Shirley town
Franklin County:	Norfolk County:
Sunderland town	Wrentham town
Hampshire County:	Worcester County:
Amherst town	Harvard town
Belchertown town	

[FR Doc.74-10854 Filed 5-9-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

ASBESTOS IN SURFACE WORK AREAS OF UNDERGROUND COAL MINES AND SURFACE COAL MINES

Occupational Exposure; Public Hearing

Whereas, on November 7, 1972, a proposed mandatory health standard for occupational exposure to asbestos in surface work areas of underground coal mines and surface coal mines was proposed in the FEDERAL REGISTER (37 FR 23645); and

Whereas, on April 10, 1974, the Secretary of the Interior published a notice specifying that prior to the last day of the period fixed for the submission of comments, he received written objections to the standard stating the grounds for such objections with sufficient particularity and requesting a public hearing on such objections (39 FR 1303).

Now, therefore, pursuant to section 101(g) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 811 (g)) a public hearing will begin at 9:30 a.m. on June 5, 1974, in Conference Room E of the Department of Health, Education, and Welfare's Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, for the purpose of receiving relevant evidence on the standard proposed for occupational exposure to asbestos in surface coal mines and surface work areas of underground coal mines.

Dr. Raymond T. Moore, Associate Director, National Institute for Occupational Safety and Health is designated as the Chairman of the hearing.

The hearing shall be conducted in an informal but orderly manner. Persons making statements need not be sworn or make affirmation. Each such person shall be given the opportunity to make a statement concerning the issues under consideration, an opportunity to make supplementary statements, which may include comments on or rebuttal of other persons' views, and an opporunity to make recommendations concerning the issues in any of the statements. Any party may appear in person or by counsel.

A verbatim record of the proceedings of the hearing sessions will be maintained. All written statements, charts, tabulations, and other data will be received in the record. The Chairman shall submit to the Secretary of Health, Education, and Welfare the transcript of the hearing and all material submitted for the record together with recommended findings of fact. Within 60 days after the completion of the hearing, the Secretary will make findings of fact concerning the issues presented at the hearing which will be made public. Thereafter, a standard for occupational exposure to asbestos in surface coal mines and surface work areas of underground coal mines, with or without modifications, as appropriate, will be transmitted by the Secretary to the Secretary of the Interior for promulgation.

Persons who wish to participate in the hearing shall send written notification to Dr. Raymond T. Moore, NIOSH, Room 3-50, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, not later than 7 days preceeding the hearing stating the time requested for their respective presentations.

Dated: May 3, 1974.

MARCUS M. KEY,
Director, National Institute for Occupational Safety and Health.

[FR Doc.74-10849 Filed 5-9-74;8:45 am]

Office of Education

ADVISORY COUNCIL ON DEVELOPING INSTITUTIONS

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Advisory Council on Developing Institutions will be held June 13 and 14, 1974, from 9 a.m. to 4 p.m. in Room 2328, Regional Office Building 3, 7th & D Streets, SW., Washington, D.C.

The Advisory Council on Developing Institutions was established by Title III of the Higher Education Act of 1965, as amended. The Council is governed by the provisions of Part D of the General Education Provisions Act and of the Federal Advisory Committee Act (Pub. L. 92-463). The Council shall assist the Commissioner in identifying the characteristics of developing institutions through which the purpose of Title III may be achieved, and in establishing the priorities and criteria to be used in making grants under section 304(a) of that Title.

The meeting of the Council shall be open to the public. Interested persons who wish to speak at the meeting are requested to write to Dr. Preston Valien on or before June 6. The proposed agenda includes (1) discussion of junior college funding (2) presentations by various junior college associations (3) funding decisions of the Basic and Advanced Institutional Development Programs. Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Director of the College and University Unit, BPE, located in Room 4682, ROB, 7th & D Streets, SW.

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

PRESTON VALIEN.

[FR Doc.74-10851 Filed 5-9-74;8:45 am]

NATIONAL ADVISORY COMMITTEE ON THE HANDICAPPED

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Committee on the Handicapped will be held on May 29-31, 1974, at 8:30 a.m., in the Captain's Room, Channel Inn, 650 Water Street, SW., Washington, D.C.

The National Advisory Committee on the Handicapped is established under (20 U.S.C. 123g) section 448(b) of the General Education Provisions Act. The Committee is established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the Committee shall be open to the public. The proposed agenda includes discussions regarding implementation of NACH 1974 Annual Report Recommendations; open discussion by Members of organization, goals, objectives and tasks of NACH; review of 1974 Annual Report; theme for 1975 Annual Report; and reports from members who attended National Conventions. Records shall be kept of all Committee proceedings and shall be available for public inspection at the Office of the Deputy Commissioner, Bureau of Education for the Handicapped, located in Room 2100, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C. on May 6, 1974.

EDWIN W. MARTIN,
Deputy Commissioner, Bureau of Education for the Handicapped.

[FR Doc.74-10852 Filed 5-9-74;8:45 am]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION AND INSTITUTIONAL ELIGIBILITY

Notice of Public Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the Advisory Committee on Accreditation and Institutional Eligibility will be held on May 22-24, 1974, at 9:00 a.m. local time, in the auditorium of the HEW-North Building, 330 Independence Avenue SW., Washington, D.C.

The Advisory Committee on Accreditation and Institutional Eligibility is established pursuant to section 253 of the Veterans' Readjustment Assistance Act (Chapter 33, Title 38, U.S. Code). The Committee is established to advise the Commissioner of Education in fulfilling his statutory obligations to publish a list of nationally recognized accrediting agencies and associations which he determines to be reliable authorities concerning the quality of training offered by educational institutions and programs. It also serves to advise the Commissioner in fulfilling his

statutory obligation to publish a list of State agencies which he has determined to be reliable authorities concerning the quality of public postsecondary vocational education in their respective States, pursuant to section 438(b) of the Higher Education of 1965, as amended by Pub. L. 92–318.

The meeting of the Committee shall be open to the public on May 22 through the early afternoon of May 23, for presentations by representatives of nationally recognized and State agencies which have petitions for recognition pending before the Committee, and for review of a variety of policy items. The public session will also include presentations by the American Council on Education and the Department of Defense relevant to the request by the Defense Intelligence School for degree-granting authority.

Under the authority of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92–463) and clauses (4) and (6) of subsection (b) of section 552(b) of Title 5 of the United States Code, the meeting will be closed to the public from approximately 2 p.m. on Thursday, May 23, through the session on May 24. Closure of the meeting is to allow a free and frank discussion of the pending petitions for recognition and renewal of recognition. These petitions contain confidential financial information of institutions. In addition, matters are discussed, the release of which would amount to a clearly unwarranted invasion of personal privacy of individuals. These portions of the petitions are exempt from disclosure under 5 U.S.C. 552(b) (4) and (6). A discussion of the petitioner and the working papers necessarily ranges back and forth from exempt and nonexempt material, and the exempt portion cannot be separated out during the Committee's deliberation. Records shall be kept of all Committee proceedings.

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

JOHN R. PROFFITT,
Director, Accreditation and Institutional Eligibility Staff, Office of Education.

[FR Doc.74–10821 Filed 5–9–74;8:45 am]

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Notice of Extension of Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 411 (b) (1) of Title IV, Part A, Subpart 1, of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a(b) (1)), the final cutoff date for the receipt of applications for the determination of expected family contributions for the 1973–1974 Educational Opportunity Grant Program is being extended for students attending post-secondary institutions which are located in areas that have been declared to have suffered a "major disaster" as defined in section 2(a) of the Act of September 3, 1950 (42 U.S.C. 1855a(a)), and which have suffered significant damage as a result of such a disaster occurring between April 1, 1974 and April 10, 1974. The previous cutoff date of April 1, 1974 was published in the FEDERAL REGISTER of February 27, 1974 (39 FR 7608).

Applications for determining expected family contributions for the 1973–74 academic year from students attending institutions described above must be received by the Office of Education at the following address, BEOG, P.O. Box B, Iowa City, Iowa 52240, on or before June 1, 1974.

An application sent by mail will be considered received on time if the application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the orignal receipt from the U.S. Postal Service.

(20 U.S.C. 1070a(b) (1)).

(Catalog of Federal Domestic Assistance No. 13.539, Basic Educational Opportunity Grant Program)

Dated: May 7, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74–10879 Filed 5–9–74;8:45 am]

EMERGENCY SCHOOL AID

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the National Advisory Council on Equality of Educational Opportunity will convene at 9 a.m. on Friday, June 28 and reconvene at 9 a.m. on Saturday, June 29 at the Miami Beach Hyatt House, 5445 Collins Avenue, Miami Beach, Florida.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92–318, Title VII). The Council is established to advise the Assistant Secretary for Education with respect to the operation of programs under the Act, and to review the operation of such programs.

The meeting of the Council shall be open to the public. The proposed agenda includes Subcommittee Reports, a report of the Site Visitations, a further recommendation on evaluation, a discussion on a Policy Statement to be included in the 2nd Interim Report, a discussion on a recommendation on minority group isolation, and there will be a further sampling of video tapes on Bilingual education.

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

HERMAN R. GOLDBERG,
Associate Commissioner for School Systems.

[FR Doc.74–10878 Filed 5–9–74;8:45 am]

Office of the Secretary

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended), is hereby further amended to reflect changes in the Office of Reseach and Demonstrations, and the Rehabilitation Services Administration. For such purposes, Section 5–B is amended as follows:

Delete the "Office of Research and Demonstrations", "Division of Studies on Rehabilitation and Employability", "Division of Studies on Social Services and Life Support," and "Division of Research Utilization," and substitute therefor the following:

OFFICE OF RESEARCH AND DEMONSTRATIONS (5K12)

Advises the Associate Administrator for Planning, Research, and Evaluation (OPRE) on all domestic and international R&D activities. Establishes SRS policy regarding domestic and international R&D management, review, and planning. Establishes priorities, plans, and implements the domestic and international R&D program authorized by those portions of the Social Security Act administered by SRS, dealing with income maintenance, medical assistance, and social services. Assesses the priorities, plans and objectives of, and reviews and evaluates the overall domestic and international R&D program authorized by the Rehabilitation Act of 1973. Provides for the development of policies and guidelines concerning domestic and international R&D operations throughout SRS. Insures appropriate input of R&D results into program policy, the planning process, and the development of improved service delivery at the State level. Responsible for coordinating SRS participation in international research and exchange activities and for insuring conformance to U.S. foreign policy.

Delete, under the heading *Rehabilitation Services Administration*, that portion which reads, "; collaborates in the conduct of research and demonstration programs to evolve new approaches toward more meaningful lives for the handicapped;", and substitute therefor the following: "; conducts a program of research and demonstrations to evolve new approaches toward more meaningful lives for the handicapped;".

Delete, under the heading, *Office of Planning and Policy Development*, that portion which reads, "Designs and directs evaluation activities of all programs and provides liaison and coordination of agency input to the rehabilitation and habilitation aspects of the SRS research

and demonstration program.", and substitute therefor the following: "Designs and directs evaluation activities of all RSA programs."

Add, after "Office of Planning and Policy Development" the following:

OFFICE OF REHABILITATION RESEARCH AND DEMONSTRATIONS (5503)

Directs and manages the overall Research and Demonstrations program of the Rehabilitation Services Administration so that it is responsive to program goals and needs, and to overall SRS policy guidance on R&D objectives. Rehabilitation Research and Demonstration grants or contracts are made for the purpose of planning and conducing research, demonstration and related activities which bear directly on the development of methods, procedures, and devices to assist in the provision of vocational rehabilitation services to handicapped individuals. Such projects may include medical and other scientific, technical, methodological, and other investigations into the nature of disability, methods of analyzing it, and restorative techniques; studies and analyses of industrial, vocational, social psychological, economic, and other factors affecting rehabilitation of handicapped individuals; special problems of homebound and institutionalized individuals; studies and analyses of architectural and engineering design adapted to meet the special needs of handicapped individuals; and related activities which hold promise of increasing knowledge and improving methods in the rehabilitation of handicapped individuals and individuals with the most severe handicaps. Responsible for preparation and implementation of a yearly and five-year plan for domestic and international rehabilitation research and demonstrations, consistent with legislation and policy and priority guidelines set by the Administrator of SRS. Suggests new and expanded program goals to meet the needs of the handicapped, especially the severely disabled. In coordination with the Associate Administrator, OPRE, maintains relationships with Rehabilitation Services Administration-related research organizations including The National Science Foundation, The National Academy of Sciences and other domestic and international agencies. In coordination with OPRE, conducts research and demonstrations under provisions of Pub. L. 86-610 and section 202(b)5 of the Rehabilitation Act of 1973 as well as interchange of experts and technical assistance under the same provisions.

Dated: May 7, 1974.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-10884 Filed 5-9-74;8:45 am]

Public Health Service

ASSISTANT SECRETARY FOR HEALTH

Delegation of Authority

Notice is hereby given that on April 30, 1974, the Secretary delegated to the Assistant Secretary for Health all of the authority vested in the Secretary to perform all functions under sections 627(b) and 627(c) of Title VI and section 1308(c) of Title XIII of the Public Health Service Act, as amended, with regard to: (1) the sale of loans made under Title VI for the modernization or construction of a public hospital or other health facility; (2) the sale of loans made under Title XIII to assist public or nonprofit private health maintenance organizations in meeting their operating costs; and (3) entering into agreements with purchasers concerning the terms and conditions of such sales.

This authority may be redelegated by the Assistant Secretary for Health, as appropriate, to a head of one of the six principal operating subdivisions of the Public Health Service. This authority may not be further redelegated.

Dated: May 2, 1974.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-10793 Filed 5-9-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-74-224]

PROCEDURES FOR IMPLEMENTING THE LEAD-BASED PAINT ACT

Notice of Place of Public Hearing

On April 8, 1974, HUD published a notice of public hearing in the FEDERAL REGISTER, 39 FR 12774-5, in connection with the development of procedures for implementing the Lead Based Paint Poisoning Prevention Act, as amended by Pub. L. 93-151, and indicated therein that the hearing place would be announced in a later publication.

This is to announce that the hearing will be held as scheduled, to begin on May 20, 1974, at 9 a.m. and to end no later than May 24, 1974, in the auditorium of the General Services Administration Building located at 18th and F Streets, NW., Washington, D.C.

Dated: MAY 5, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74-10875 Filed 5-9-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

BACARDI IMPORTS INC., ET AL.

Special Permits Issued

Pursuant to Docket No. HM-1, rule-making procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during April 1974:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6858	Bacardi Imports Inc., Miami, Fla., to ship Alcohol, n.o.s., and other flammable liquids, in non-DOT specification steel portable tanks.	Cargo vessel, Highway.
6862	Stauffer Chemical Co., Westport, Conn., to ship certain Corrosive liquids in metal cans packed in DOT Specification 12A fiberboard boxes.	Cargo vessel, Highway, Rail express, Cargo-only aircraft.
6870	Edlow International Co., Washington, D.C., to ship certain Radioactive materials packages having separation distances that deviate from § 177.842(b).	Highway.
6873	Allied Chemical Corp., Houston, Tex., to make import shipments of Sodium arsenate, solid in non-DOT Specification removable head steel drums, equivalent to DOT-37A drums, in containerized loads.	Cargo vessel, Highway.
6874	ICI America Inc., Wilmington, Del., to ship Cyanide of sodium, solid in strong non-DOT Specification plywood boxes.	Cargo vessel, Highway.
6875	E. I. du Pont de Nemours & Co., Inc., Wilmington, Del., to ship a Nitrogen gas mixture in seamless, titanium cylinders otherwise constructed in compliance with DOT Specification 3A.	Highway, Cargo only aircraft, Rail freight, Rail express.
6876	Continental Wall Panel, Gardena, Calif., to ship Bromotrifluoromethane charged with nitrogen in non-DOT Specification spherical steel pressure vessels.	Highway, Rail freight, Rail express.
6877	Dow Chemical Co., Freeport, Tex., to ship certain liquids corrosive to skin but not to steel in steel inside or outside packagings.	Highway, Rail freight, Rail express, Cargo-only aircraft.

ALAN I. ROBERTS,
Secretary.

[FR Doc.74-10830 Filed 5-9-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-400—50-403]

CAROLINA POWER & LIGHT CO.

Notice of Hearing and Order To Settle on Contentions

MAY 6, 1974.

In the matter of the Carolina Power & Light Company (Shearon Harris Nuclear Power Plant, Units 1, 2, 3 and 4).

Please take notice that, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules of Practice, the Atomic Safety & Licensing Board ("the Board") will conduct a public evidentiary hearing on June 4, 1974 concerning the above-captioned application for construction permits to build four pressurized water nuclear reactors on the Applicant's site about 20 miles southwest of Raleigh, North Carolina, in Wake and Chatham Counties, to be known as the Shearon Harris Nuclear Power Plant. The evidentiary hearing will commence at 9:30 a.m., e.d.t., June 4, 1974, at the following location:

Wake County Courthouse
Federal Street
Courtroom No. 4, 2nd Floor
Raleigh, North Carolina 27602

The issues to be determined in this proceeding will be those health, safety and environmental matters set forth in the Commission's notice of hearing dated September 21, 1972 (37 FR 20344, Sept. 29, 1972), as well as the matters in controversy between the parties, as set forth in prior prehearing conference orders of this Board, together with such further modifications to specific contentions as may result from complying with other provisions of this Notice and Order.

Interested members of the public are invited to attend the public hearing.

CONTENTIONS

The parties are directed to confer regarding the desirability, if any, of amending, deleting or modifying in any way the specific contentions already admitted by the Board in this proceeding, in light of the change in the type of cooling system to be used by the Carolina Power & Light Company ("Applicant"). If the Joint Intervenors wish to re-word, delete or modify the contentions in any way, and unanimous agreement between counsel for all parties cannot be obtained to the allowability of the changes, the Intervenors must file with the Board within seven (7) days of the date of this Order a brief setting forth the proposed changes and reasons why they should be allowed, with service on all parties. The Applicant shall then have five (5) days thereafter to reply, and the Staff five (5) days after the filing of the Applicant's reply. The Board will then resolve the dispute prior to the evidentiary hearing, with or without supplemental oral argument (to be determined after receipt of submissions).

It is so ordered.

Issued at Bethesda, Maryland this 6th day of May, 1974.

For the Atomic Safety and Licensing Board.

THOMAS W. REILLY, Esq.,
Chairman.

[FR Doc.74-10756 Filed 5-9-74;8:45 am]

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Availability of Decision and Issuance of Amendment to Facility Operating License

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D, Section A.9 and A.11, to 10 CFR Part 50, notice is hereby given that a decision dated April 4, 1974, by the Atomic Safety and Licensing Appeal Board in the above captioned proceeding authorizing issuance of an amended license to the Consolidated Edison Company of New York, Inc., for operation of the Indian Point Nuclear Generating Unit 2, located in Westchester County, New York, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548.

The Decision is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207, and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

Based on the record developed in the public hearing in the above captioned matter, the Decision of the Atomic Safety and Licensing Appeal Board modified in certain respects the Initial Decision of the Atomic Safety and Licensing Board dated September 25, 1973, and the contents of the Final Environmental Statement relating to the licensing for operation of the Indian Point Nuclear Generating Unit 2, prepared by the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, Section A.11, the Initial Decision of the Atomic Safety and Licensing Board and the Final Environmental Statement are deemed modified to the extent that condition 2.E extends the interim operation from May 1, 1978 to May 1, 1979, subject to certain environmental conditions for operation of the plant imposed upon the licensee during such interim operation. As required by Section A.11 of Appendix D, a copy of the Decision which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

Pursuant to the above mentioned Decision, the Atomic Energy Commission (the Commission) has issued Amendment No. 6 to Facility Operating License DPR-26 to Consolidated Edison Company of New York, Inc., for operation of a pressurized water nuclear reactor known as the Indian Point Nuclear Generating Unit 2, at steady state reactor core power levels not in excess of 2758 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter 1, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The amended license is effective as of its date of issuance and shall expire on October 14, 2006.

In addition to the Decision, copies of (1) the Initial Decision dated September 25, 1973; (2) Amendment No. 6 to Facility Operating License DPR-26; (3) the Report of the Advisory Committee on Reactor Safeguards dated September 23, 1970; (4) the Directorate of Licensing's Safety Evaluation dated November 16, 1970, and Supplements 1, 2, and 3 thereto, dated November 20, 1970, July 1971, and September 3, 1971, respectively; (5) the Final Facility Description and Safety Analysis Report and amendments thereto; (6) the applicant's Environmental Report dated August 6, 1970, and supplements thereto; (7) the Draft Environmental Statement dated April 13, 1972; and (8) the Final Environmental Statement dated September 1972, are available for public inspection at the above designated locations in Washington, D.C., and New York. Single copies of the Decision by the Atomic Safety and Licensing Appeal Board, the Initial Decision by the Atomic Safety and Licensing Board, the license, the Final Environmental Statement, and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 6th day of May, 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-10757 Filed 5-9-74;8:45 am]

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Issuance of Amendment to Facility License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DRP-6 issued to the Consumers Power Company which revised Technical Specifications

for operation of the Big Rock Point Nuclear Plant located in Charlevoix County, Michigan. This amendment is effective as of its date of issuance, and will expire six months thereafter.

The amendment permits a temporary change from 6 seconds to 10 seconds in the inlet ventilation valve closure requirement.

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, and 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.

For further details with respect to this action, see (1) the application for amendment dated April 29, 1974, (2) Amendment No. 5 to License No. DPR-6, with any attachments, and (3) the letter to Consumers Power Company which includes an evaluation of the requested amendment. 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 Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720.

A copy each of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 2d day of May, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-10820 Filed 5-9-74;8:45 am]

PROPOSED LEGISLATION TO AMEND THE PRICE-ANDERSON ACT

Availability of Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed legislation to amend the Price-Anderson Act is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Office of Antitrust and Indemnity, Directorate of Licensing.

Pursuant to National Environmental Policy Act interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal agencies are being provided with copies of the Draft Environmental Statement. Comments are due by June 24, 1974. When comments thereon by Federal officials and others are received by the Commission, such comments will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Regulatory staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Office of Antitrust and Indemnity, Directorate of Licensing.

Dated at Bethesda, Maryland, this 6th day of May 1974.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

[FR Doc.74-10819 Filed 5-9-74;8:45 am]

[Docket Nos. 50-463, 50-464]

PHILADELPHIA ELECTRIC CO.

Availability of Draft Environmental Statement for the Fulton Generating Station

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Fulton Generating Station, Units 1 and 2, to be constructed by the Philadelphia Electric Company in Fulton Township, Lancaster County, Pennsylvania, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and in the Lancaster County Library, 125 North Duke St., Lancaster, Pa. 17602. The Draft Environmental Statement is also being made available at the Department of State Planning, 301 West Preston St., Baltimore, Md. 21201 and the Turnpike Planning & Development Commission, 1200 11th Avenue, Altoona, Pa. 16601. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Environmental Report, as supplemented, submitted by the Philadelphia Electric Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on December 21, 1973 (38 FR 35036).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by July 1, 1974. Comments by Federal, State and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and at the Lancaster County Library, Lancaster, Pennsylvania. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the regulatory staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 7th day of May 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.74-10957 Filed 5-9-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26574]

AIR AFRIQUE

Foreign Air Carrier Permit Renewal, Republic of the Congo-New York, Via Intermediate Points; Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on June 4, 1974, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 28, 1974.

Dated at Washington, D.C., May 7, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-10861 Filed 5-9-74;8:45 am]

[Docket No. 26361; Order 74-5-29]

UNION DE TRANSPORTS AERIENS (U.T.A.)

Order Amending Foreign Air Carrier Permit

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of April, 1974.

Application of Union de Transports Aeriens (U.T.A.) for amendment of its foreign air carrier permit pursuant to

section 402 of the Federal Aviation Act of 1958.

By Order 74–3–114, served March 28, 1974, the Board directed all interested persons to show cause why, subject to the approval of the President pursuant to section 801 of the Federal Aviation Act, the Board should not issue an amended foreign air carrier permit to Union de Transports Aeriens (U.T.A.). The Board also directed all interested persons to show cause why the Board should not make final its tentative findings and conclusions that:

(1) It is in the public interest to amend the foreign air carrier permit held by Union de Transports Aeriens so as to authorize the carrier to engage in foreign air transportation of persons, property, and mail between a point or points in the islands of New Caledonia, Tahiti, and Bora Bora; the intermediate points Nandi, Fiji, Pago Pago, American Samoa and Honolulu, Hawaii, and the terminal point, Los Angeles, California;

(2) U.T.A. is fit, willing, and able to provide the above-described foreign air transportation and to conform to the provisions of the Act and the rules, regulations, and requirements of the Board thereunder; and

(3) The public interest requires that the exercise of the privileges that would be granted in U.T.A.'s amended permit should be subject to the terms, conditions, and limitations contained in the attached proposed form of permit, and to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The time for filing objections has passed and none has been received. Accordingly, we have concluded that the tentative findings and conclusions set forth in Order 74–3–114 should be made final and that the amended foreign air carrier permit attached hereto should issue to U.T.A.

Accordingly, it is ordered, that:

1. The tentative findings and conclusions made in Order 74–3–114 dated March 26, 1974, be and they hereby are made final;

2. An amended foreign air carrier permit in the form attached hereto be issued to Union de Transports Aeriens (U.T.A.);

3. Said permit shall be signed on behalf of the Board by its Secretary, shall have affixed thereto the seal of the Board, and shall be effective upon the effective date of this order; and

4. This order shall become effective upon the date of its approval by the President of the United States.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

THE WHITE HOUSE,

Approved: May 3, 1974.

RICHARD NIXON

[Issued pursuant to Order 74–5–29]

PERMIT TO FOREIGN AIR CARRIER (AS AMENDED)

Union de Transports Aeriens (U.T.A.) is hereby authorized, subject to the provisions hereinafter set forth, the provisions of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued thereunder, to engage in foreign air transportation with respect to persons, property, and mail, as follows:

Between a point or points in the islands of New Caledonia, Tahiti, and Bora-Bora; the intermediate points Nandi, Fiji; Pago Pago, American Samoa; and Honolulu, Hawaii; and the terminal point Los Angeles, California.

The holder hereof shall be authorized to engage in charter trips in foreign air transportation, subject to the terms, conditions, and limitations prescribed by Part 212 of the Board's Economic Regulations.

The holder shall not carry local, connecting, or stopover traffic between Nandi, Fiji and Pago Pago, American Samoa until such time as the United States of America receives such rights from the Government of Fiji.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of France for French international air service.

This permit shall be subject to all applicable provisions of any treaty convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and France shall be parties.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E–23680, May 13, 1966, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of $1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation with respect to persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

The exercise of the privileges granted hereby shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

This permit shall be effective on May 3, 1974. Unless otherwise terminated at an earlier date pursuant to the terms of any applicable treaty, convention, or agreement, this permit shall terminate (1) upon the effective date of any treaty, convention, or agreement, or amendment thereto, which shall have the effect of eliminating the route hereby authorized from the routes which may be operated by airlines designated by the Government of France, or (2) upon the effective date of any permit granted by the Board to any other carrier designated by the Government of France in lieu of the holder hereof, or (3) upon the termination or expiration of the Air Transport Services Agreement between the Government of the United States and the Government of France, effective March 27, 1946, as amended by exchanges of notes, including that of May 29, 1969. *Provided, however*, That clause (3) of this paragraph shall not apply if prior to the occurrence of the event specified in clause (3), the operation of the foreign air transportation herein authorized becomes the subject of any treaty, convention, or agreement to which the United States and France are or shall become parties.

In witness whereof, the Civil Aeronautics Board has caused this permit to be executed by the Secretary of the Board, and the seal of the Board to be affixed hereto, on the 19th day of April, 1974.

Issuance of this permit to the holder approved by the President of the United States on May 3, 1974 in Order 74–5–29.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–10860 Filed 5–9–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50002]

CALIFORNIA

Notice of Issuance of Experimental Use Permit for Predator Control (Coyotes)

On January 18, 1974, notice was given in the FEDERAL REGISTER (39 FR 2295) that specific procedures and plans for the experimental use of a sodium cyanide spring-loaded ejector unit in the State of Texas were being developed by the Environmental Protection Agency (EPA) in cooperation with that State. This program was formulated, approved, and published in the FEDERAL REGISTER on February 27, 1974 (39 FR 7617). It was hoped that the Texas program might serve as a model for any additional State requests.

The California Department of Food and Agriculture has also applied to the EPA pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983), for an experimental use permit for a similar program. This permit (No. 10965–EXP–1G) is being issued in accordance with 40 CFR 162.19 as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939) and allows the use of sodium cyanide in the sodium cyanide spring-loaded ejector mecha-

nism (SCSLEM) for control of predation by coyotes. The SCSLEM is to be used only in an experimental program approved by the EPA in Tehama County, California, under the supervision and control of approved applicators as designated by the California Department of Food and Agriculture. The applicant states that eventually consideration will be given to additional quantities for use in other counties.

This program began on April 11, 1974, and will expire on May 30, 1975. However, it may be revoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment.

The Agency invites interested persons to submit written comments in triplicate with reference to this notice to the Federal Register Section, Technical Services Division (HM-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Room EB-29, Washington, D.C. 20460. The comments must be received on or before June 10, 1974, and should bear the notation OPP-50002. 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 p.m. Monday through Friday.

The application, the permit issued and the label and directions for use of sodium cyanide in the SCSLEM are available for public inspection at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C.

PROGRAM FOR EXPERIMENTAL USE OF SODIUM CYANIDE SPRING-LOADED EJECTOR MECHANISM (SCSLEM) FOR PREDATOR CONTROL IN STATE OF CALIFORNIA

I. *Purpose.* Sodium cyanide wil be used in the spring-loaded ejector mechanism (SCSLEM) in an experimental program in the State of California. This experimental program is designed to measure the usefulness of the SCSLEM as a method of reducing domestic livestock losses due to predation by coyotes. This program is also designed to evaluate the effect of the method on nontarget species.

II. *Control.* The program will be under the direction of the Director of the California Department of Food and Agriculture. General supervision will be the responsibility of the Control and Eradication Unit of the Department of Food and Agriculture. Implementation of the program will be by the Tehama County Department of Agriculture. Up to 32 other counties will be included in the program when they meet the requirements of this program. (All references made in this plan to Tehama County or to the Tehama County Agricultural Commissioner will hold for other counties and Commissioners.)

III. *Implementation of the Experimental Program.* The program will include four study areas in Tehama County in northern California that have a history of serious economic loss to livestock from coyote predation. Different methods of coyote control will be evaluated in each of the four study areas.

Area "A": Control will be restricted to the use of the SCSLEM by approved applicators.

Area "B": Coyote control will consist of trapping without the use of the SCSLEM.

Area "C": Predator control by steel traps in this area will be supplemented by SCSLEM during the principal lambing and calving period from September through May when steel trapping during this period has not prevented economic loss to livestock on private property; or when adverse weather conditions render all normally accepted control measures ineffective.

Area "D": This area will utilize prevention coyote control only (denning, trapping, shooting).

The proposed experimental program will begin about April 11, 1974, and will terminate May 30, 1975.

The Agricultural Commissioner of the county involved in the program may order the SCSLEM and capsules from the manufacturer: M-44 Safety Predator Control Company, 2501 W. Washington, Midland, Texas 79701.

The use of SCSLEM's shall be restricted to State or county personnel. The applicators will be approved by the Department of Food and Agriculture upon successful completion of an EPA-approved training program conducted by the Control and Eradication Unit of the Department of Food and Agriculture in the county involved with the program. Landowners or farm livestock operators will not be authorized to use sodium cyanide or to place or retrieve SCSLEM's. The training program will include information necessary for the applicator to understand the nature of the chemical and the device, the techniques of selection of placement sites, actual setting of the SCSLEM's, selection of SCSLEM baits or scents, SCSLEM placement inspections, record keeping and reporting, proper storage of the chemical capsules and the device when not in use, and method for disposal of used or inoperative capsules. Special emphasis will be given to environmental and human safety precautions to be observed when using the SCSLEM. The participation of the Bureau of Sport Fisheries and Wildlife of the U.S. Department of the Interior in the training program is encouraged and permitted to the extent authorized by that Agency's rules and regulations and interpretations of administrative orders.

Written permission must be granted by the landowner to allow representatives of the California Departments of Food and Agriculture and Fish and Game, the Tehama County Department of Agriculture, the Environmental Protection Agency and the U.S. Bureau of Sport Fisheries and Wildlife to enter upon the property where the device is to be used for the purpose of inspecting and monitoring all aspects of the experimental program. Any person (supervisor, applicator, or other person) found to be using the materials improperly or falsifying required data will be denied further use of the SCSLEM's, and may be subject to the civil and criminal penalties under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. Failure to adhere to the provisions of this program could result in suspension of the program.

Devices and capsules will be available only to, and be used only by, approved SCSLEM applicators. The applicators shall obtain the capsules and devices only from the Tehama County Agricultural Commissioner's office. The Agricultural Commissioner is responsible for securing the landowner's permission for use of the SCSLEM in the study areas. The antidote, amyl nitrate capsules, must be available for the pesticide applicators; each pesticide applicator must be advised of the antidote.

A. Records of each applicator who obtains the chemical capsules and/or device will be submitted to and maintained by the Tehama County Agricultural Commissioner. These records will include:

1. Name of approved SCSLEM applicator.

2. Name of ranch or farm owner in study areas A and C (SCSLEM areas).

3. Location of ranch or farm headquarters, direction and mileage from nearest town.

4. The designated area in which the SCSLEM will be used.

5. The number of devices and capsules obtained and returned.

6. Monthly records submitted by each approved applicator.

7. A signed agreement to comply with the terms of the experimental program.

Records of other county personnel engaged in the evaluation plan shall be submitted to and maintained by the Tehama County Agricultural Commissioner.

All records will be made available to the Department of Food and Agriculture.

B. The following data must be obtained by the applicators for each designated area (A, B, C and D) and submitted to the Agricultural Commissioner:

1. Initial Report.

a. Name of designated area.

b. Size of study area (a minimum of five square miles).

c. Location in the county.

d. Name of ranch or ranches.

e. Property owner or owners.

f. Number and value of livestock losses caused by coyotes in 1973. (Losses in 1973 will be obtained from polling of producers by mail, phone, and personal contact, records, and from other sources.)

2. Report on a monthly basis.

a. Name of designated area.

b. Livestock population (obtained from livestock operators in the study area).

c. Number of livestock losses and cause. Records shall be maintained on Department of Food and Agriculture Form 3C, "Predatory Animal Damage Report".

d. Number of coyotes taken. Include the following for each take: date, age and sex, method of take.

(1) Trap—time period from set to take (man hours).

(2) Gun—time involved to take (man hours).

(3) Denning—time involved for take (man hours), and

(4) Aerial gunning (man hours). Permit for aerial gunning is required by the California Department of Fish and Game.

e. Number of nontarget species taken.

(1) Species taken.

(2) Description of placement of trap (physical features, i.e., fence line, gully, saddle, etc.).

(3) Number of days trap exposure before catch.

(4) Nontarget species seen in vicinity of trap site.

3. Biannual reports for study areas A, B, C and D. Data will be obtained by the applicators and submitted to the Agricultural Commissioner. Coyote population will be determined by one or more of the following census methods:

a. Scent post activity.

b. Roadside siren activity.

c. Visual counts.

d. Transect counts.

Census surveys will be made in February 1974, September 1974, February 1975, and May 1975. The California Department of Fish and Game will assist in estimating coyote populations for areas to be surveyed.

4. Additional data required monthly for study areas A and C (SCSLEM areas) to be obtained by approved applicators and submitted to the Agricultural Commissioner.

a. Map showing locations of each SCSLEM placed in the field. The map should be of sufficient detail so that a person unfamiliar with the placement of the SCSLEM will be able to locate them.

b. Date of placement of devices.

c. Period of time SCSLEM's are used. Record climatic conditions during this period.

d. Number of SCSLEM's being used in the field.

e. Date of retrieval of devices.

f. Species and number of animals killed by the SCSLEM.

g. For each animal taken:

(1) Placement of the device, i.e., terrain, fence row, gully, etc.

(2) Length of time SCSLEM set before take.

(3) Species taken, age and sex, embryo count of gravid coyotes.

(4) Was the take a target species.

(5) Distance of carcass from device.

h. Number of discharges without animal take.

i. Accidents involving humans. All accidents involved with the use of SCSLEM's regardless of the seriousness, shall be reported immediately, according to Department of Food and Agriculture regulations regarding pesticides.

C. The following guidelines must be observed in the experimental program:

1. Livestock losses, number of coyotes taken and number of non-target animals taken shall be verified by the Agricultural Commissioner.

2. The maximum number of SCSLEM's to be placed in areas A and C will be at the discretion of the Department of Food and Agriculture. The number will not exceed 150 devices per study area. The number of sodium cyanide capsules to be used should not exceed 900 per study area. Normally, five devices are used per section (one per 128 acres) and not less than six capsules per unit are required. However, the number must be flexible to meet the needs. All used and unused sodium cyanide capsules shall be returned to the Tehama County Agricultural Commissioner.

Total for the program: 300 mechanisms and 1800 capsules.

3. The SCSLEM's shall be placed to minimize the hazard to nontarget species.

4. The SCSLEM's shall be used only on private lands. The SCSLEM's shall not be used in:

a. San Joaquin kit fox range as identified by the California Department of Fish and Game.

b. Urban or incorporated areas.

c. Such other areas that may be zoned out to protect the public health and safety.

d. Such areas where use of the mechanism will harm other endangered or threatened species that may be attracted to the SCSLEM.

5. Approved bilingual warning signs shall be posted in treatment areas (A and C) and adequate surveillance maintained. In all cases where SCSLEM's are used, warning signs shall be posted at main entrances, gateways, or commonly used access points. Warning signs shall clearly alert the public to the toxic nature of cyanide and the danger to pets. Elevated warning signs shall be placed in the immediate vicinity of the SCSLEM clearly warning persons not to handle the device.

6. All signs are to be removed at the end of the treatment period.

7. Extreme care shall be taken to prevent any theft or loss of SCSLEM's and the possibility of their subsequent use by unauthorized persons.

IV. *Evaluation.* The Control and Eradication Unit of the Department of Food and Agriculture and the County Agricultural Department concerned will tabulate the field data.

Evaluation of the experimental program will be made by the California Departments of Food and Agriculture and Fish and Game.

The evaluation will include:

1. Economic analysis of the program.

2. The impact of SCSLEM's on nontarget species.

3. The effects of the SCSLEM on reducing livestock losses in areas where SCSLEM's are used as compared to livestock losses in areas where the SCSLEM's are not used.

4. Determination of the cost of controlling coyotes with the SCSLEM as compared to denning, trapping, shooting, or other methods used to control coyotes in California.

5. Effectiveness and economics of reducing livestock losses from coyotes only during the principal lambing and calving period from September through May.

6. The selectivity of the SCSLEM when used to control coyotes.

7. The effect of use of the SCSLEM with regard to human safety.

8. The amount of coyote control that can be achieved through the use of the SCSLEM without causing unreasonable adverse effects on the environment.

Dated: May 6, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-10811 Filed 5-9-74;8:45 am]

STATE OF KANSAS

Request for State Program Approval for Control of Discharges to Navigable Waters

On May 20, 1973, the State of Kansas submitted a request to Robert Fri, then acting Administrator of the U.S. Environmental Protection Agency, for approval of its state program for control of discharges of pollutants to navigable waters under the National Pollutant Discharge Elimination System (section 402 of the Federal Water Pollution Control Act Amendments of 1972, PL 92-500).

A public hearing concerning the Kansas request was held on July 17, 1973, at Topeka, Kansas. On September 28, 1973, EPA Administrator Russell Train notified Governor Docking of Kansas that revisions to the Kansas program were necessary, as follows:

(1) Legislation must be enacted which authorizes the State to issue permits which apply, and insure compliance with, any applicable requirements of sections 301, 302, 306 and 307 of the FWPCA, as required by section 402(b)(1)(A); and

(2) Regulations must be promulgated establishing authorities equivalent to those which would be established by those set forth in the draft regulations attached to this letter.

Following the accomplishment of the two above revisions, I will promptly approve the Kansas program for participation in the NPDES and suspend the issuance of permits as to those navigable waters subject to the Kansas Program.

The 1974 Kansas Legislature enacted Senate Bill 698 which took effect on March 14, 1974. On April 19, 1974, the Kansas Board of Health promulgated regulations implementing the National Pollutant Discharge Elimination System in Kansas. On the basis of these actions, the State of Kansas has resubmitted its request for approval of its program.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the U.S. EPA a full and complete description of the program it intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of § 402(b) and U.S. EPA's Guidelines. Among other authorities, the State must have: (1) Adequate authority to issue permits which comply with all pertinent requirements of the Act; (2) adequate authority, including civil and criminal penalties, to abate violations of permits; and (3) authority to insure that the Administrator, the public, any other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have and commit itself to use manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. U.S. EPA's Guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390.

The State of Kansas proposed that the Kansas State Department of Health operate this program for control of discharges into navigable waters of the State in compliance with the Act. Chief officials are Robert D. Barnett, President, Kansas State Board of Health; James D. Mankin, Executive Secretary, Kansas State Board of Health; and Melville W. Gray, Chief Engineer and Director, Division of Environmental Health.

The program description, including SB 698 and the regulations as promulgated, may be inspected by the public at the Kansas State Department of Health, Division of Environmental Health, 535 Kansas Avenue, Topeka, Kansas 66603 (913/296-3821), or at the Regional Library, U.S. Environmental Protection Agency, Region VII, 1735 Baltimore Avenue, Kansas City, Missouri 64108 (816/374-5838).

All interested persons wishing to comment upon the State's request or its program submission are invited to submit written comments in person or by mail by June 12, 1974, to Jerome H. Svore, Regional Administrator, U.S. Environmental Protection Agency, Region VII, at the above address.

All comments received by June 12, 1974, will be considered by the Administrator of the U.S. Environmental Protection Agency in making his decision regarding Kansas' request for State program approval.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

MAY 7, 1974.

[FR Doc.74-10816 Filed 5-9-74;8:45 am]

THERMAL DISCHARGE TECHNICAL GUIDANCE MANUAL

Notice of Availability of Draft Manual

On March 28, 1974, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking establishing the procedures and standards for imposition of alternative effluent limitations on thermal discharges, pursuant to section 316(a) of the Federal Water Pollution Control Act, 33 USC 1251, 1326(a) (39 FR 11434).

During the past several weeks the Agency has been preparing a technical guidance manual designed to assist EPA Regional Offices and State water pollution control agencies in evaluating requests for modification of proposed effluent limitations pursuant to section 316 (a). A draft version of the manual recently has been distributed to EPA regional personnel and representatives of State pollution control agencies for their review and suggestions.

Because of the general public interest in the subject matter of the manual, the Agency has determined to make copies of the draft version available to the public. Interested members of the public may obtain a copy of the draft technical manual by writing to Mr. John Christian, Environmental Protection Agency, Room 807, Waterside Mall, East Tower, Washington, D.C. 20460.

The Agency is required by order of the United States District Court for the District of Columbia to promulgate effluent limitations guidelines under sections 301 and 304(b) of the Act for the steam electric power generating category by August 26, 1974, and expects to promulgate final regulations implementing section 316(a) by approximately that date. The public comment period for both of the above proposed regulations closes on June 26, 1974. Any views on or suggestions for revision of the draft technical guidance manual should be received by EPA by June 26, 1974.

Dated: May 6, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-10814 Filed 5-9-74;8:45 am]

WATER QUALITY STRATEGY PAPER, SECOND EDITION

Notice of Availability of Report

Notice is given of the publication by the Environmental Protection Agency of the Water Quality Strategy Paper, Second Edition. This paper, which sets program objectives and discusses program policies and sequencing in the implementation of the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500) and the Marine Protection, Research, and Sanctuaries Act (Pub. L. 92-532), is intended as guidance for the conduct of EPA and State water pollution control programs. Each year, States are to develop State strategies on program objectives and priorities in response to this national Strategy Paper.

Pub. L. 92-500 provides the public with the opportunity to participate in the development of water pollution control programs. Individuals, organizations, businesses, or governmental units may find the Strategy Paper to be a useful tool in understanding the Act and EPA's present program perspectives.

The Strategy Paper is reviewed and revised each year. Many States and representatives of various environmental, industrial, trade, and governmental organizations, along with EPA, provided comments and critiques on this edition of the Strategy Paper as it was being developed. As an annual document, further comments or suggestions are welcomed on a continuing basis. Comments should be addressed to, and copies can be received from:

Walter S. Groszyk, Jr., Chief, Water Program Planning and Accomplishment Branch, Water Planning Division (AW-454), Environmental Protection Agency, Room 815, East Tower, Waterside Mall, 401 M Street SW., Washington, D.C. 20460.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-10815 Filed 5-9-74;8:45 am]

[OPP-32000/56]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency 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 (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, 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-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or, before July 9, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular 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 July 9, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 3876-RNI. Betz Entec. Inc., 4636 Somerton Road, Trevose, Pennsylvania 19124. *Betz Entec 342 Slime Control Agent.* Active Ingredients: Dodine (dodecylguanidine acetate) 10.0 percent; Isopropanol 30.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3876-RRN. Betz Entec, Inc., 4636 Somerton Road, Trevose, Pennsylvania 19047. *Betz Entec 343.* Active Ingredients: 1,3-dichloro-5,5-dimethylhydantoin 48 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4643-EU. Dearborn Chemical Division, Chemed Corporation, 300 Genesee Street, Lake Zurich, Illinois 60047. *Dearcide 731 Oxidizing Microbicide.* Active Ingredients: Sodium Dichloro-s-Triazinetrione 30 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6900-RUO. J. J. Dill Company, 1407 Ravine Road, P.O. Box 788, Kalamazoo, Michigan 49005. *Dill Diazinon OS.* Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 48.60 percent; Aromatic petroleum derivative solvent 43.61 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1258-652. Olin Corporation, Agricultural Division, P.O. Box 991, Little Rock, Arkansas 72203. *Salvo (Low Volatile) Weed Killer.* Active Ingredients: 2-ethylhexyl ester of 2,4-Dichlorophenoxyacetic Acid 85.9 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1364-R. The Parawax Company, P.O. Box 477, Council Bluffs, Iowa 51501. *Paxcide NF Swimming Pool Algaecide.* Active Ingredients: Poly[oxyethylene (dimethylimino) ethylene - (dimethylimino)ethylene dichloride] 10.0 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 538-RRR. O. M. Scott & Sons, Marysville, Ohio 43040. *Scotts Proturf New Insecticide III.* Active Ingredients: Chlorpyrifos[O,O - diethyl O - (3,5,6 - trichloro-2-pyridyl) phosphorothioate] 1.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 538-53. O. M. Scott & Sons, Marysville, Ohio 43040. (*Scotts*) *Super Halts Plus Brand Crabgrass Preventer Plus Lawn Fertilizer.* Active Ingredients: S-(O-O-Diisopropyl phosphorodithioate) ester of *N*-(2-Mercaptoethyl) benzenesulfonamide 4.60 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 538-RRN. O. M. Scott & Sons, Marysville, Ohio 43040. (*Scotts*) *Pro-Turf Selective Poa Annua Control.* Active Ingredients: Linuron [3-(3,4-dichlorophenyl)-1-methoxy-1-methylurea] 3.50 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12020-T. Stavely Chemicals Limited, Stavely Works, Chesterfield, Derbyshire S43 2 PB, England, *Staveley Diuron 80.* Active ingredients: Diuron 03-(3,4-dichlorophenyl)-1,1-dimethylurea 80 per-

cent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: May 2, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-10592 Filed 5-9-74;8:45 am]

FEDERAL MARITIME COMMISSION

STATE OF CONNECTICUT AND CONNECTICUT TERMINAL CO., INC.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 30, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

John Cunningham
Kominers, Fort, Schlefer & Boyer
1776 F Street, Northwest
Washington, D.C. 20006

Agreement No. T-2373-1, between the State of Connecticut and Connecticut Terminal Company, Incorporated, amends the basic agreement which provides for the lease and operation of State Pier No. 1, New London, Connecticut. The purpose of the amendment is to extend the lease and operating agreement for six months beyond the present expiration date of June 30, 1974.

By Order of the Federal Maritime Commission

Dated: May 7, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-10885 Filed 5-9-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of 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 Part 542 of Title 46.

Certificate No.	*Owner/operator and vessels*
01145---	Det Bergenske Dampskibsselskab: *Nornews Service, Nornews Express.*
01231---	Aktieselskapet Tonsbergs Hvalfangeri: *Ferder.*
01428---	Ocean Transport & Trading Limited: *El Brega.*
01857---	OHG I FA Bernhard Schulte: *Anna Schulte.*
01935---	Partnership between Steamship Co., Svendborg, Ltd., and Steamship Company of 1912, Ltd.: *Maersk Hauler.*
01991---	Malmros Rederi Aktiebolag: *Malmros Multina.*
02038---	Polskie Linie Oceaniczne: *Frycz Modrzewski.*
02192---	Eretria Development Corp. SA: *Juanita H.*
02197---	Matson Navigation Co.: *Transontario, Transoneida, Transchamplain.*
02314---	A/S Athene (Jorgen Bang): *Athene.*
02462---	Hellenic Lines, Ltd.: *Hellenic Champion, Hellenic Challenger, Hellenic Carrier.*
02493---	Sheridan Transportation Co.: *Sea Star.*
02582---	Jugoslavenska Tankerska Plovidba-Oour Jugotanker: *Posavina.*
02724---	Security Barge Line, Inc.: *ST 100.*
02958---	Kawasaki Kisen K.K.: *Lions Gate Bridge.*
02977---	J. Ray McDermott & Co., Inc.: *McDermott Jet Barge No. 4, McDermott Tidelands 012, McDermott Tidelands 014*
03047---	E. I. Du Pont de Nemours & Co.: *TCB 306, TCB 307, TCB 308.*
03139---	Offshore Marine, Ltd.: *Lundy Shore.*
03482---	Ryutsu Kaiun K.K.: *Ryuyu Maru, Ryuei Maru.*
03635---	Hines, Inc.: *Hines 431 B.*
03857---	Jones & Laughlin Steel Corp.: *J & L X-252, J & L X-254, J & L X-259, J & L X-253, J & L X-257, J & L No. 5 Barge.*
03918---	Mobil Shipping & Transportation Co.: *Mobil Mariner.*
04037---	C. F. Bean, Inc.: *Lenel Bean, Jim Bean, Bean No. 24, Bean No. 18.*
04136---	Thomas Marine Co.: *Richard E. Girouard.*
04157---	Commonwealth of Virginia Department of Highways: *Jamestown.*
04196---	Otto Candies, Inc.: *OC-160.*
04400---	Peterson Builders, Inc.: *Leconte.*
04567---	Ken Hieng Navigation (Panama) Corp. S.A.: *Ken Lung.*
04601---	American Tuna Boat Association: *Diana C.*
04884---	Hall Corporation Shipping, Ltd.: *Ungava Transport.*
04941---	Olau-Line, Ltd.: *Olau Thor.*
05165---	Sun Oil Co. of Pennsylvania: *Jar 5.*
05425---	Georgia Transporters, Inc.: *CTC 1001.*
05520---	Union Carbide Corp.: *CC-410.*
05549---	Polska Zegluga Morska: *Uniwersytet Gdanski, Uniwersytet Warszawski.*
05577---	Far Eastern Shipping Co.: *Bogatyr-2, Mikhail Vladimirskiy Putivl, Komsomolets Artema, Vladimir Mordvinov, Pervomaysk.*
05578---	Baltic Shipping Co.: *Nazar Gubin, Semyon Kosinov, Volgoles, Komiles, Dvinoles, Severoles, Abakanles, Arkhangelskles, Alanajevskles, Alatyrles, Angarskles, Brianskles, Floating Dock 105, Dolinsk, Vasya Alekseev.*
05579---	Black Sea Shipping Co.: *Maxim Gorky, Leonid Sobinov.*
05581---	Latvian Shipping Co.: *Nikolay Kopernik.*
05696---	Gestioni Esercizio Navi Sicilia-G.E.N.S. SPA: *Capo Mele.*
05767---	Neptune Orient Lines, Ltd.: *Neptune Aries.*
06025---	Sanpan Towing Co., Inc.: *Debbie Lee.*
06130---	Northern Shipping Co.: *Pioneer Moskvy, Vlas Nichkow.*
06248---	Commercial Corp. "Sovrybflot": *Karl Libknecht.*
06300---	The Delaware River and Bay Authority: *M V Delaware.*
06409---	India Steamship Co., Ltd.: *Indian Reliance, Indian Renown, Indian Resolve, Indian Resource, Indian Progress.*
06814---	Navegadora Tropical S.A.: *Echaris.*
06903---	Sun Shipbuilding & Dry Dock Co.: *Yard Hull No. 66.*
06921---	Lee Lai Maritime S.A. (Panama): *Chieh Hui, Chieh Hwang.*
07255---	Teh Tung Steamship Co., Ltd.: *Happy Pacific, Monterosa, Coral Volans.*
07382---	Marushin Senpaku Kabushiki Kaisha: *Shinyu Maru.*
08071---	Anglo Nordic Bulkships (Management), Ltd.: *Nordic Courier.*
08436---	International Shipping & Trading Corp.: *Acclivity Prince.*
08568---	Aries Marine Shipping Co.: *Ultrasea.*
08598---	Armatrice Santa Chiara S.P.A.: *Ambrosiana.*
08617---	Fairmont Enterprises, Ltd.: *Fairship.*
08709---	Bibby Freighters, Ltd.: *Arya Bod.*
08790---	Agtek International, Inc.: *Marjorie R.*
08796---	Saint Spyridon Maritime Co., Ltd.: *Tarseus III.*
08833---	General Metals of Tacoma, Inc.: *Robert H. Smith, Edmonds, Twin Harbor.*
08877---	Monte Mabu Shipping Corp.: *Mabu.*
08883---	Seacrest Shipping Co. S.A.: *Falcon.*
08891---	Nasugbu Navigation Co.: *Nasugbu.*
08893---	Compania Universal Naviera S.A.: *Tropical Hibiscus.*
08899---	Barge Equipment Co.: *Swann 18.*
08902---	Golden Arrow Navigation Co., Ltd., Famagusta: *Golden Arrow.*
08910---	Alasia Steamship Co., Ltd.: *Stalo-2.*
08916---	Rederij M. S. "Spray": *Spray.*
08920---	Hydromar Corp. of Delaware: *Hydro-Atlantic.*
08921---	Honorable Carriers, Inc.: *Lorana.*

Certificate No.	Owner/operator and vessels
03922---	Vicmar Navigator Sea Carriers S.A.—Panama: *Viemar Navigator.*
03926---	Napier Shipping Co.: *World Ares.*
03928---	Shibley Boats Panama, S.A.: *Percheron.*
03929---	Elmo Navigation, Inc.: *Stolt Eagle.*
03930---	Nilhat Shipping Co., Ltd.: *Charisma N., Alexandra N.*
03933---	Norness U.K. Ltd.: *Nordic Clansman.*
03934---	Armement Deppe S.A.: *Dart Europe.*
03955---	Lonborg Rederierne A/S: *Philip Lonborg.*
03956---	Marenviado Armadora S.A.: *Alea.*
03957---	Sunvictor Maritime Co., Ltd.: *Sunvictor.*
03958---	Campos Shipping Co., Ltd.: *Cosmaria.*
03959---	Perennial Motors Transport, Inc.: *Perennial Ace.*
03960---	Midigirl Shipping Corp. of Monrovia: *Midigirl.*
03961---	Incan Ships, Ltd.: *Incan Superior.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-10886 Filed 5-9-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01017---	Westfal-Larsen & Co. A/S: *Fossanger, Hoyanger.*
01027---	Flensburger Befrachtungskontor Uwe C. Hansen & Co.: *Stern Hasselburg.*
01067---	Klosters Rederi A/S: *Trailer Express.*
01069---	Oglebay Norton Co.: *Robert C. Norton, Frank Purnell, J. H. Hillman, Jr.*
01099---	Scottish Ore Carriers Ltd.: *Crinan.*
01106---	N.V. Stoomvaart-Maatschappij "Oostzee": *Loppersum.*
01167---	Marvalor Sociedad de Transportes S.A.: *Don Manuel.*
01231---	Aktieselskapet Tonsbergs Hvalfangeri: *Brisk.*
01304---	Furness Withy & Co., Ltd.: *Sagamore, Edenmore.*
01330---	Shell Tankers (U.K.), Ltd.: *Plagiola.*
01408---	Colmenar Compania Naviera S.A. Panama: *Capetan Lemos.*
01421---	Bibby Line, Ltd.: *Arya Bod.*
01517---	Salamis A/S: *Skausund.*
01561---	Lubeck Linie Aktiengesellschaft: *Fredenhagen.*
01574---	Fearnley & Eger: *Fernwind.*
01719---	Unterweser Reederei G.m.b.h.: *Langelsheim.*
01875---	Sicula Sarda-Compagnia Armatoriale Siciliana S.P.A.: *Sunprince.*
01904---	Waterman Steamship Corp.: *Hurricane.*
02052---	Cosmo Maritime Corp.: *Cosmaria.*
02163---	Rederiet "Ocean" A/S Copenhagen: *Thora Dan.*
02167---	Sartori & Berger: *Carmen.*
02198---	The Peninsular & Oriental Steam Navigation: *Trecarne, Orissa.*
02255---	Calmedia S.P.A. di Navigazione: *Calasetta, Calarossa, Calabella.*
02288---	"Cosarma": *Aurora.*
02416---	Boland & Cornelius, Inc.: *H Lee White.*
02460---	Dampskibsselskabet "Norden" Aktieselskab: *Nordholm, Nordglimt.*
02929---	Soflumar-Societe D'Armement Fluvial & Maritime: *Port La Nouvelle.*
02931---	Diapool Compania Nav. S.A.: *Athen.*
02956---	Ashland Oil, Inc.: *BC 1.*
03067---	Vickers Towing Co., Inc.: *George, Grace, Governor, Tracy, Nita Vickers.*
03121---	Carga Transpacifica Navegacion S.A. PN: *Aristodimos.*
03484---	Sanko Kisen K.K.: *Mokusel Maru.*
03499---	El-Yam Bulk Carriers (1967) Ltd., Israel: *Har Meron.*
03519---	Toko Shosen K.K.: *Riko Maru.*
03625---	Hygrade Operators, Inc.: *Blue Line 106.*
03630---	The Sun Shipping Co., Ltd. (Hong Kong): *Tong Shin.*
03635---	Hines, Inc.: *Nancy Picton.*
03691---	Spentonbush Transport Service, Inc.: *No. 210.*
03775---	Penn Navigation Co.: *Penn Leader.*
04007---	Egon Oldendorff: *Catharina Oldendorff.*
04069---	Omnium Transportation Co.: *Omnium Ranger.*
04088---	Petrolane Offshore Construction Services, Inc.: *Alligator, Octopus.*
04113---	Mon River Towing, Inc.: *GBL-7, GBL-8, GBL-9, GBL-10.*
04128---	Skips A/S Westray: *Bruni.*
04157---	Commonwealth of Virginia, Virginia Department of Highways: *Bridgeport.*
04196---	Otto Candies, Inc.: *OC-602.*
04224---	NMS Chemical Corp.: *N.M.S. No. 1900, N.M.S. No. 1901.*
04226---	National Marine Service, Inc.: *Beauregard, National Mariner, L.T.C. No. 38, ETT 125.*
04269---	Vronca Compania Naviera S.A.: *Kyra Katina.*
04393---	World Wide Transport, Inc.: *Conoco Sopi.*
04411---	The Ulster Steamship Co., Ltd.: *Fair Head.*
04594---	The Valley Line Co.: *MV 532, MV 224.*
04640---	McAllister Lighterage Line, Inc.: *Spartan, Weeks 211.*
04933---	The Revilo Corp.: *Florida Power Corp. Barge 8.*
04980---	Netherlands Mead N.V.: *Santo Antonio.*
05048---	F. Laeisz: *Pentelikon.*
05105---	Alvin Maritime S.A.: *Alvin.*
05190---	The Robertsport Navigation Co., Inc.: *Calli.*
05278---	Twin City Barge & Towing Co.: *TCB 50.*
05425---	Georgia Transporters, Inc.: *JTS-500.*
05598---	Pateras Brothers, Ltd.: *Arsenal.*
05753---	Veb Deutfracht Internationale Befrachtung Und Reederei: *Fritz Reuter.*
05792---	Korea Wonyang Fisheries Co., Ltd.: *No. 1 Korbee, No. 2 Korbee, No. 3 Korbee, No. 5 Korbee, No. 6 Korbee, No. 7 Korbee, No. 1 Koram, No. 2 Koram, No. 3 Koram, No. 101 Koram, No. 102 Koram, No. 103 Koram.*
05854---	Levin Metals Corp.: *IX-SS-313.*
05894---	Yutana Barge Lines, Inc.: *OB No. 6, OB No. 2.*
06052---	Marukyo Suisan Kabushiki Kaisha: *Nadayoshi Maru 1, Nadayoshi Maru 3.*
06143---	Koyu Gyogyo Seisen Kumiai: *Takamiyamaru No. 7.*
06149---	Thomas Towing Corp.: *T-128.*
06300---	The Delaware River and Bay Authority: *S.S. New Jersey.*
06768---	Sea Contracting Corp.: *Volta Peace.*
06787---	Evergreen Marine (Singapore) Private, Ltd.: *Ever Fortune.*
07040---	Chemical Transportation Co.: *Marine Dow Chem.*
07074---	Hae Woi Industrial Co., Ltd.: *Luna No. 22, St. Thomas No. 102, St. Thomas No. 101.*
07085---	Ocean Search, Inc.: *Alcoa Seaprobe.*
07125---	Coast Navigation, Inc., Nyala Shipping Corp.: *Ajax.*
07136---	Nam Sung Wonyang Fisheries Co., Ltd.: *No. 71 Nam Sung.*
07135---	Nautilous IV Compania Naviera S.A.: *Emilia G.*
07290---	Hollywood Terminals, Inc.: *May Can 1.*
07390---	N.V. Nieuw Amsterdam: *Nieuw Armsterdam.*
07440---	Cape Henry Shipping Co., Ltd., Limassol: *Cape Henry.*
07587---	Great Kern Shipping Corp.: *Carbo Cougar.*
07812---	Cape Canaveral Shipping Co. Inc., Monrovia: *Cape Canaveral.*
07913---	Sealion Navigation Co., Ltd.: *Sealion.*
07950---	Norman Offshore Services, Inc.: *Ranger, DB-4.*
08071---	Anglo Nordic Bulkships (Management), Ltd.: *Naess Norseman, Naess Courier.*
08117---	Montauk Maritime, Ltd.: *Montauk.*
08135---	Veb Fischkombinat Rostock: *Peter Nell.*
08136---	Dong Bang Ocean Fisheries Co., Ltd.: *No. 51 Dong-Bang.*
08163---	Dong Won Fisheries Co., Ltd.: *Dong Won No. 503.*
08165---	Dong Won Industrial Co., Ltd.: *Dong Won No. 81.*
08434---	H & H Ship Service Co.: *Humboldt.*
08536---	Dithmarsia Reederei G.m.b.h. & Co. KG Rendsburg: *Fleethorn.*
08709---	Bibby Freighters, Ltd.: *Pacific Bridge.*
08866---	Constant Shipping Co.: *World Promise.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-10887 Filed 5-9-74;8:45 am]

[Docket No. 74-17; Agreement No. 9955-1]

A/S BILLABONG, ET AL.

Order of Investigation and Hearing

Pursuant to section 15 of the Shipping Act, 1916, an agreement among A/S Billabong; Westfal-Larsen & Co. A/S; Fred. Olsen & Co.; and Star Shipping A/S, has been filed for approval and assigned Federal Maritime Commission Number 9955-1. The agreement is a petition to extend approval of the approved

basic cooperative working arrangement, as modified, infra, for an indefinite period beyond the present termination date of November 12, 1974, and modifies the approved basic agreement to (1) reflect the corporate name change of Star Bulk Shipping Company A/S to Star Shipping A/S, and change references throughout the basic agreement, which presently read Star Bulk Shipping Company A/S and/or Star Bulk to read Star Shipping A/S and/or Star, respectively, and (2) establish a new Article 2a. reading as follows:

"Expenses of Star" shall be all expenses defined as expenses of Star by the Board of Directors in its discretion and incurred by Star in the course of carrying on activities authorized by the Board of Directors, including, but not limited to, any vessel charter hire of any kind (including time, voyage, bareboat or other charter hire, howsoever, calculated) paid or payable to owners of vessels (other than Billabong, Westfal-Larsen and Fred. Olsen) which are chartered by Star.

Notice of the filing of Agreement No. 9955–1 was published in the FEDERAL REGISTER on February 11, 1974. Pursuant to such publication, protests against the approval of said agreement and comments were submitted on behalf of Sea-Land Service, Inc. and the Trans-Pacific Freight Conference of Japan/Korea and its member lines, established carriers in certain trades covered by the worldwide shipping operation authorized by the cooperative working arrangement. An investigation and hearing on the issues raised by the protestants has been requested.

The protestants object to the approval of Agreement No. 9955–1 on the grounds that, among other things, said agreement (1) is discriminatory and unfair as between carriers, and as between shippers, importers and exporters of the United States; and (2) is detrimental to the commerce of the United States and contrary to the public interest, all in violation of section 15 of the Shipping Act, 1916.

A reply to the protests and comments has been filed on behalf of Star Shipping A/S, alleging that the agreement is being protested on grounds which have nothing to do with the agreement itself and in the hope of delaying renewal of the agreement beyond its termination date.

The Commission has considered the protests and comments and the reply thereto and has concluded that Agreement No. 9955–1 should be made the subject of a formal investigation to determine whether it should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916. Since it is recognized that Agreement No. 9955 will terminate on November 12, 1974, unless extended, the Commission desires that the investigation herein ordered be expedited so that the issues raised in the hearing may be resolved prior to the termination of the basic agreement.

It is therefore ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, a proceeding is hereby instituted to determine whether Agreement No. 9955–1 is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, detrimental to the commerce of the United States, contrary to the public interest, or is in violations of the Shipping Act, 1916, and, therefore, whether it should be approved, disapproved or modified;

It is further ordered, That A/S Billabong; Westfal-Larsen & Co. A/S; Fred. Olsen & Co.; and Star Shipping A/S are hereby made respondents in this proceeding.

It is further ordered, That Sea-Land Service, Inc. and the Trans-Pacific Freight Conference of Japan/Korea and its member lines, through their respective counsels whose names and addresses are shown in the Appendix hereto, are hereby made petitioners in this proceeding.

It is further ordered, That a public hearing be held in this proceeding and that the matter be assigned for hearing and decision by an Administrative Law Judge at a date and place to be hereafter determined and announced by the presiding Administrative Law Judge. Since the agreement expires on November 12, 1974, the Commission expects the hearing to be expedited so a decision may be rendered prior to that date.

It is further ordered, That notice of this Order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondents and petitioners, as shown in the Appendix.

It is further ordered, That any person other than respondents and petitioners, having an interest and desiring to participate in this proceeding, shall file a petition for leave to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

It is further ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or pre-hearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX

(Respondents)

A/S Billabong
P.O. Box 1088
Radstuplass, 2
Bergen, Norway

Westfal-Larsen & Co. A/S
General Steamship Corporation, Ltd., General Agents
400 California Street
San Francisco, California 94104

Fred. Olsen & Co.
Fred. Olsensguten, 2
Oslo 1, Norway

Star Shipping A/S
Star Shipping (U.S.W.C.) Inc., As Agent
235 Montgomery Street
San Francisco, California 94104

R. Frederic Fisher, Esq.
Lillick, McHose, Wheat, Adams & Charles
311 California Street
San Francisco, California 94104
(Attorneys for respondents)

(Petitioners)

Sea-Land Service, Inc.
P.O. Box 1050
Elizabeth, New Jersey 07207

Edward M. Shea, Esq.
Regan & Mason
The Farragut Building
900 Seventeenth Street, N.W.
Washington, D.C. 20006
(Attorneys for Sea-Land Service, Inc.)

Trans-Pacific Freight Conference of Japan/Korea
James E. Mazure, Chairman
Sumitomo Seimei Yaesu Building, 2nd Floor
3, 4-Chome, Yaesu
Chuo-Ku, Tokyo, Japan

Charles F. Warren, Esq.
George A. Quadrino, Esq.
Law Offices of Charles F. Warren
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036
(Attorneys for the Trans-Pacific Freight Conference of Japan/Korea and its member lines)

(Member Lines)

American President Lines, Ltd.
601 California Street
San Francisco, California 94108

Barber Lines A/S
Barber Steamship Lines, Inc., General Agents
17 Battery Place
New York, New York 10004

Compania Peruana de Vapores
Kerr Steamship Co., Inc., General Agents
One California Street
San Francisco, California 94111

Japan Line, Ltd.
Japan Line (New York) Services, Ltd., General Agents
One World Trade Center
Suite 2867
New York, New York, 10048

Kawasaki Kisen Kaisha, Ltd.
"K" Line—Kerr Corporation, General Agents
29 Broadway
New York, New York 10006

Knutsen Line
Boyd, Weir & Sewell, Inc., General Agents
17 Battery Place
New York, New York 10004

Mitsui O.S.K. Lines, Ltd.
One World Trade Center
Suite 2211
New York, New York 10048

Nippon Yusen Kaisha, Ltd.
One World Trade Center
Suite 5031
New York, New York 10048

Pacific Far East Line, Inc.
One Embarcadero Center
San Francisco, California 94111

Phoenix Container Liners, Ltd.
Kerr Steamship Company, Inc., General Agents
One California Street
San Francisco, California 94111

Sea-Land Service, Inc.
P.O. Box 1050
Elizabeth, New Jersey 07207

Seatrain International, S.A.
Seatrain Lines, Inc. (Container Division)
Port Seatrain
Weehawken, New Jersey 07087

Showa Shipping Co., Ltd.
Norton, Lilly & Co., Inc., General Agents
425 California Street
San Francisco, California 94104

States Steamship Company
320 California Street
San Francisco, California 94104

United States Lines, Inc.
One Broadway
New York, New York 10004

Yamashita-Shinnihon Steamship Co., Ltd.
Texas Transport & Terminal Co., Inc., General Agents
21 West Street
New York, New York 10006

Zim Container Service
One World Trade Center, Suite 2969
New York, New York 10048

[FR Doc.74-10888 Filed 5-9-74;8:45 am]

FEDERAL POWER COMMISSION

ALASKA POWER SURVEY; EXECUTIVE ADVISORY COMMITTEE

Notice of Meeting and Agenda

Agenda for the third meeting of the Executive Advisory Committee to be held in Federal Building, 605 4th Avenue, Anchorage, Alaska, June 18, 1974, at 1 p.m.

Presiding: Mr. James V. House, Chairman, Executive Advisory Committee.
1. Meeting Call to Order—James V. House.
2. Introduction:
a. Self-introductions of those present.
b. Review of purpose and scope of Alaska Power Survey.
3. Technical Advisory Committees:
a. Reports of Chairmen.
b. Submission of Draft Reports.
4. Discussion of TAC Reports.
5. Other Committee Business.
6. Adjournment—James V. House.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-10758 Filed 5-9-74;8:45 am]

[Docket Nos. E-8250, E-8071 and E-8142]

ARKANSAS POWER AND LIGHT CO.

Further Extension of Time and Change of Dates of Prehearing Conference and Hearing

MAY 3, 1974.

On April 26, 1974, counsel for Conway Corporation, *et al*, intervenors, filed a motion for an extension of the procedural dates set by the notice issued February 28, 1974, in the above-designated proceeding. The motion also requests that the prehearing conference be scheduled as soon as possible to resolve discovery problems. Counsel states that none of the parties oppose the motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are further modified as follows:

Prehearing Conference, May 21, 1974 (10 a.m. e.d.t.).
Service of evidence by intervenors, May 28, 1974.
Service of rebuttal evidence, June 17, 1974.
Hearing, July 15, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10762 Filed 5-9-74;8:45 am]

[Docket No. R-427]

CONNECTICUT LIGHT AND POWER CO.

Extension of Time and Postponement of Hearing

MAY 3, 1974.

In the matter of a statement of policy implementing the Economic Stabilization Act of 1970 (Pub. L. 91-15, 84 Stat. 799, as amended by Pub. L. 92-15, 85 Stat. 38 and Executive Orders Nos. 11615 and 11627).

On April 22, 1974, Cities filed a motion for an indefinite postponement of the hearing fixed by Order issued April 4, 1974, in the above-designated matter or, in the alternative, for a 30-day postponement of the procedural dates. On April 29, 1974, Connecticut Light and Power Company filed a response in opposition to an indefinite postponement.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Testimony and Exhibits by Cities, June 28, 1974.
Service of Rebuttal testimony and exhibits, July 23, 1974.
Hearing, August 6, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10759 Filed 5-9-74;8:45 am]

[Docket No. E-8522]

DELMARVA POWER & LIGHT CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

MAY 3, 1974.

On April 30, 1974, Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued March 21, 1974, in the above-designated matter. The motion states that there is no objection to the motion by any of the parties.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of Staff's Evidence, May 7, 1974.
Service of Intervener's Evidence, May 21, 1974.
Service of Company's Rebuttal Evidence, June 4, 1974.
Prehearing Conference, June 18, 1974 (10 a.m. e.d.t.)
Hearing, To commence upon the conclusion of the prehearing conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10764 Filed 5-9-74;8:45 am]

[Docket No. CP73-260]

EL PASO NATURAL GAS CO.

Availability of Staff Draft Environmental Impact Statement

MAY 8, 1974.

In the matter of Refugio-Waha pipeline project.

Notice is hereby given in the above docket, that on April 16, 1974, as required by § 2.82(b) of Commission Order No. 415-C, a draft environmental statement prepared by the Staff of the Federal Power Commission was made available for comments. This statement deals with an application by El Paso Natural Gas Company in Docket No. CP73-260 for certificate of public convenience and necessity under section 7(c) of the Natural Gas Act authorizing construction and operation of 418.5 miles of 24-inch natural gas pipeline, 5 compressor stations with a combined output of 50,716 horsepower of compression and other miscellaneous appurtenant facilities. These facilities would be located in 15 counties of the State of Texas.

This statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street NE., Washington, D.C. 20426 and at its Regional Office located at 819 Taylor Street, Fort Worth, Texas 76102. Copies may be obtained from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments on the staff draft statement for the Commission's consideration. All comments must be filed on or before June 14, 1974.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedures. Petitioners must also file timely comments on the draft statement in accordance with § 2.82(c) of Order No. 415-C.

All petitions to intervene must be filed on or before June 24, 1974.

MARY B. KIDD,
Secretary.

[FR Doc.74-10761 Filed 5-9-74;8:45 am]

[Docket No. CS73-568]

FLUOR OIL AND GAS CORP.

Notice of Redesignation

MAY 2, 1974.

By letter dated July 17 and filed on July 20, 1973, Fluor Oil and Gas Corporation advised the Commission that it changed its corporate name from Fluor Minerals, Inc., to Fluor Oil and Gas Corporation, effective June 28, 1973.

Accordingly, the temporary small producer certificate of public convenience and necessity issued to Fluor Minerals, Inc., in Docket No. CS73-568, is redesignated as that of Fluor Oil and Gas Corporation.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10765 Filed 5-9-74;8:45 am]

[Docket No. E-8737]

GULF STATES UTILITIES CO.

Filing of Schedule Showing Facility Charge Payments

MAY 3, 1974.

Take notice that on April 11, 1974, Gulf States Utilities Company, (Gulf States), filed a schedule showing that certain facility charge payments have been made pursuant to an interim agreement in Docket No. E-7696 between Gulf States, Central Louisiana Electric Company, Inc., Louisiana Power & Light Company, and Louisiana Electric Cooperative, Inc. According to Gulf States, this agreement, dated August 3, 1971, was accepted for filing by the Commission on August 7, 1972, and provided for the sale and purchase of the output of the Cooperative's new generating facility at New Roads, Louisiana.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10766 Filed 5-9-74;8:45 am]

[Docket No. CI74-94]

BLAKE HAMMAN

Further Extension of Time and Postponement of Hearing

MAY 2, 1974.

On April 26, 1974, Blake Hamman filed a motion for a further continuance of hearing and for an extension of time within which to serve testimony fixed by notice issued April 12, 1974, in the above-designated matter. The motion states that the interveners have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Applicant's Testimony, May 30, 1974.
Hearing, June 18, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10763 Filed 5-9-74;8:45 am]

[Docket No. CP72-251]

NORTHERN NATURAL GAS CO.

Availability of Modified Draft Environmental Impact Statement

MAY 8, 1974.

In the matter of the Dallas Center Underground Storage Project.

Notice is hereby given in the above docket, that on April 15, 1974, in accordance with § 2.28(b) of Commission Order No. 415-C, a modified draft environmental impact statement prepared by the Staff of the Federal Power Commission was made available for comments. This modified statement deals with the environmental impact of an application filed by Northern Natural Gas Company in Docket No. CP72-251 for a certificate of public convenience and necessity under section 7(c) of the Natural Gas Act requesting authorization for the testing of a proposed underground gas storage field near Dallas Center, Iowa. The proposal would include the drilling of 12 injection-withdrawal wells and several observation wells, 13.8 miles of pipeline, and other miscellaneous appurtenant facilities. Comments on the draft environmental impact statement were solicited by letter dated December 10, 1973. This modified draft statement is being circulated due to changes made by the applicant in the dimensions of the storage reservoir, volume of gas proposed for injection-withdrawal and facilities required for total development. For those parties who commented on the original draft environmental impact statement, comments on the modified draft environmental impact statement will be treated as supplements to previous comments.

This modified statement has been circulated for comments to Federal, State and local agencies, has been placed in the public files of the Commission, and is available for public inspection, both in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and at its Regional Office located in Room 1051, 610 South Canal Street, Chicago, Illinois 60606. Copies are available in limited quantities from the Federal Power Commission's Office of Public Information, Washington, D.C. 20426.

Any person who wishes to do so may file comments or supplemental comments on the modified draft statement for the Commission's consideration. All comments must be filed on or before June 14, 1974.

Any person who wishes to present evidence regarding environmental matters in this proceeding must file with the Commission a petition to intervene pursuant to § 1.8 of the Commission's rules of practice and procedures. Petitioners must also file timely comments on the modified draft statement in accordance with § 2.82(c) of Order No. 415-C.

All petitions to intervene must be filed on or before June 24, 1974.

MARY B. KIDD,
Secretary.

[FR Doc.74-10760 Filed 5-9-74;8:45 am]

[Docket No. E-8722]

PENNSYLVANIA-NEW JERSEY-MARYLAND INTERCONNECTION

Notice of Filing

MAY 2, 1974.

Take notice that on April 5, 1974, the Pennsylvania-New Jersey-Maryland Interconnection (PJM) filed Schedule 8.01 to its Interconnection Agreement with the Cleveland Electric Illuminating Company (CEI). Schedule 8.01 provides for the delivery of fuel conservation energy by CEI for the benefit of PJM.

The proposed Schedule provides a service charge of 1.25 mills per kwh for the deliveries made by CEI. PJM's letter of April 5, 1973, which is attached to their proposed filing, states that CEI's costs for providing transmission service to PJM will exceed the charge of 1.25 mills per kwh.

No new facilities will be installed nor will any existing facilities be modified in order to supply service. The proposed Schedule will remain in effect until December 31, 1974.

Pursuant to § 35.11 of the Commission's regulations, PJM requests waiver of the notice requirements of § 35.3 and an order establishing January 1, 1974 as the effective date of the proposed Schedule.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should on or before May 24, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become a party to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. 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. The agreement referred to in this notice is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10770 Filed 5-9-74;8:45 am]

[Docket No. ID-1727]

JOHN R. STEVENS

Notice of Application

MAY 3, 1974.

Take notice that on April 29, 1974, John R. Stevens (Applicant) filed an ini-

tial application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Vice President, Massachusetts Electric Company, Public Utility.
Vice President, New England Power Company, Public Utility.

Massachusetts Electric Company is engaged in the generation, purchase, distribution and sale of electricity. The Company provides electric service in 145 cities and towns throughout The Commonwealth of Massachusetts covering an area of approximately 3,246 square miles.

New England Power Company is engaged in the generation, purchase, transmission, and sale of electricity at wholesale, principally to other electric utilities doing retail distribution business.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 31, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10768 Filed 5-9-74;8:45 am]

[Docket No. RP73-100]

SYLVANIA CORP.

Revised Tariff, Revised Service Agreement and Refunds Pursuant to Settlement

MAY 3, 1974.

The Sylvania Corporation (Sylvania) on April 11, 1974, tendered for filing its FPC Gas Tariff, First Revised Volume No. 1, pursuant to its settlement agreement in this proceeding which was approved by order of the Commission issued March 18, 1974. The revised tariff, as originally filed on April 26, 1973, as approved by the March 18 order, became effective as of August 13, 1973, with the G-1 Rate Schedule rate reduced to 55.27 cents per Mcf contained on First Revised Sheet No. 4.

On April 9, 1974, Sylvania filed a Statement of Refunds made to its only jurisdictional customer, United Natural Gas Company, (United Natural) in the total amount of $35,437.58, pursuant to the settlement agreement and March 18 order. On April 18, 1974, Sylvania filed a new service agreement with United Natural to become effective as of August 13, 1973, superseding its service agreements applicable to previously effective rate schedules, as follows:

Rate Schedule G-1, dated January 1, 1948
Rate Schedule G-2, dated July 11, 1952
Rate Schedule F-1, dated December 16, 1963
Rate Schedule F-2, dated December 13, 1967

Copies of the three tendered filings have been served upon United Natural and interested State commissions, according to Sylvania's filing.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 17, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10771 Filed 5-9-74;8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Further Extension of Time and Postponement of Prehearing and Hearing

MAY 3, 1974.

On March 26, 1974, Commission Staff Counsel filed a motion for a further extension of the procedural dates fixed by notice issued February 27, 1974. The motion stated that United Natural reserved the right to file comments to this motion. A notice was issued April 3, 1974, deferring the procedural dates. On April 11, 1974, United Natural submitted a response requesting a conference with Staff. The request for a conference is a matter which may be addressed to the Staff.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of evidence by staff, June 5, 1974.
Prehearing Conference, June 11, 1974 (10 a.m.e.d.t.).
Service of Intervener's evidence, June 25, 1974.
Service of rebuttal evidence, July 9, 1974.
Hearing, July 16, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10773 Filed 5-9-74;8:45 am]

[Docket No. RP73-94]

VALLEY GAS TRANSMISSION, INC.

Further Extension of Time

MAY 3, 1974.

On April 29, 1974, Iroquois Gas Company filed a request for a further extension of time for filing prepared testimony and the rebuttal testimony as required by notice issued March 14, 1974 in the above-designated matter. The request states that there is no objection to the request by any of the parties.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Service of prepared testimony and exhibits by interveners, May 17, 1974.
Service of rebuttal evidence by Valley, May 31, 1974.
Prehearing Conference (Unchanged), June 11, 1974 (10 a.m. e.d.t.).
Hearing (Unchanged). To commence at the conclusion of the Prehearing Conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10774 Filed 5-9-74;8:45 am]

[Docket No. E-8575]

WESTERN MASSACHUSETTS ELECTRIC CO.

Filing of Amendment to Purchase Agreement

MAY 3, 1974.

Take notice that Western Massachusetts Electric Company (WMECO) on April 29, 1974, tendered for filing an amendment to their purchase agreement with Montaup Electric Company (Montaup) which agreement was originally filed on January 3, 1974. WMECO states that the amendment would increase Montaup's entitlements in the Woodland Road Gas Turbine Unit from 70.7547 percent to 100.0 percent for the period March 1, 1974, through April 30, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions and protests should be filed on or before May 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10775 Filed 5-9-74;8:45 am]

[Docket No. E-8747]

WEST PENN POWER CO.

Amendment to Agreement

MAY 2, 1974.

Take notice that on April 23, 1974, Alleghany Power Service Corporation (Alleghany) tendered for filing on behalf of West Penn Power Company (West Penn) Amendment No. 4 to the Interchange Agreement between West Penn and Duquesne Light Company (Duquesne) dated February 1, 1968. Alleghany states that the said Amendment increases the demand charge for Short-term Power and Energy from $0.40 to $0.45 per kilowatt week. According to

Alleghany, the increased charge will bring up revenues from short-term sales to an adequate level of compensation.

Alleghany requests an effective date of April 15, 1974, for said Agreement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10776 Filed 5-9-74;8:45 am]

[Docket No. ID-1726]

JOHN R. WHITE

Notice of Application

MAY 3, 1974.

Take notice that on April 11, 1974, John R. White (Applicant) filed an initial application with the Federal Power Commission, pursuant to section 305(b) of the Federal Power Act to hold the following positions:

Director, Pennsylvania Power Company, Public Utility.
Executive Vice President and Director, Ohio Edison Company, Public Utility.

Pennsylvania Power Company has its principal office at New Castle, Pennsylvania, and is engaged primarily in the generation, transmission, and distribution of electric energy in a portion of the Commonwealth of Pennsylvania.

Ohio Edison has its principal office at Akron, Ohio, and is engaged primarily in the generation, transmission and distribution of electric energy in a portion of the State of Ohio. Ohio Edison is a registered holding company under The Public Utility Holding Company Act of 1935, and owns all the common stock of Pennsylvania Power Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 31, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10769 Filed 5-9-74;8:45 am]

[Docket No. E-7555]

WISCONSIN MICHIGAN POWER CO.

Extension of Time and Postponement of Hearing

MAY 2, 1974.

On April 19, 1974, Staff Counsel filed a motion for a change of hearing date fixed by notice issued March 14, 1974, in the above-designated matter to June 17, 1974. On April 24, 1974, Counsel for Wisconsin Michigan Power Company (Wisconsin) filed a motion with the concurrence of the Staff and interveners to change the date of hearing to June 10, 1974.

On April 26, 1974, Wisconsin also filed a motion to extend the time for filing rebuttal testimony. The motion states that Staff Counsel and the interveners have no objection to this motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Rebuttal Testimony by Wisconsin, May 10, 1974.
Hearing, June 10, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-10777 Filed 5-9-74;8:45 am]

[Docket No. CI74-374]

TUCKER DRILLING COMPANY, INC. ET AL.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedures

MAY 2, 1974.

On January 14, 1974, Tucker Drilling Company, Inc. (Operator) et al. (Applicant), filed in Docket No. CI74-374 an application requesting issuance of a limited-term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to Northern Natural Gas Company (Northern) from the Page Ranch Field, Schleicher County, Texas (Permian Basin Area).

Specifically, Applicant proposes to sell to Northern approximately 16,275 Mcf per month for three years at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment, and a price increase of 1 cent per Mcf during each of the second and third years of the contract.

Applicant began an emergency sale to Northern under authority of Order No. 418 on November 21, 1973.

A late petition to intervene in support of the application was filed by Northern on March 6, 1974. In support of its petition Northern states that it has an emergency gas supply situation on its system; that for a number of years Northern has been depleting its dedicated reserves at a rate faster than it can acquire new reserves, and as a result of this Northern is unable to supply the fuel requirements of its customers.

We take note that the Commission in a recent order recognized that an emergency exists on Northern's system. See Texaco, Inc., ____ FPC ____, issued December 11, 1973. We conclude, therefore, that there is an emergency on Northern's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The subject application was filed under Order No. 431 [1] and therefore requires evidence to be submitted by the pipeline in the hearing hereinafter ordered (to the extent not hereinabove found to exist) (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the storage injection season; and (3) that, if curtailment is necessary on its system it has filed a plan pursuant to Section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the shortfall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. *Atlantic-Refining Company* v. *Public Service Commission of New York*, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market [*Neuces Industrial Gas Company*, 45 FPC 1224, 1227, (1971)] and whether that rate is in line with the prevailing intrastate market (Atlantic Richfield Company, ____ FPC ____, Docket No. C173-691, order issued August 30, 1973, and ____ FPC ____, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's-length negotiations and competitive bidding through non-affiliated entities.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

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[1] Section 2.70 of the Commission's general policy and interpretations.

(2) The participation of Northern Natural Gas Company may be in the public interest.

The Commission orders: (A) The application for a limited-term certificate for the sale of natural gas filed in Docket No. CI74–374 is hereby set for hearing.

(B) The above-named party is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on June 18, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before May 30, 1974, Tucker Drilling Company, Inc., and any supporting party shall file with the Commission and same upon all parties, including Commission Staff, their testimony and exhibits in support of their petition.

(E) An 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 hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.[2]

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

[FR Doc.74–10772 Filed 5–9–74;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA FINANCIAL GROUP, INC.

Acquisition of Bank

The Alabama Financial Group, Inc., Birmingham, Alabama, 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 Capitol National Bank of Montgomery, Montgomery, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. 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 May 28, 1974.

Board of Governors of the Federal Reserve System, May 2, 1974.

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

[FR Doc.74–10842 Filed 5–9–74;8:45 am]

AMERICAN BANKCORP, INC.

Acquisition of Bank

American Bankcorp, Inc., Lansing, Michigan, 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 90 percent or more of the voting shares of The State Bank of Perry, Perry, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of 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 May 30, 1974.

Board of Governors of the Federal Reserve System, May 2, 1974.

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

[FR Doc.74–10840 Filed 5–9–74;8:45 am]

GREAT LAKES BANCSHARES, INC.

Order Approving Acquisition

Great Lakes Bancshares, Inc., Cleveland, 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 percent (less directors' qualifying shares) of the voting shares of The Dime Bank, Canton, Ohio (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Federal Reserve Bank of Cleveland has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls one bank, with deposits of $6.1 million, representing 0.02 percent of the total commercial bank deposits in the State.[1] Acquisition of Bank (deposits of $30.3 million as of December 31, 1973) would increase Applicant's share of State deposits approximately 0.1 percent and would not result in any significant increase in the concentration of banking resources in Ohio. Bank, the smallest of five banks headquartered in Canton, Ohio, is the seventh largest of 14 banks in the Canton banking market,[3] controlling approximately 3.6 percent of the total deposits held by commercial banks in the market.

The single office of Applicant's sole subsidiary bank is located 114 miles southwest of Bank's closest office and it appears that there is no existing competition between them. Furthermore, it appears unlikely that any significant competition would develop between them in the future, due to the distances, their relatively small size, and the restrictions of Ohio's branching law. On the basis of the record, this Reserve bank concludes that consummation of the proposal would not have an adverse effect on competition in any relevant area.

The financial managerial resources of Applicant, its subsidiary bank, and Bank are satisfactory, and future prospects for all are favorable. There is no evidence to indicate that the banking needs of the Canton banking market are not being adequately met. However, Applicant proposes to expand Bank's existing services, and to provide new services, such as accounts receivable billing, payroll processing, and inventory accounting. There considerations relating to the convenience and needs of the communities to be served lend some weight toward approval. It is this Reserve bank's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, as summarized above, the Federal Reserve Bank of Cleveland approves the application. 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 Reserve bank pursuant to delegated authority.

By order of the Federal Reserve Bank of Cleveland, acting pursuant to delegated authority from the Board of Governors of the Federal Reserve System, effective April 29, 1974.

WILLIS J. WINN, *President.*

[FR Doc.74–10835 Filed 5–9–74;8:45 am]

FIDELITY CORPORATION OF PENNSYLVANIA

Order Approving Acquisition of New York Urban Servicing Co., Inc.

Fidelity Corporation of Pennsylvania, Rosemont, Pennsylvania ("Fidelity"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation

[2] Commissioners Brooke, Smith, and Moody issued separate statements, filed as part of the original document.

[1] Unless otherwise indicated, all banking data are as of June 30, 1973.

[3] The Canton banking market is approximated by Stark County (except Lawrence Township and the western half of Lake Township), and portions of Mahoning, Carroll, and Tuscarawas Counties.

Y, to acquire all of the voting shares of New York Urban Servicing Co., Inc., New York, New York ("NYUS"), a company that engages in mortgage banking activities. Applicant has also applied to engage in real property leasing activities. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1), (3) and (6) (b)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 35353). The time for filing comments and views has expired, and none has been timely received.

Fidelity controls one bank, The Fidelity Bank, Philadelphia, Pennsylvania ("Bank"), which holds deposits of $1.4 billion, representing about 4 percent of the total deposits in commercial banks in the State[1] and ranks as the fifth largest bank. Fidelity's nonbanking subsidiaries engage in consumer finance, commercial finance, and credit life underwriting activities. In addition, two of Fidelity's nonbanking subsidiaries, Latimer & Buck, Inc. ("Latimer") (assets of $7.2 million as of December 31, 1972) and Trefoil Mortgage Company ("Trefoil") (assets of $11.2 million as of December 31, 1972) are engaged in mortgage banking activities. Both Latimer and Trefoil engage in the originating and servicing of mortgage loans. Bank neither originates nor services mortgage loans for its own account or for the account of others.

NYUS (assets of $0.2 million as of September 30, 1973) arranges, negotiates or acquires for the account of its seven institutional investors loans and other financing transactions secured by income-producing properties. NYUS also services[2] such loans and other financing transactions for its institutional investors. NYUS does not advance any of its own money, nor does it take an equity position in any transaction which it arranges. Based upon a June 30, 1973 mortgage servicing portfolio of approximately $510 million, NYUS ranks as the 47th largest mortgage firm in the country. NYUS derives 73 per cent of its originations from New York City and Long Island. Latimer's financing originates primarily in the Delaware Valley. While consummation of the proposed acquisition would eliminate some competition for originating loans on income-producing property between NYUS and Latimer, the amount is considered insignificant in view of the numerous competitiors in the relevant market, which is at least regional.

Trefoil, Latimer and NYUS all presently operate in the nationwide market for mortgage loan servicing. Trefoil ranked 40th among the nation's mortgage banking companies in terms of servicing based upon a June 30, 1973 mortgage servicing portfolio of approximately $595 million and Latimer ranked 68th as of the same date with about $342 million in servicing. On this basis, Fidelity's subsidiaries rank as the 16th largest mortgage banking company. Upon consummation of this proposal, the combined portfolio of NYUS, Trefoil and Latimer would total about $1.4 billion, which would in the aggregate rank Fidelity's subsidiaries as 9th in the nation with about 0.3 percent of the nation's total servicing volume. In view of Fidelity's small aggregate share of the nation's total mortgage servicing volume, consummation of the acquisition would have no significant adverse effects on existing competition for servicing. The Board concludes that consummation of the proposed acquisition would have no significant adverse effects on either eixsting or potential competition in any relevant market.

NYUS also services some real property financing transactions described as sale-leasebacks. Although such sale-leasebacks do not satisfy all the conditions of the Board's real property leasing regulation, it appears that the lessor recovers its acquisition cost and cost of financing during the initial term of the lease and that generally the lessor's interest in the property terminates within fifty years. On the basis of these facts, NYUS may continue to service such existing outstanding real property transactions.[3]

Consummation of the proposed acquisition will provide for continuity of NYUS' operations after the impending retirement of the principals of NYUS. In addition, the services that Fidelity offers to its customers may be improved by the expertise now possessed by NYUS with regard to certain real estate financing techniques. There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in section 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Philadelphia.

By order of the Board of Governors,[4] effective May 3, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[1] Banking data are as of June 30, 1973.

[2] In servicing loans and financing transactions NYUS is obligated to manage the property in the event of a default by the borrower. NYUS always obtains the services of a properyty manager to actually maintain and manage any defaulted property. Under these circumstances, there is no objection to NYUS hiring an independent third party to manage property when there is a default on a transaction NYUS services.

[3] It appears that less than 2 percent of all of the accounts serviced by NYUS involve sale-leasebacks and that such transactions account for only 10 percent of NYUS' total servicing portfolio.

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Brimmer.

[FR Doc.74-10845 Filed 5-9-74;8:45 am]

FIRST CITY BANCORPORATION OF TEXAS, INC.

Order Denying Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of the successor by merger to The Lufkin National Bank, Lufkin, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of 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 Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the second largest banking organization and bank holding company in Texas and controls 20 banks with aggregate deposits of $2.5 billion, representing approximately 7.2 percent of the total deposits in commercial banks in Texas.[1] Applicant also holds interests of between 5 and less than 25 percent in eight other banks ($178 million in deposits). Acquisition of Bank ($65.7 million in deposits) would increase Applicant's share of commercial bank deposits in Texas by 0.2 of one percentage point. In light of the facts unique to this application and when considered in the context of a trend toward concentration of banking resources in Texas.

[1] All banking data, unless otherwise indicated, are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through January 31, 1974.

such an increase of concentration is viewed by the Board as a slightly adverse factor.

Bank is located in Lufkin, which is the county seat of Angelina County, the relevant banking market. Applicant's banking subsidiary closest to Bank is located in Humble, Texas, 102 miles south of Bank. Accordingly, the Board concludes that no significant existing competition would be eliminated between Bank and any of Applicant's subsidiary banks upon consummation of this proposal.

While the proposal would have no adverse effects on existing competition, the Board is concerned with the effect the proposed acquisition would have upon potential competition in the State as a whole, and more particularly within the Angelina County banking market. The Board has previously expressed its general concern with the nature of the developing banking structure in the State of Texas, including a tendency for the five largest banking organizations to seek to acquire the leading banks in the State's smaller metropolitan areas, thereby increasing the share of Statewide deposits controlled by them, and also increasing the size disparity between those organizations and the other banking organizations in the State.[2] The Board regards this proposal as an extension of that tendency.

While the effect of the proposal on banking competition and concentration in the State as a whole is of some concern to the Board, of greater significance is the effect of the proposal on competition within the relevant market. Approval of the present proposal would enable Applicant to establish itself as a significant competitor in the Angelina County banking market through the acquisition of the largest of five banks in a concentrated market. Bank holds deposits amounting to 49 percent of market deposits; these deposits, when combined with the deposits of the second largest bank in the market, constitute control of 85.7 percent of the market's total commercial bank deposits and 79.1 percent of the market's total IPC deposits in accounts of $100,000 or less.[3] In view of Applicant's present significant position in the State, the absolute size of Bank and its relative position in the market, the prospects for increased competition and a deconcentration of the Angelina County banking market would be diminished as a result of the contemplated acquisition. The proposal would solidify Bank's present significant market position while foreclosing the possibility of Bank either remaining a significant independent competitor or becoming affiliated with one of the State's smaller bank holding companies. In the circumstances of this case, the Board is unconvinced that Applicant's expansion must take the form of acquiring such a substantial competitor as Bank. There are alternative means of entry into the relevant market that would be more conducive to the promotion of competition. The future economic prospects of the area appear attractive in view of the recent population growth of the area as well as the diversified nature of its economy.[4] In this economic climate de novo entry, or acquisition of one of the smaller banks in the market, each of which is an independent banking organization, would be clearly preferable alternatives from a competitive standpoint to the instant proposal. Moreover, Applicant possesses the necessary resources for meaningful entry into the market through such alternative means.

Introduction of Applicant to the Angelina County market through either of the above methods would not only increase competition therein by introducing a new and aggressive competitor into the market, but would also have the tendency of reducing the concentration of banking resources in the market while preserving Bank as a viable competitive force in the market. In addition, the possibility would be preserved that Bank may become affiliated with one of the State's smaller bank holding companies—not an unlikely prospect in view of Bank's attractiveness for acquisition due in part to its market position. The Board views this proposal as evidence both of Applicant's intention to expand throughout the State and to acquire banks with a significant presence in those markets it seeks to enter. However, entry into this market through alternative means, de novo or acquisition of one of the smaller banks, would be consistent with Applicant's apparent intention to expand throughout the State while not having the significant adverse effects on competition in both the relevant market and in the State which are described herein.

The financial and managerial resources and future prospects of Applicant, its subsidiary banks, and Bank are regarded as generally satisfactory. Moreover, there is no evidence in the record to indicate that the banking needs of the relevant market are not being met by the existing institutions. While some benefits to convenience and needs could result from Applicant's entry into the market, such benefits could be derived from entry through a vehicle other than the market's largest banking organization. Accordingly, although considerations relating to the convenience and needs of the communities to be served are consistent with approval, they do not outweigh the significant adverse competitive effects of the proposal. It is the Board's judgment that on the basis of the entire record[5] consummation of the proposed acquisition would not be in hte public interest and that the application should be and hereby is denied.

By order of the Board of Governors,[6] effective May 1, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-10838 Filed 5-9-74; 8:45 am]

[2] Board action denying the application of First International Bancshares, Inc., to acquire Citizens First National Bank of Tyler (1974 *Federal Reserve Bulletin* 43).

[3] IPC deposit data are as of June 30, 1972.

[4] Between 1960 and 1970 population in the market increased 24 percent as compared to a Statewide increase of 16.9 percent over the same period.

[5] Concurring Statement of Governor Sheehan filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas.

[6] Voting for this action: Chairman Burns and Governors Brimmer, Bucher, Holland, and Wallich. Voting against this action: Governor Sheehan. Absent and not voting: Governor Mitchell.

FIRST OF BROWNFIELD CORP.

Formation of Bank Holding Co.

The First of Brownfield Corporation, Brownfield, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of The First National Bank, Brownfield, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of 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 May 28, 1974.

Board of Governors of the Federal Reserve System, May 3, 1974.

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

[FR Doc.74-10839 Filed 5-9-74;8:45 am]

FIRST UNITED CORP.

Formation of Bank Holding Co.

First United Corporation, Holdenville, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The First National Bank of Holdenville, Holdenville, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 27, 1974.

Board of Governors of the Federal Reserve System, May 2, 1974.

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

[FR Doc.74-10834 Filed 5-9-74;8:45 am]

FRANKLIN NEW YORK CORP.

Order Denying Acquisition of Talcott National Corp.

Franklin New York Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act of 1956, has applied, pursuant to section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, for the Board's approval to acquire voting shares of Talcott National Corporation ("Talcott"), New York, New York. Talcott through its subsidiaries engages in the activities of factoring, business financing, making direct consumer installment loans, secured and unsecured, to individuals; selling credit life, and credit accident and health insurance policies to those individuals; underwriting such insurance; selling to those individuals insurance on property; purchasing retail installment sales finance contracts from dealers; brokering consumer loans for the accounts of others; computer and equipment leasing; and the manufacture of trucks.[1]

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 28326). The time for filing comments and views has expired; and the Board has considered all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, a one-bank holding company, is, based upon domestic deposits, the tenth largest banking organization in New York State, and the 22nd largest nationally. Applicant controls Franklin National Bank, New York, New York ("Bank"), which holds $2.6 billion of domestic deposits.[2] Total domestic and foreign deposits of Bank approximate $3.7 billion.

Talcott, with total assets of $724 million,[3] ranked as the 17th largest finance company in the nation as of year-end 1972 and as the nation's 11th largest independent finance company based on total capital funds. It is a substantial competitor in each product market in which it engages. It is the fourth largest factor in the nation, having acquired factoring receivables of $1.1 billion during 1972, representing 7.6 percent of the industry total. In the area of business financing, Talcott made $1.4 billion in loans during the first six months of 1973 and, as of June 30, 1973, held gross outstandings of $479 million. Its consumer finance activities are substantial.

[1] Applicant proposes to terminate this activity and to modify certain insurance sales, underwriting, and leasing activities of Talcott into conformity with Regulation Y within two years of consummation of the proposed transaction.

[2] Deposit data as of December 31, 1973.

[3] Data as of December 31, 1973.

The 1970 Amendments to the Act require that the Board, in acting on an application under section 4(c)(8), consider whether the performance of a particular activity by an affiliate of a bank holding company "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." This balancing test necessitates a positive showing of public benefits, outweighing the "possible" adverse effects of any proposed acquisition, before an application may be approved Applicant must bear this burden.

Bank and Talcott are commonly engaged in four product markets: accounts receivable financing, short term lending secured by first mortgages on income-producing property, consumer finance, and equipment leasing. Consummation of the proposal would eliminate a small amount of existing competition in each of these product markets with the greatest elimination occurring in the consumer finance product line in the New York area. In view of the fact that there is some existing competition between Bank and Talcott and that this competition could be expected to increase, the Board futher concludes that consummation of the proposal would eliminate some potential competition.

In its consideration of this application, the Board noted that Bank is the 21st largest bank in the United States. Talcott is the 11th largest independent commercial finance company and the fourth largest independent factor in the United States. Any proposed amalgamation of this magnitude is closely examined by the Board to determine whether it involves questions of concentration of resources which would be inconsistent with the intent of Congress in adopting the Bank Holding Company Act Amendments of 1970. While the Board considers the question in this case to be a marginal one, on balance the Board has concluded that this factor should be accorded some adverse weight.[4]

Bank itself has experienced an earnings record in recent years below the industry average, and has recently made a substantial shift in management policies designed to improve performance significantly. As changes in the institution's internal structure and asset composition are pursued, it is the Board's view that the acquisition of Talcott would be a complicating and diversionary factor. As the Board has previously stated on a number of occasions, a bank holding company should be a source of financial and managerial strength for its subsidiary banks. The Board finds that this proposal may constitute an undue claim on Applicant's managerial and financial resources and concludes that this represents an adverse effect to be considered under section 4(c)(8).

[4] Governor Sheehan, while concurring in the Board's action on this matter, dissents from the views expressed in this paragraph.

Section 4(c)(8) of the Act places on Applicant the burden of affirmatively demonstrating reasonably expected public benefits which outweigh the possible adverse effects described above. Applicant contends that consummation of the proposal would lead to the provision of various new services. The Board concludes that all such services are readily available in the New York metropolitan market and finds that the provision of such additional services would constitute only a minimal public benefit. Applicant further contends that consummation of the proposal would lead to various gains in efficiency and enable Applicant to more effectively compete with its competitors. The Board is not, however, persuaded that such benefits as may reasonably be expected to occur will be significant enough to outweigh the possible adverse effects involved in this proposal.

On the basis of the record the Board concludes that the possible adverse effects of consummation of the proposal are not outweighed by reasonably expected benefits to the public and that the application should be, and hereby is, denied.

By order of the Board of Governors,[5] effective May 1, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-10837 Filed 5-9-74;8:45 am]

F.S.B., INC.

Acquisition of Bank

F.S.B., Inc., Superior, Nebraska, 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 Farmers State Bank of Superior, Superior, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 27, 1974.

Board of Governors of the Federal Reserve System, May 2, 1974.

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

[FR Doc.74-10844 Filed 5-9-74;8:45 am]

LOCUST GROVE BANCSHARES, INC.

Formation of Bank Holding Co.

Locust Grove Bancshares, Inc., Locust Grove, Oklahoma, has applied for the Board's approval under section 3(a)(1)

[5] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governor Brimmer.

of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of at least 80 percent of the voting shares of Bank of Locust Grove, Locust Grove, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 30, 1974.

Board of Governors of the Federal Reserve System, May 2, 1974.

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

[FR Doc.74-10843 Filed 5-9-74;8:45 am]

NEW JERSEY NATIONAL CORP.

Order Approving Acquisition of a Bank

New Jersey National Corporation (Applicant), Trenton, New Jersey, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares, less directors' qualifying shares, of the successor by merger to Delaware Valley National Bank (Bank), Cherry Hill, New Jersey. The bank into which Bank is to be merged has no significance except as a means of facilitating the acquisition. Accordingly, the proposed acquisition of the successor organization (New Jersey National Bank-Delaware Valley) is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none have been timely received. The Federal Reserve Bank of Philadelphia, acting pursuant to delegated authority for the Board, has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the sixth largest bank holding company in New Jersey and is headquartered in Trenton. The proposed acquisition, would not alter Applicant's position among the New Jersey bank holding companies and would not result in a significant increase in the concentration of resources in the State. Applicant currently has two subsidiary commercial banks, New Jersey National Bank, Trenton and New Jersey National Bank of Princeton, with combined deposits of $661.3 million as of December 31, 1973. Both subsidiary banks are headquartered and operate primarily in the trenton commercial banking market, however, Applicant has an approved unopened office in Willingboro, on the northern fringe of the Philadelphia-Camden Market Area. This proposed full service branch is presently a loan production office. It represents the farthest southern banking office penetration of Applicant to date. It is judged that present competition between Bank and this relatively distant facility is minimal to non-existent and it is unlikely that substantial future competition would occur between Bank and this facility when converted to a full service branch.

A subsidiary of Applicant, Underwood Mortgage and Title Company (Underwood), headquartered in Irvington, New Jersey, has recently opened a de novo branch office in Moorestown, about seven miles from Bank. Although the office of Underwood is close spatially to Bank, it is not felt that this acquisition would have any significant adverse effects on existing competition. Over 122 mortgage origination alternatives would remain for borrowers.

Bank currently operates only two offices, both in the Philadelphia-Camden Market Area. The Philadelphia-Camden Market Area includes all of Philadelphia and Delaware Counties, parts of Chester, Montgomery and Bucks Counties in Pennsylvania, plus Camden County, and parts of Gloucester and Burlington Counties in New Jersey. Bank's two offices have a total of $20.1 million in deposits and rank 35th out of 53 banks in the Philadelphia-Camden Market. Bank holds about 0.1 percent of the total Philadelphia-Camden market deposits. This market is highly competitive. The top six ranked bank holding companies in New Jersey, including Applicant, are already represented in this market.

Acquisition of Bank would not give Applicant a substantial position in the relevant market and would be comparable in competitive effects to a de novo entry. Furthermore, Bank is not considered to be a likely potential entrant to other markets served by Applicant's subsidiary banks. Therefore, consummation of the proposed transaction would have no significant adverse effects on either existing or potential competition.

The financial and managerial resources and future prospects of Applicant, its subsidiaries and Bank are regarded as generally satisfactory and consistent with approval. There is no evidence in the record that the banking needs of the area are not being met. However, it is anticipated that affiliation with Applicant will enable Bank to increase the range of services currently provided. Through Applicant's resources, Bank will also increase its effective lending capacity and its expertise in various types of commercial loans. Accordingly, convenience and needs considerations are consistent with approval. It is this Federal Reserve Bank's judgment that consummation of the proposed transaction is in the public interest and that the application should be approved.

On the basis of the record as summarized above, the Federal Reserve Bank of Philadelphia approves the application, provided that the transaction not be consummated (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board of Governors of the Federal Reserve System or by the Federal Reserve Bank of Philadelphia, pursuant to delegated authority.

By Order of the Federal Reserve Bank of Philadelphia, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective April 25, 1974.

[SEAL] THOMAS K. DESCH,
Vice President.

(Attest)

DONALD J. MCANENY,
Assistant Vice President and Assistant Secretary.

[FR Doc.74-10832 Filed 5-9-74;8:45 am]

RIMCO, INC.

Proposed Acquisition of Rimco Insurance

Rimco, Inc., Rangely, Colorado, has applied, pursuant to section 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 the assets of Rimco Insurance, Rangely, Colorado. Notice of the application was published on (1) December 13, 1973, in The Rangely Times, a newspaper circulated in Rangely, Colorado and (2) on December 13, 1973, in The Meeker Herald, a newspaper circulated in Meeker, Colorado.

Applicant states that the proposed subsidiary would engaged in the activity of selling as agent of a general line of insurance in a community not exceeding 5,000 in population. 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 Kansas City.

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 May 29, 1974.

Board of Governors of the Federal Reserve System, May 1, 1974.

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

[FR Doc.74-10833 Filed 5-9-74;8:45 am]

RYAN BANCSHARES, INC.

Formation of Bank Holding Company

Ryan Bancshares, Inc., Ryan, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The First State Bank, Ryan, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 27, 1974.

Board of Governors of the Federal Reserve System, May 2, 1974.

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

[FR Doc.74-10841 Filed 5-9-74;8:45 am]

UNION BANK AND TRUST COMPANY BANKS OF IOWA, INC.

Order Denying Acquisition of Assets of Bank and Acquisition of Insurance Agency

Union Bank and Trust Company, Ottumwa, Iowa ("Union Bank"), a member State bank of the Federal Reserve System and a subsidiary of Banks of Iowa, Inc., Cedar Rapids, Iowa ("Banks of Iowa"), has applied for the Board's approval pursuant to the Bank Merger Act (12 U.S.C. 1828(c)) of the acquisition of certain assets and the assumption of certain liabilities of The First National Bank of Eldon, Eldon, Iowa ("Eldon Bank"). As an incident to the proposal, the present office of Eldon Bank would become a branch of Union Bank. As required by the Act, notice of the proposed transaction, in form approved by the Board, has been published, and the Board has requested reports on competitive factors from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation.

In a related matter, Banks of Iowa has applied for the Board's approval, under section 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, to acquire the assets of Eldon Insurance Agency, Eldon, Iowa. The proposed subsidiary would engage in the activities of (1) a general insurance agency in Eldon, Iowa, a community with a population not exceeding 5,000, and (2) the sale of insurance directly related to extensions of credit by a bank or bank related firm. Banks of Iowa also proposes to expand the lines of insurance sold to include crop hail insurance and life insurance. Such activities have been specified by the Board in § 225.4(a)(9) 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). Notice of this application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 8660). The time for filing comments and views has expired.

The Board has considered each of the applications and all comments received in the light of the factors set forth in each of the respective Acts.

Union Bank ($59 million deposits),[1] a subsidiary of Banks of Iowa, is the largest of five banking organizations in the Ottumwa banking market (approximated by Wapello County) and holds about 53 percent of the total commercial bank deposits in that market. As the largest banking organization in the market, Union Bank holds more than twice the amount of deposits as held by the second largest banking organization. Eldon Bank, the fourth largest banking organization in the same market, holds total deposits of $3.4 million, representing 3 percent of the market's total deposits. Consummation of the acquisition, therefore, would result in Union Bank controlling about 56 percent of the deposits, thereby furthering the already high level of concentration of banking resources in the market. In its consideration of this application, the Board regards such an increase in concentration as an adverse factor.

Union Bank operates one office in Agency, Iowa, about 10 miles northwest of Eldon, and four of its other offices are located in Wapello County within 22 miles of Eldon. Union Bank obtains loans and deposits business from the area served by Eldon Bank. As noted by the Department of Justice in comments filed with the Board, the amount of such business drawn by Union Bank from the area served by Eldon Bank is substantial when compared to the latter's overall business. Thus, meaningful existing competition between the two institutions would be permanently eliminated by the proposed transaction. Although this factor may be minimized to some extent because of the present ownership interests of directors of Union Bank in Eldon Bank, it appears also that potential competition would be adversely affected by the proposed union of the two banks since Eldon Bank would be removed as a banking alternative in the relevant market. Consummation of the proposal would reduce the number of banking alternatives available within the market from five to four, and would preclude the possibility of the Eldon Bank being acquired by others outside the market or remaining an independent organization—either of which would be preferable from a competitive standpoint to the instant proposal.

On the basis of the foregoing and all other facts in the record, the Board concludes that the proposal would increase the level of banking concentration to an undesirable level, eliminate existing competition between the institutions involved, and have significantly adverse effects on potential competition within the Ottumwa banking market. Accordingly, unless such anticompetitive effects are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the communities to be served, the statute requires denial of the application.

The financial and managerial resources of Union Bank are satisfactory and its prospects appear favorable. Although Eldon Bank has not been operated aggressively, its financial and managerial resources and prospects are generally satisfactory. Therefore, banking factors are consistent with approval of the application. Union Bank proposes to improve the present services being offered by Eldon Bank and to introduce trust and data processing services. While the proposed improvements and additions in services might serve the conveniences of the relevant area, in the Board's judgment such anticipated benefits would not be sufficient to overcome the adverse effects this proposal would have on competition in the Ottumwa banking market. Furthermore, there is no evidence in the record to suggest that the major banking needs of the Ottumwa market area are not being satisfactorily served by existing financial institutions.

On the basis of all relevant facts contained in the record, and in light of the factors set forth in the Bank Merger Act (12 U.S.C. 1828(c)), it is the Board's judgment that the anticompetitive effects of the proposed acquisition are not outweighed by considerations relating to the convenience and needs of the community to be served. The Board concludes, therefore, that the proposed transaction is not in the public interest and, accordingly, the application is hereby denied.

The concurrent application by Banks of Iowa, pursuant to section 4(c)(8) of the Bank Holding Company Act, seeks Board approval by the parent holding company of Union Bank to operate an insurance agency business on the premises of Eldon Bank. In view of the Board's denial of the application by Union Bank to acquire the assets of Eldon Bank and the fact that a bank holding company is not authorized under the Board's Regulation Y to act as an insurance agent or broker in offices other than those in which the holding company or its subsidiaries are otherwise engaged in business, the application by the parent holding company to acquire the Eldon Insurance Agency is hereby denied.

[1] Deposits for Union Bank are as of October 15, 1973, and for Eldon Bank are as of November 19, 1973. All other banking data are as of June 30, 1973.

By order of the Board of Governors,[3] effective May 3, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-10847 Filed 5-9-74;8:45 am]

WYOMING BANCORPORATION

Order Approving Acquisition of Bank

Wyoming Bancorporation, Cheyenne, Wyoming, 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 95 percent of the voting shares of Bank of Wyoming, N.A. ("Bank"), Sheridan, Wyoming, a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in Wyoming and controls 13 subsidiary banks with aggregate deposits of $183.5 million, representing 16.1 percent of the total commercial bank deposits in the State.[1] The acquisition of shares of Bank would not affect the concentration of banking resources in the State.

Bank is to be located in the city of Sheridan, where it will compete in a banking market comprised of Sheridan County. This market is presently served by three banks, although the Comptroller of the Currency and the Wyoming State Examiner have each granted charters for de novo banks in the market.[2] It appears from the record that the addition of two banks to the area may create a temporary condition of overbanking. However, the market's rate of growth suggests that such a condition will not be serious and will be of relatively short duration. In the Board's judgment, Applicant's de novo entry may be expected to serve the longer-run competitive interest of the market.

Applicant does not presently operate in Sheridan County, and the office of Applicant's subsidiary bank closest to Bank is located in Cody, about 160 miles west of Sheridan. Since Bank is a proposed new bank, Applicant's acquisition of Bank would not have any immediate effect on Applicant's share of commercial bank deposits in the Sheridan banking market; nor would it have any adverse effects on existing or potential competition with respect to this market. It is expected that Applicant's entry into this market will provide the area with an aggressive competitor and likely result in the deconcentration of the market's banking resources.[3] The Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory. Bank, as a proposed new bank, has no financial or operating history; however, its prospects as a subsidiary of Applicant appear favorable. Considerations relating to the banking factors are consistent with approval of the application. Although it appears that the major banking needs of the community are presently being adequately served, Bank would serve as an additional source of full banking services. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) Bank of Wyoming, N.A., Sheridan, Wyoming, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[4] effective May 3, 1974.

[SEAL] CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc.74-10846 Filed 5-9-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

EXECUTIVE BRANCH POSITION

Commission on Government Procurement Recommendations

Notice is given that an executive branch position has been reached on the following Commission on Government Procurement (COGP) recommendations:

I. *Recommendation A-49:* "Initiate within the executive branch a review of procurement programs with guidance from SBA and the Office of Federal Procurement Policy with the objective of making small business participation in Government procurement more effective and assuring that small businesses have a full opportunity to compete for Government contracts."

Executive Branch Position: A review program already exists within the executive branch that provides for review of procurement programs for the purpose of improving small business participation in Government procurement. This issue was thoroughly studied by an Interagency Task Group and supported by a major consensus of Federal agencies.

II. *Recommendation B-6:* "Monitor the progress of the NSF/NBS experimental R&D incentives program and actively translate the results of the learning into practical agency application."

Executive Branch Position: Adopt and implement the recommendation. OMB has established measures to "monitor the progress of the National Science Foundation/National Bureau of Standards experimental research and development incentives program and actively translate the results of this learning into practical agency application." Periodic review and criticism of the planning and execution of the incentives program is now part of OMB's regular budget review and apportionment process for both NSF and NBS. In addition, the potential for practical application is being factored into the reviews.

III. *Recommendation B-7:* "Eliminate restraints which discourage the generation and acceptance of innovative ideas through unsolicited proposals."

Executive Branch Position: Adopt the recommendation. Implementation will include appropriate modifications to the Federal Procurement Regulations (FPR) and Armed Services Procurement Regulation (ASPR), coordinated to insure a Government-wide approach in the final regulatory issuances. Such coordination on the regulatory expression of these policies shall be required relative to future changes in either of the regulations involved.

Agency coordination and private sector comments will be requested on the draft regulation implementing the subject policies.

IV. *Recommendations D-8, 9 and 10:*

Recommendation D-8: "Authorize primary grantees use of Federal sources of supply and services when:

a. The purpose is to support a specific grant program for which Federal financing exceeds 60 percent;

b. The use is optional on the grantee, the Government source, and, in the case of Federal schedules or other indefinite delivery contracts, on the supplying contractor; and

c. The Government is reimbursed all costs."

Recommendation D-9: "Require that grantor agencies establish regulatory procedures for assuring appropriate use of the products or services and computation of total costs for Government reimbursement."

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

[1] All banking data are as of June 30, 1973.

[2] The Comptroller has granted a preliminary charter to Applicant for Bank, while the State Examiner has granted a charter to Wyoming Security Bank (also to be located in the City of Sheridan), an affiliate of the largest bank in the market.

[3] The two largest banks in the Sheridan Banking market control over 96 per cent of the market's total commercial deposits.

[4] Voting for this action: Vice-Chairman Mitchell and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Brimmer.

Recommendation D-10: "Assign responsibility for monitoring implementation of this program and its socio-economic effects to the Office of Federal Procurement Policy."

Executive Branch Position: The recommendations have been rejected. There has been no new, significant evidence introduced by either the COGP or the interagency task group as justification for reinstating the use of Federal sources of supply by grantees. Further, this position is in agreement with the Administration's policy set forth by GSA in Federal Property Management Regulations (FPMR) Amendment E-125, dated November 14, 1972, discontinuing the program.

Dated at Washington, D.C., on May 2, 1974.

R. E. ZECHMAN,
Acting Associate Administrator for Federal Management Policy.

[FR Doc.74-10754 Filed 5-9-74;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, May 16, 1974, from 10 a.m. to 4 p.m., Room 5B, 1776 Peachtree Street, NW., Atlanta, Georgia. This meeting will be for the purpose of considering architect-engineering firms for open end, fixed price contracts for a one year term for work in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

The meeting will be closed to the public in accordance with the provisions set forth in Section 10(d) of Pub. L. 92-463.

L. A. SHEPPARD,
Acting Regional Administrator.

Concur:

J. E. SMITH,
Reg. Comm., PBS.

[FR Doc.74-10993 Filed 5-8-74;11:32 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR POLITICAL SCIENCE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Political Science to be held at 9 a.m. on May 30 and 31, 1974, in Room 321 at 1800 G Street NW., Washington, D.C. 20550 .

The purpose of the panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

Individuals requiring further information about this panel may contact Dr. G. R. Boynton, Program Director for Political Science Program, Room 205, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

APRIL 29, 1974.

[FR Doc.74-10883 Filed 5-9-74;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 May 7, 1974 (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, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Economic Development Administration: National Institute of Governmental Purchasing Survey on Technical Assistance Alternatives, Form ED 356Q, Single time, Sheftel, Local public purchasing officials.

National Bureau of Standards:
- Questionnaire on Standard Reference Materials for Water Analysis, Form NBS 780, Single time, Sheftel, Industrial laboratories.
- Dental Service Confirmatory Questionnaire, Form NBS 733, Annual, Caywood, Dental service providers.
- Dental Service Utilization Consumer Questionnaire, Form NBS 779, Annual, Caywood, Households nationwide.

National Oceanic and Atmospheric Administration: Fishery Products Used by Zoos and Aquariums in America, Form NOAA 88-901T, Single time, Foster, Zoos and aquariums.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: Psychological Job Stress and Coronary Heart Disease, Form CDCNIOSH 0422, Occasional, Wann, Workers.

Departmental: Levels of Care in Generalized Intermediate Care Facilities (ICF), Form, Occasional HRD/Caywood, Government agencies.

Social Security Administration: Supplemental Security Income—Public Assistance Agency Information Request and Report, Form SSA 8221 (CA), (AR), (HI), Occasional Caywood, SSI recipients of optional state supp. in California, Arizona, and Hawaii.

DEPARTMENT OF TRANSPORTATION

Departmental: Urban Corridor Carpool/Buspool Demonstration Questionnaire, Form, Single time, Foster, Auto occupants.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census: Farm Machinery and Equipment, Form MA 35A, Annual, Lowry, Manufacturing establishments.

VETERANS ADMINISTRATION

Application for Predischarge Education Program (PREP), Form 22-1990P, Occassional, Caywood, Serviceman or Servicewoman.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:
- Current Business Report—Interview Record, Form CBR-1, Monthly, Collins (x).
- Current Business Report, Form CBR-2, Monthly, Collins (x).

National Oceanic and Atmospheric Administration, Comment Sheet, Form NOAA 44-8, Occasional, Evinger.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration: Resource Data for State Food and Drug Programs, Form FD 2525, Occasional, Caywood, FDA related state agencies.

Health Services Administration: Uniform Quarterly Reporting Requirements for Comprehensive Health Centers, Form HSABCHS 0429, Quarterly, Reese, Neighborhood Health Centers.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-10903 Filed 5-9-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5494]

ALABAMA POWER CO.

Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding

MAY 3, 1974.

Notice is hereby given that Alabama Power Company ("Alabama"), 600 North 18th Street, Birmingham, Alabama 35291, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, up

to $100,000,000 principal amount of its First Mortgage Bonds, _____ percent Series, having a term of not less than 5 years and not more than 30 years. Alabama will decide on the terms of the bonds prior to the filing of the registration statement. The interest rate and the price, exclusive of accrued interest, to be paid to Alabama (which shall be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an Indenture, dated as of January 1, 1942, between Alabama and Chemical Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a Supplemental Indenture to be dated as of June 1, 1974, which includes a prohibition until June 1, 1979 against refunding the bonds with the proceeds of funds borrowed at a lower effective interest cost.

Alabama proposes to use the proceeds from the sale of the bonds together with: (1) Cash contributions to capital of $115,000,000 by The Southern Company ($28,500,000 of which had been received during the first quarter of 1974) heretofore authorized by the Commission (Holding Company Act Release Nos. 17945 and 18340); (2) proceeds from the sale of pollution control revenue bonds to be advanced by the Town of Wilsonville, Alabama, under arrangements heretofore authorized by the Commission (Holding Company Act Release No. 18269); (3) proceeds from the sale of 350,000 shares of preferred stock (par value $35,000,000), which Alabama sold on April 18, 1974; and (4) cash on hand in excess of operating requirements, interests and dividents, to finance its 1974 construction program (estimated at $466,900,000), to pay short-term promissory notes payable in the form of bank notes and commercial paper notes incurred for such purpose, and for other lawful purposes. Alabama estimates that no additional financing will be required for construction purposes during 1974, except for the issuance and sale of short-term bank notes and commercial paper notes authorized by the Commission (Holding Company Act Release No. 18340). It is estimated no notes payable will be outstanding at December 31, 1974.

It is stated that the Alabama Public Service Commission has approved the proposed issuance and sale of the bonds by Alabama. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. A statement of the fees and expenses to be incurred in connection with the proposed transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than May 28, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in the case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10856 Filed 5-9-74;8:45 am]

CYCLOPS CORP. ET AL.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 3, 1974.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Cyclops Corp	7-4588
Dayco Corp	7-4589
Development Corp. of America (Delaware)	7-4590
Gamble-Skogmo, Inc	7-4591
Gardner-Denver Co	7-4592
International Mining Corp	7-4593
Kansas City Southern Industries, Inc	7-4594
Leaseway Transportation Corp	7-4595

Upon receipt of a request, on or before May 18, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10855 Filed 5-9-74;8:45 am]

GOLDMAN, SACHS & CO.

Notice of Application for Exemption and Order Granting Exemption Pending Final Determination of the Foregoing Application

MAY 2, 1974.

Notice is hereby given that Goldman, Sachs & Co. ("Applicant"), a limited partnership, has filed an application pursuant to section 9(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting Applicant from the provisiions of Section 9(a) of the Act insofar as any ineligibility to serve or act in the capacities enumerated in section 9(a) of the Act arises out of an injunction entered in connection with an action entitled Securities and Exchange Commission v. Goldman, Sachs & Co. (United States District Court for the Southern District of New York) (the "Action"). All interested persons are referred to the application on file with the Commission for a statement of the representations therein.

Applicant is registered with the Commission as a broker and dealer in securities pursuant to section 15(b)(1) of the Securities Exchange Act of 1934 and as an investment adviser pursuant to section 203(c) of the Investment Advisers Act of 1940.

The Action arose out of the purchase and sale by Applicant of unsecured corporate promissory notes having a maturity at the time of issuance not exceeding nine months ("commercial paper") issued by Penn Central Transportation Company. The complaint in the Action alleges that Applicant failed to disclose certain information to purchasers of the commercial paper in violation of section 17(a) of the Securities Act of 1933.

On May 2, 1974, a final judgment of permanent injunction against the Applicant was entered upon the consent of the Securities and Exchange Commission and the Applicant. The judgment enjoined Applicant, directly or indirectly by use of any means or instruments of transportation or communication in interstate commerce or of the mails, from effecting the sale, in violation of the provisions of section 17(a) of the Securities Act of 1933, of unsecured corporate promissory notes having a maturity at the time of issuance not exceeding nine months issued by Penn Central Company,

Penn Central Transportation Company (including the Trustees in Reorganization of Penn Central Transportation Company) or Pennsylvania Company. The judgment further ordered Applicant to implement, and supervise its employees' compliance with, a written statement of policy with respect to the activities of Applicant as a broker or dealer in commercial paper.

Section 9(a)(2) of the Act makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security, to serve or act in the capacity of officer, director, member of an advisory board, investment adviser, or depositor of any registered investment company, or principal underwriter for any registered open-end company.

Applicant represents that it is acting as an investment adviser of the Fund A Partnership, a registered investment company formed by Arthur Andersen & Co. as a means of investment for partners, participating principals and overseas representatives of Arthur Anderson & Co.

Section 9(c) of the Act provides that any person who is ineligible by reason of subsection (a) to serve or act in the capacities enumerated therein may file with the Commission an application for an exemption from the provisions of that subsection and further provides that the Commission shall by order grant such application, either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of subsection (a), as applied to such person, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicant represents that in order to avoid protracted and costly litigation Applicant consented to the granting in April 1970 of an injunction against it in connection with a tender offer by others. In September 1970 Applicant was granted an exemption by the Commission from the application of the provisions of section 9(a) of the Act by reason of such injunction. Except for that matter and the matter which is the subject of this Notice, Applicant has not applied for any other exemption from the provisions of section 9(a) of the Act.

Applicant submits that for the following reasons:

(i) The limited nature of the matters covered by the Consent Decree in relation to the matters specified in section 9(a)(2) of the Act and the purposes of Section 9(a) of the Act;

(ii) The fact that the allegations of the Commission's complaint in the Action involved novel questions of law concerning the obligations of a dealer in commercial paper with respect to which no precedent existed;

(iii) The fact that the Consent Decree was entered with the consent of Applicant for the purposes of the Action only, without admitting or denying the material allegations of the complaint and without consenting to the adjudication of any wrongdoing or liability, and with the agreement of the Commission that it would not be used as the basis for the institution thereafter of administrative proceedings by the Commission against Applicant; and

(iv) The fact that Applicant has participated with the Commission in formulating a written statement of policy with respect to its activities as a broker or dealer in commercial paper, which is substantially in the form annexed to the Consent Decree as Exhibit A, and that Applicant has agreed to implement, and supervise its employees' compliance with, such statement of policy;

the prohibitions of section 9(a) of the Act, if applicable by reason of the abovementioned final judgment, would be unduly and disproportionately severe if applied to Applicant and asserts that it is consistent with the public interest and the protection of investors and the purposes fairly intended by the policy and provisions of section 9 of the Act for the Commission to enter an order granting this application for an exemption from the provisions of section 9(a) of the Act.

The Applicant also requests that the Commission, in consideration of the application and upon its own motion, for the reasons discussed above, grant Applicant a temporary exemption from the provisions of section 9(a) of the Act pending final determination of the application which is the subject of this Notice.

Notice is further given that any interested person may, not later than May 31, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificates) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

The Commission has considered the matter and the application for exemption pending final determination of the matter by the Commission and finds that the conduct of Applicant has been such as not to make it against the public interest or protection of investors to grant Applicant's application for exemption from the provisions of section 9(a) of the Act pending final determination by the Commission of the application which is the subject of this Notice.

Accordingly, it is ordered, pursuant to section 9(c) of the Act, that the application of Goldman, Sachs & Co. for exemption from the provisions of section 9(a) of the Act pending final determination by the Commission of the application which is the subject of this Notice, insofar as any ineligibility to serve or act in the capacities enumerated in such section arises out of the injunction referred to in the first paragraph of this Notice, be and is hereby granted, effective forthwith.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-10858 Filed 5-9-74;8:45 am]

LUDLOW CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 3, 1974.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Ludlow Corp	7-4596
L.V.O. Corp	7-4597
Reeves Brothers, Inc	7-4598
World Airways, Inc	7-4599

Upon receipt of a request, on or before May 18, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular

application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commisison by the Division of Market Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-10857 Filed 5-9-74;8:45 am]

SOUTHEASTERN REGIONAL MANPOWER ADVISORY COMMITTEE

NOTICE OF MEETING

The Southeastern Regional Manpower Advisory Committee will meet at the Mountain View Inn, Gatlinburg, Tennessee, on May 26 and 27, 1974. Appointed by the Secretary of Labor, the Committee makes recommendations to the regional representatives of the Department of Labor's Manpower Administration and Department of Health, Education, and Welfare concerning specific manpower problems in Region IV, in the administration of the Manpower Development and Training Act. Members of the Committee are chosen from representatives of labor, management, agriculture, education, training and the public at large. The chairman is Dr. James D. McComas, Dean of Education, University of Tennessee.

The meeting on May 26 and 27 will be the terminal meeting of the Committee with the agenda primarily concerned with a projection of labor market trends and industrial development, rural manpower development and needs, and an update on the current problems, programs and activities in the manpower training field.

The meeting will open with a dinner meeting at 7 p.m., on May 26, 1974, and continue during the day of May 27, 1974, with adjournment scheduled at 4:30 p.m. The meeting will be open to the public.

Signed at Atlanta, Georgia this 30th day of April, 1974.

WILLIAM U. NORWOOD, Jr., *Assistant Regional Director for Manpower.*

[FR Doc.74-10750 Filed 5-9-74;8:45 am]

TARIFF COMMISSION

[AA1921-139]

PICKER STICKS FROM MEXICO

Determination of Injury or Likelihood of Injury

MAY 6, 1974.

On February 6, 1974, the Tariff Commission received advice from the Treasury Department that picker sticks from Mexico are being, or are likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-139 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on March 19, 1974. Notice of the investigation and hearing was published in the FEDERAL REGISTER of February 20, 1974 (39 FR 6571).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has determined that an industry in the United States is being, or is likely to be, injured [1] by reason of the importation of picker sticks from Mexico that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS FOR AFFIRMATIVE DETERMINATION OF CHAIRMAN BEDELL, VICE CHAIRMAN PARKER, AND COMMISSIONER LEONARD [2]

In our opinion, an industry in the United States is being injured by reason of the importation of picker sticks from Mexico that are being, or are likely to be, sold at less than fair value (LTFV) as determined by the Department of the Treasury and reported to the Tariff Commission on February 6, 1974.

We consider the industry in the United States that is being injured to consist of those facilities of U.S. firms that are devoted to the production of picker sticks, a replaceable wooden part of shuttle looms. The facilities of five firms produce the bulk of U.S. output, but a few other firms occasionally produce small numbers of sticks in facilities which for the most part are devoted to other purposes.

The Treasury Department in making its LTFV determination with respect to picker sticks imported from Mexico investigated over 92 percent of such imported picker sticks sold in the United States during the first five months of 1973. Treasury found that 100 percent of the sales it investigated were made at LTFV and that the LTFV margins are substantial. Moreover, our investigation discloses that the LTFV margins contribute significantly to the margins by which imports generally undersell domestic sticks.

U.S. imports of picker sticks, which were very small in 1970 and 1971, increased sharply in 1972 and became large in 1973. Imports as a percent of U.S. consumption were negligible during 1970-71, increased in 1972, with the beginning of imports from Mexico, and became substantial in 1973.

Among picker sticks some models are in much greater demand than others. Production of such sticks can be done on a high-volume basis at low unit cost, and orders for them are highly desired by all manufacturers. It was on nine models of such sticks that the importer generally reduced prices by approximately 22 percent in March 1973, thereby enabling the market share of imports to substantially increase in 1973 at the expense of U.S. producers. Of the picker sticks imported in 1973, nearly three-fourths were models on which the price had been reduced in March 1973.

That the reduced LTFV prices of imported sticks are the principal factor in their increased market penetration is confirmed by a significant number of purchasers of the imported sticks. Indeed, purchasers indicate that substantial orders that will directly displace domestic production have been placed recently or will be placed shortly. Moreover, further significant displacement of domestic production may follow currently-occurring evaluation of the imported sticks.

The importer maintains that the capacity of the Mexican plant is too small to threaten U.S. producers, and states that there is no plan to enlarge that capacity. Our investigation convinces us that the present capacity, if fully used, augurs an ability to capture an even larger share of the U.S. market. The full plant capacity is not required for the Mexican market and the production therefrom would be available for export to the United States. Such exports are indeed injurious and a threat to the U.S. industry if they are permitted to continue at LTFV prices. Further, the cost advantages which inspired the importer's shift to Mexico in the first place, including easy access to raw materials for wooden loom parts, constitute an ongoing invitation to expand operations there, including the manufacture of picker sticks. In addition to continuing imports, a sizeable inventory of LTFV picker sticks imported during 1972-73 remained at the end of 1973. These sticks overhang the market and, especially when added to any level of imports subsequent to 1973, constitute a depressant to U.S. prices.

On the basis of the foregoing, we conclude that an industry in the United States is being injured by reason of the importation of LTFV picker sticks.

STATEMENT OF COMMISSIONER ABLONDI

On the basis of the investigation, it is my opinion that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of picker sticks from Mexico that are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

By order of the Commission:

[SEAL] G. PATRICK HENRY, *Acting Secretary.*

[FR Doc.74-10797 Filed 5-9-74;8:45 am]

[1] Chairman Bedell, Vice Chairman Parker, and Commissioner Leonard determined that an industry is being injured. Commissioner Moore determined that an industry is likely to be injured. Commissioner Ablondi made a negative determination. Commissioner Young did not participate in the decision.

[2] Commissioner Moore concurs with the affirmative determination insofar as such determination relates to likelihood of injury.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE SUBCOMMITTEE ON NOISE AND WALKING AND WORKING SURFACES

Notice of Meeting

Notice is hereby given that the Subcommittee on Noise of the Standards Advisory Committee on Agriculture, established under section 7(b) of the

Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on May 29, 1974, starting at 8:30 a.m. in Room 102 BCD, Main Labor Building, 14th and Constitution Avenue, NW., Washington, D.C. If necessary to complete its deliberations, the subcommittee will meet again on May 30, 1974, in the same location at 8:30 a.m.

The agenda provides for the discussion of a draft proposal of noise regulations to determine their applicability to agriculture. The subcommittee hopes to develop specific recommendations which will be submitted to the entire membership of the Standards Advisory Committee on Agriculture for final action.

The subcommittee welcomes written data, views, or arguments concerning occupational exposure to noise in agricultural operations, including comments on the specific proposal being considered. Such data should be submitted to the members as far in advance of the meeting as practical, but will be received, together with eight duplicate copies, by the Committee Management Officer either before or at the time of the meeting. Any such submissions will be included in the record of the meeting.

The Subcommittee on Noise consists of the same membership as the Subcommittee on Walking and Working Surfaces. If time permits, the subcommittee may continue the development of recommendations on walking and working surfaces. The subcommittee welcomes written comments on this subject, whether or not the subject is discussed at this meeting.

Persons wishing to orally address the subcommittee at the meeting concerning any of the agenda items should submit a written request to be heard to the Committee Management Officer no later than May 27, 1974. This request and other questions about the meeting may be addressed to:

Jeanne W. Ferrone
OSHA Committee Management Office
1726 M Street, NW., Room 200
Washington, D.C. 20210
Phone: (202) 961-2248, 2487

Signed at Washington, D.C., this 7th day of May, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-10792 Filed 5-9-74;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

Notice of Meeting

Notice is hereby given of a meeting of the National Advisory Committee on Occupational Safety and Health established under section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The meeting will begin at 9 a.m. on May 31, 1974, in the Cambridge and Oxford Rooms of the Mayfair Hotel at 806 St. Charles St., St. Louis, Mo.

The agenda will include presentations and discussions related to:

1. Recommendations on Training and Education.
2. Report on NIOSH Activities.
3. Voluntary Abatement Agreements.
4. Development of Standards.
   a. Performance vs. Specification Standards.
   b. Vertical vs. Horizontal Standards
   c. Application of Construction Standards to Other Industries.

Members of the public are invited to attend the proceedings. Any written data or views concerning the subjects to be considered which are received by the Committee's Executive Secretary by May 27, 1974, together with 25 duplicate copies, will be provided to the members and will be included in the record of the meeting. Communications to the Executive Secretary should be addressed as follows:

Ms. J. Goodell, Acting Executive Secretary, National Advisory Committee on Occupational Safety and Health, Occupational Safety and Health Administration, U.S. Department of Labor, 1726 M Street NW., Room 200, Washington, D.C. 20210.

Signed at Washington, D.C., this 8th day of May 1974.

J. GOODELL,
Acting Executive Secretary.

[FR Doc.74-10997 Filed 5-9-74;10:16 am]

INTERSTATE COMMERCE COMMISSION

[Notice 505]

ASSIGNMENT OF HEARINGS

MAY 7, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after May 10, 1974.

MC 119777 Sub 266, Ligon Specialized Hauler, Inc., now being assigned continued hearing June 18, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139206, F. M. S. Transportation, Inc., now assigned July 8, 1974, at St. Louis, Mo., is cancelled and transferred to modified procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-10873 Filed 5-9-74;8:45 am]

[Notice 76]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 30, 1974. 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 petitons with particularity.

No. MC-FC-75078. By order entered May 6, 1974, the Motor Carrier Board approved the transfer to South Park Motor Lines, Inc., Denver, Colo., of the operating rights set forth in Certificate of Registration No. MC-97186 (Sub-No. 4), issued November 11, 1971, to Richard H. Eshe and Lois Mae Eshe, doing business as South Park Motor Lines, Denver, Colo., evidencing a right to engage in transportation in interstate or foreign commerce in the transportation of general commodities, between specified points in Colorado. John P. Thompson and Susan E. Ayer, 450 Capitol Life Center, Denver, Colorado 80203, attorney for applicants.

No. MC-FC-75108. By order of May 3, 1974, the Motor Carrier Board approved the transfer to Elvis Schremp and Hubert J. Schremp, a partnership, doing business as Schremp Bros., R.R. No. 3, Box 245, Perryville, Mo., of the operating rights in Permit No. MC-133115 (Sub-No. 2) issued March 25, 1970 to Elvis Schremp, Hubert J. Schremp, Howard Schremp and Glennon Schremp, a partnership, doing business as Schremp Bros., R.R. No. 3, Box 245, Perryville, Mo., authorizing the transportation of expanded plastic products, laminated, from McBride, Mo. to points in Alabama, Arkansas, Arizona, California, Colorado, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

No. MC-FC-75120. By order of May 6, 1974, the Motor Carrier Board approved the transfer to Providence Sand & Gravel Co., a corporation, Providence, R.I., of the operating rights in Certificates No. MC-111578 and MC-111578 (Sub-1) issued July 21, 1955 and December 18, 1961 respectively to Narragansett Improvement Company, a corporation, Providence, R.I., authorizing the transportation of various commodities between points in Rhode Island and described areas of Massachusetts and Connecticut. Russell B. Curnett, 826 Orleans

Road, Harwich, Mass. 02645, representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-10872 Filed 5-9-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

MAY 7, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 20, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC-51146 (Sub-No. E1), filed April 18, 1974. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: D. F. Martin (same as above). This letter-notice No. MC-51146 (Sub-No. E1) embraces the filing of 53 proposal-exhibits pursuant to 49 CFR Part 1065(d)(1)(i) to eliminate the gateways of Athens, Tenn., Chicago Heights, Ill., Sibley, Iowa, South Bend and Muncie, Ind., and Marshfield, Mosinee, Wisconsin Rapids, Columbus, and Green Bay, Wis. Inasmuch as one or more of the filings seeks the elimination of the same gateway the proposals have been rearranged for clarity and ease of review of the evidence by reference to the particular gateway sought to be eliminated.

Protests challenging the qualifications for any of these filings should refer to the letter-notice number and the proposal number.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

In proposal No. 53:

(1) *Paper and paper products* (except commodities in bulk), from points in Alabama (except Mobile and points in its commercial zone as defined by the Commission, and points on and north of U.S. Highway 78, including points in the commercial zones of points on U.S. Highway 78) to points in Virginia, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia.

(2) *Materials used in the manufacture and distribution of paper and paper products* (except commodities in bulk), from points in the destination states named in (1) above, to points in the origin territory in (1) above. The purpose of this filing is to eliminate the gateway of Athens, Tenn.

In proposal No. 1:

(A) *Paper and paper products* (except drums, pails, and cans).

(B) *Cellulose products* produced or distributed by manufacturers and converts of paper and paper products (except drums, pails, and cans and commodities in bulk, in tank or hopper-type vehicles), from points in the Upper Peninsula of Michigan to points in Nebraska, Kansas, Oklahoma, Texas, Louisiana, Mississippi, Arkansas, Missouri, and South Dakota (except points north of Interstate Highway 90)

(C) *Materials, equipment, and supplies* used in the manufacture and distribution of products authorized in (A) and (B) above, except commodities in bulk, in tank or hopper-type vehicles, from points in the destination states above, to points in the origin territory.

In proposal No. 23:

(i) The *commodities* described in (A) and (B) in proposal No. 1 above, from points in the Lower Peninsula of Michigan on and north of U.S. Highway 10, running between Ludington and Bay City, to points in North Dakota and South Dakota (except points in that part of South Dakota south and east of a line beginning at the junction of U.S. Highway 16 and the Wyoming-South Dakota State line, thence east along U.S. Highway 16 to the junction of U.S. Highway 16 and South Dakota Highway 47, thence south on South Dakota Highway 47 to the Nebraska-South Dakota State line. (ii) The *commodities* described in (C) in proposal No. 1 above from the points described in the destination territory in proposal 23(i) above to points in the origin territory described in proposal 23 (i) above. The purpose of the filings in proposals Nos. 1 and 23 is to eliminate the gateway of Mosinee, Wis.

In proposal No. 2:

(A) *Paper and paper products* (except commodities in bulk), from points in the Upper Peninsula of Michigan to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, and Montana (except points north and east of a line beginning at the International Boundary line between the United States and Canada and extending south along Interstate Highway 15 to the junction of Interstate Highway 15 and U.S. Highway 87, thence southeast along U.S. Highway 87 to the junction of U.S. Highway 87 and U.S. Highway 12, thence east along U.S. Highway 12 to the Montana-North Dakota State line).

(B) *Materials and supplies* used in the manufacture of paper and paper products (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from points in the destination states above, to points in the origin territory. The purpose of this filing is to eliminate the gateway of Marshfield, Wis.

In proposal No. 21:

(A) *Paper and paper products* (except commodities in bulk), from points in the Lower Peninsula of Michigan to points in Washington, Oregon, Idaho, Montana, and Wyoming.

(B) *Materials and supplies* used in the manufacture of paper and paper products (except commodities in bulk and commodities which because of size or weight require the use of special equipment), from points in the destination states above to points in the above described origin territory.

In proposal No. 48:

(A) Paper and paper products (except drums, pails, and cans, and commodities in bulk), from points in that part of Iowa north and east of a line beginning at the junction of the Iowa-Minnesota State line and U.S. Highway 65, thence south along U.S. Highway 65 to Mason City, thence east from Mason City along U.S. Highway 18 to Charles City, thence south from Charles City along U.S. Highway 218 to Iowa City, thence east from Iowa City along U.S. Highway 6 to the junction of U.S. Highway 6 and the Iowa-Illinois State line, to points in California and Oregon, and points in that part of Washington on and west of Interstate Highway 5.

(B) *Materials and supplies* used in the manufacture or distribution of paper and paper products (except drums, pails, and cans, and commodities in bulk) from points in the destination territory described in (A) above to the origin territory described in (A) above. The purpose of the filing of proposals Nos. 21 and 48 is to eliminate the gateway of Wisconsin Rapids, Wis.

In proposal No. 4:

(A) *Cellulose materials and products* (except commodities in bulk), from points in the Upper Peninsula of Michigan to points in that part of the St. Louis-East St. Louis Commercial Zone within Illinois, and points in that part of Illinois on and south of U.S. Highway 460.

(B) *Materials, equipment, and supplies* used in the manufacture and distribution of the commodities described in (A) above (except commodities in bulk from points in the destination territory in (A) above to points in the origin territory in (A) above.

In proposal No. 42:

Cellulose materials and products, paper and paper products, and materials, equipment, and supplies used in the production of the above-described commodities (except in each instance commodities in bulk), between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in Montana, Idaho, Oregon, Washington, California, Nevada, Utah, and Arizona, and points in New Mexico on and west of U.S. Highway 285.

In proposal No. 43:

The *commodities* described in proposal No. 42 above, between points in that part of the Upper Peninsula of Michigan on and east of a line beginning at Hancock and extending south along U.S. Highway 41 to the junction of U.S. Highway 41 and U.S. Highway 141, and thence south along U.S. Highway 141 to the junction of U.S. Highway 141 and the Michigan-Wisconsin State line, on the one hand, and, on the other, points in Washington, Oregon, California, Nevada, Idaho, Utah, Wyoming, Colorado, and New Mexico. The purpose of the filing of proposals Nos. 4, 42, and 43 is to eliminate the gateway of Green Bay, Wis.

In proposal No. 22:

(A) *Paper and paper products* (except drums, pails, and cans, and commodities in bulk), from points in that part of Michigan on and south of a line beginning at Ludington and U.S. Highway 10, and thence east along U.S. Highway 10 to Bay City, thence south along Michigan Highway 15 to the junction of Michigan Highway 15 and Michigan Highway 46, thence along Michigan Highway 46 to the junction of Michigan Highway 46 and U.S. Highway 25, to points in North Dakota, South Dakota, and Nebraska.

(B) *Materials and supplies* used in the manufacture or distribution of paper products (except commodities in bulk), and returned shipments of paper and paper products, from points in the above named destination states to points in the above described origin territory.

In proposal No. 47:

(i) The *commodities* described in (A) of proposal 22 above, from points in that part of Iowa on and north of a line beginning at Sioux City, thence east along U.S. Highway 20 to the junction of U.S. Highway 20 and U.S. Highway 69, thence south along U.S. Highway 69 to its junction with U.S. Highway 30, thence east along U.S. Highway 30 to the Iowa-Illinois State line, to points in South Carolina and points in that part of Florida east of a line beginning at the junction of U.S. Highway 319 and the Georgia-Florida State line thence south on U.S. Highway 319 to the Gulf of Mexico.

(ii) The *commodities* described in (B) of proposal 22 from points in the above described destination territory, to points in the above described origin territory. The purpose of the filings in proposals Nos. 22 and 47 is to eliminate the gateway of Columbus, Wis.

In proposal No. 6:

Cellulose materials and products, paper and paper products, and *materials, equipment, and supplies* used in the production and distribution of the above described commodities (except in each instance commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in the Upper Peninsula of Michigan and points in the Chicago, Ill., Commercial Zone, as defined by the Commission.

In proposal No. 9:

The *commodities* described in proposal 6 above, between points in Tennessee (except Memphis and points in its commercial zone), on the one hand, and, on the other, points in the Chicago, Ill., commercial zone as defined by the Commission, restricted against the transportation of cardboard boxes from points in Tennessee.

In proposal No. 13:

The *commodities* described in proposal No. 6 above (restricted against the transportation of pulpboard, pulpboard products, and waste paper, and further restricted against the transportation of paper and paper products originating at Florence and points in its commercial zone as defined by the Commission), between points in Kentucky, on the one hand, and, on the other, points in the Chicago, Ill., commercial zone, as defined by the Commission.

In proposal No. 18:

The commodities described in proposal No. 6 above (restricted against the transportation of pulpboard, pulpboard products, and waste paper), between points in Indiana (except Evansville and points in its commercial zone and points in that part of Indiana north and west of a line beginning at the Illinois-Indiana State line and U.S. Highway 30, thence east along U.S. Highway 30 to the junction of U.S. Highway 30 and U.S. Highway 421, thence north along U.S. Highway 421 to the junction of U.S. Highway 421 and the Michigan-Indiana State line), on the one hand, and, on the other, points in the Chicago, Ill., commercial zone, as defined by the Commission.

In proposal No. 28:

The *commodities* described in proposal No. 6 above (restricted against the transportation of pulpboard, pulpboard products, and waste paper between points in that part of Michigan on and south of Michigan Highway 21), (A) between points in the Lower Peninsula of Michigan (except points in Cass and Berrien Counties) on the one hand, and, on the other, points in the Chicago, Ill., commercial zone as defined by the Commission, and (B) between Watervliet, Coloma, Paw Paw Lake, and Hagar Shores, Mich., on the one hand, and, on the other, points in the Chicago, Ill., commercial zone, as defined by the Commission.

In proposal No. 32:

The *commodities* described in proposal No. 6 above (restricted against the transportation of pulpboard, pulpboard products, and waste paper, and further restricted against the transportation of paper products originating at Lockland, Hamilton, Cincinnati, Middletown, and Cleveland, Ohio), between points in Ohio, on the one hand, and, on the other points in the Chicago, Ill., commercial zone as defined by the Commission.

In proposal No. 37:

The *commodities* described in proposal No. 6 above, between points in West Virginia, on the one hand, and, on the other, points in the Chicago, Ill., commercial zone, as defined by the Commission.

In proposal No. 41:

The *commodities* described in proposal No. 6 above, between points in Pennsylvania, on the one hand, and, on the other, points in the Chicago, Ill., commercial zone as defined by the Commission.

In proposal No. 46:

The *commodities* described in proposal No. 6 above, between points in that part of Iowa west of a line beginning at Guttenberg and extending south along U.S. Highway 52 to the junction of U.S. Highway 52 and Iowa Highway 136, thence south along Iowa Highway 136 to the junction of Iowa Highway 136 and U.S. Highway 61, thence south along U.S. Highway 61 to the junction of U.S. Highway 61 and Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line, on the one hand, and, on the other, points in the Chicago, Ill., commercial zone as defined by the Commission.

The purpose of the filing in proposals Nos. 6, 9, 13, 18, 28, 32, 37, 41, and 46 is to eliminate the gateway of Chicago Heights, Ill.

In proposal No. 12:

(A) *Paper and paper products, cellulose bags, liners, and films* (restricted against the transportation of pulpboard, pulpboard products, and waste paper, and of commodities in bulk), from points in Kentucky (except Florence and points in its commercial zone as defined by the Commission) to points in North Dakota and South Dakota, and points in that part of Nebraska north of U.S. Highway 20.

(B) *Returned and rejected shipments and materials, equipment, and supplies,* from points in the destination territory described in (A) above to points in the origin territory described in (A) above.

In proposal No. 15:

(A) *Paper and paper products, cellulose bags, films, and liners* (except commodities in bulk) from points in Indiana (except points in the Evansville commercial zone as defined by the Commission) to points in North Dakota and South Dakota and points in that part of Nebraska north of U.S. Highway 20.

(B) Returned and rejected shipments and materials, equipment, and supplies (except commodities in bulk), from points described in the destination territory in (A) above to points in the origin territory described in (A) above.

In proposal No. 25:

(A) *Paper and paper products, cellulose bags, liners, and films* (except commodities in bulk), from points in that part of the Lower Peninsula of Michigan on and north of U.S. Highway 10 to points in Nebraska.

(B) *Returned and rejected shipments and materials, equipment, and supplies* used in the production and distribution of the above-described commodities (restricted against the transportation of commodities in bulk and further restricted against the transportation of shipments originating at the plant site and warehouse facilities of Bemis Co., at Omaha, Nebr.), from points in Nebraska to points in the origin territory described in (A) above.

In proposal No. 45:

(A) *Paper and paper products, cellulose bags, liners, and films* (except com-

modities in bulk) from points in that part of Iowa north and west of a line beginning at Sioux City and extending east along U.S. Highway 20 to Ft. Dodge, thence north from Ft. Dodge along U.S. Highway 169 to the Minnesota-Iowa State line to points in that part of Texas on and south of a line beginning at El Paso and extending east along U.S. Highway 80 to Ft. Worth, and thence in a southeasterly direction from Ft. Worth along U.S. Highway 287 to Port Arthur.

(B) *Returned and rejected shipments and materials, equipment, and supplies* (except commodities in bulk), from points in the destination territory described in (A) above to points in the origin territory described in (A) above.

In proposal No. 49:

(A) The *commodities* described in proposal No. 45(A) above, from points in that part of Iowa east and north of a line beginning at the junction of the Iowa-Minnesota State line and U.S. Highway 65, thence south along U.S. Highway 65 to Des Moines, thence east from Des Moines along U.S. Highway 6 to the Iowa-Illinois State line to points in that part of South Dakota north of U.S. Highway 16.

(B) The *commodities* described in proposal No. 45(B) above, from points in the destination territory described in (A) above to points in the origin territory described in (A) above.

In proposal No. 50:

(A) The *commodities* described in proposal No. 45(A) above, from points in that part of Iowa south and west of a line beginning at the junction of the Iowa-Minnesota State line and U.S. Highway 65, thence south along U.S. Highway 65 to Mason City, thence east from Mason City along U.S. Highway 18 to Charles City, thence south from Charles City along U.S. Highway 218 to Iowa City, thence east from Iowa City along U.S. Highway 6 to the junction of U.S. Highway 6 and the Iowa-Illinois State line (except those points in the above-described origin territory on and west of a line beginning at the junction of the Iowa-Minnesota State line and Iowa Highway 60, thence southwesterly along Iowa State Highway 60 to the junction of Iowa State Highway 60 and U.S. Highway 20 at the Iowa-Nebraska State line), to points in North Dakota.

(B) The *commodities* described in proposal No. 45(B) above, from points in North Dakota to points in the origin territory described in (A) above.

In proposal No. 51:

(A) The *commodities* described in proposal No. 45(A) above, (restricted against the transportation of cardboard cartons), from points in Alabama (except Mobile and points in its commercial zone as defined by the Commission, and points on and north of U.S. Highway 78, including points in the commercial zones of points on U.S. Highway 78, as defined by the Commission), to points in North Dakota and South Dakota.

(B) The *commodities* described in proposal No. 45(B) above, from points in North Dakota and South Dakota to points in the origin territory described in (A) above. The purpose of the filings in proposals Nos. 12, 15, 25, 45, 49, 50, and 51 is to eliminate the gateway of Sibley, Iowa.

In proposal No. 7:

Paper and paper products (except commodities in bulk), from points in the Upper Peninsula of Michigan to points in that part of Alabama on and north of U.S. Highway 78, Memphis, Tenn., and Mobile, Ala.

In proposal No. 19:

Paper and paper products (except commodities in bulk), from points in that part of Indiana on and north of U.S. Highway 30 to points in that part of Alabama on and north of U.S. Highway 78 and Memphis, Tenn.

In proposal No. 20:

Paper and paper products (except commodities in bulk), from points in Indiana on and north of Indiana Highway 18 to Mobile, Ala.

In proposal No. 29:

Paper and paper products (except commodities in bulk), from points in the Lower Peninsula of Michigan (restricted against the transportation of pulpboard, pulpboard products, and waste paper from points in that part of the Lower Peninsula on and south of Michigan Highway 21) to points in that part of Alabama on and north of U.S. Highway 78, Memphis, Tenn., and Mobile, Ala.

In proposal No. 33:

Paper and paper products (except commodities in bulk), from points in that part of Ohio on and north of U.S. Highway 30 (except Lockland, Hamilton, Cincinnati, Middletown, and Cleveland), to Memphis, Tenn., and Mobile, Ala.

In proposal No. 39:

Paper and paper products (except commodities in bulk), from points in Pennsylvania (except points in Washington, Greene, Fayette, Somerset, and Westmoreland Counties), to Memphis, Tenn.

In proposal No. 40:

Paper and paper products (except commodities in bulk), from points in that part of Pennsylvania on, north and west of a line beginning at the junction of the Ohio-Pennsylvania State line and Interstate Highway 80, thence easterly along Interstate Highway 80 to the junction of Interstate Highway 80 and U.S. Highway 220, thence northeasterly along U.S. Highway 220 to the junction of U.S. Highway 220 and the Pennsylvania-New York State line, to Mobile, Ala. The purpose of the filings in proposals Nos. 7, 19, 20, 29, 33, 39, and 40 is to eliminate the gateway of South Bend, Ind.

In proposal No. 3:

(A) *Paper and paper products* (except commodities in bulk), from points in the Upper Peninsula of Michigan to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, Maryland, Virginia, North Carolina, and points in that part of New York east of New York State Highway 30.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products from points in the destination territory in (A) above, to points in the origin territory in (A) above.

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In proposal No. 5:

(A) *Paper and paper products* (except commodities in bulk) from points in the Upper Peninsula of Michigan to Evansville, Ind.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products from Evansville, Ind., to points in the Upper Peninsula of Michigan.

In proposal No. 8:

(A) *Paper and paper products* (except cardboard cartons and commodities in bulk), from points in Tennessee on and east of U.S. Highway 23, to points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Colorado, Arizona, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Missouri (except points south of U.S. Highway 66), Oklahoma (except points south of U.S. Highway 66), and points in Texas on, north and west of a line beginning at Benonine, thence west along U.S. Highway 66 to Amarillo, thence south along U.S. Highway 87 to Lubbock, thence west along Texas Highway 116 to the New Mexico-Texas State line, and points in El Paso and Hudspeth Counties, Tex.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in the destination territory described in (A) above to points in the origin territory described in (A) above.

In proposal No. 10:

(A) *Paper and paper products* (except cardboard cartons and commodities in bulk), from points in Tennessee on and east of Tennessee Highway 13, to points in North Dakota, Montana, Idaho, Washington, Oregon, California (except points south of the southerly boundaries of Santa Cruz, Santa Clara, San Joaquin, Sacramento, and Eldorado Counties), Nevada (except points south of U.S. Highway 50), Utah (except points south of Interstate Highway 80), and South Dakota (except points south of U.S. Highway 14).

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in the destination territory described in (A) above, to points in the origin territory described in (A) above.

In proposal No. 11:

(A) *Paper and paper products* (except commodities in bulk) from points in Kentucky (except Florence and points in its commercial zone as defined by the Commission) to points in Washington, Oregon, Idaho, Montana, California (except points south of Interstate Highway 80), Nevada (except points south of U.S. Highway 50), and Utah (except those points on, east and south of a line commencing at the Wyoming-Utah State line along Interstate Highway 80, thence along Interstate Highway 80 to the junction of U.S. Alternate Highway 50 at Salt Lake City, thence along U.S. Alternate Highway 50 to the junction of U.S. High-

way 50 at or near Fork, thence along U.S. Highway 50 to the Utah-Nevada State line).

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except pulpboard, pulpboard products, and waste paper and commodities in bulk), from points in the destination territory described in (A) above, to points in the origin territory described in (A) above.

In proposal No. 14:

(A) *Paper and paper products* (except commodities in bulk), from points in Indiana (except points in the Evansville commercial zone as defined by the Commission) to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, and Montana (except points in Montana east of U.S. Highway 91).

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except pulpboard, pulpboard products, and waste paper and commodities in bulk), from points in the destination territory described in (A) above, to points in Indiana described in (A) above.

In proposal No. 16:

(A) *Paper and paper products* (except commodities in bulk), from points in Indiana (except points in the Evansville commercial zone as defined by the Commission) to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Delaware, New York (except points west of Interstate Highway 95), Maryland (except points west of Interstate Highway 95), Virginia (except points west of Interstate Highway 95), and New Jersey (except points north and west of a line beginning with U.S. Highway 22 at the Pennsylvania-New Jersey State line and extending easterly to the intersection of U.S. Highway 22 and Interstate Highway 95, and thence along Interstate Highway 95 to the New Jersey-New York State line).

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except pulpboard, pulpboard products, and waste paper, and commodities in bulk), from points in the destination territory described in (A) above, to points in Indiana described in (A) above.

In proposal No. 17:

(A) *Paper and paper products* (except commodities in bulk), from points in that part of Indiana north and east of a line beginning at the junction of the Michigan-Indiana State line and Indiana Highway 15, thence southerly along Indiana Highway 15 to the junction of Indiana Highway 15 and Indiana Highway 9, thence in a southerly direction along Indiana Highway 9 to the junction of Indiana Highway 9 and Indiana Highway 38, thence in an easterly direction along Indiana Highway 38 to the Ohio-Indiana State line, to Evansville, Ind., and points in that part of the St. Louis-East St. Louis commercial zone within Illinois and points in Illinois on and south of U.S. Highway 460.

(B) *Materials and supplies* used in the manufacture and distribution of paper products (except pulpboard, pulpboard products, and waste paper, and commodities in bulk) from points in the destination territory described in (A) above to points in the origin territory described in (A) above.

In proposal No. 24:

(A) *Paper and paper products* (except commodities in bulk), from points in the Lower Peninsula of Michigan to points in California, Nevada, Utah, Arizona, Colorado, New Mexico, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Kansas (except points east and north of a line extending along U.S. Highway 77 from the Nebraska-Kansas State line and extending to the intersection of U.S. Highway 77 and U.S. Highway 54 and thence easterly along U.S. Highway 54 to the Kansas-Missouri State line), and Missouri (except those points north of a line extending along U.S. Highway 66 from the Kansas-Missouri State line to the intersection of Missouri Highway 72 and thence to the intersection of Missouri Highway 72 and U.S. Highway 61 and thence along U.S. Highway 61 to the Missouri-Illinois State line).

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products from points in the destination territory described in (A) above to points in the origin territory described in (A) above. Restriction: Restricted against the transportation of pulpboard, pulpboard products, and wastepaper between points on and south of Michigan Highway 21 and the destination territory, and further restricted against the transportation of commodities in bulk.

In proposal No. 26:

(A) *Paper and paper products* (except commodities in bulk), from points in the Lower Peninsula of Michigan (except points in Cass, Berrien, and Van Buren Counties), to points in that part of the St. Louis-East St. Louis commercial zone within Illinois, and points in Illinois on and south of U.S. Highway 460.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products from points described in the destination territory in (A) above to points in the origin territory described in (A) above. Restriction: Restricted against the transportation of pulpboard, pulpboard products, and waste paper between points on and south of Michigan Highway 21 and the destination territory, and further restricted against the transportation of commodities in bulk.

In proposal No. 27:

(A) *Paper and paper products* (except commodities in bulk), from points in the Lower Peninsula of Michigan to Evansville, Ind.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products from Evansville, Ind., to points in the origin territory described in (A) above. Restriction: Restricted against the transportation of pulpboard, pulpboard products, and waste paper between points on and south of Michigan Highway 21 and Evansville, Ind., and further restricted against the transportation of commodities in bulk.

In proposal No. 30:

(A) *Paper and paper products* (except commodities in bulk), from points in Ohio (except Lockland, Hamilton, Cincinnati, Middletown, and Cleveland), to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, and points in that part of Mississippi on, west and south of a line beginning at Lakeview, Miss., extending along U.S. Highway 61 to Vicksburg, Miss., thence eastwardly along U.S. Highway 80 to the Mississippi-Alabama State line.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products from points in the destination territory described in (A) above to points described in the origin in (A) above. Restriction: Restricted against the transportation of pulpboard, pulpboard products, and waste paper, and further restricted against the transportation of commodities in bulk.

In proposal No. 31:

(A) *Paper and paper products* (except commodities in bulk), from points in Ohio (except Cleveland) on and north of U.S. Highway 35 to Evansville, Ind., and points in that part of the St. Louis-East St. Louis commercial zone within Illinois, and points in Illinois on and south of U.S. Highway 460.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products from the points described in the destination area in (A) above, to points in the origin territory described in (A) above. Restriction: Restricted against the transportation of pulpboard, pulpboard products and waste paper and commodities in bulk.

In proposal No. 34:

(A) *Paper and paper products* (except commodities in bulk), from points in West Virginia (except points south of U.S. Highway 60) to points in Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Colorado, Wyoming, Montana, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and points in that part of Missouri on and west of a line beginning at St. Louis, Mo., and extending along U.S. Highway 66 to Lebanon, Mo., thence south along Missouri State Highway 5 to the Missouri-Arkansas State line, and to points in Arkansas on and west of U.S. Highway 71.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in the destination territory described in (A) above to points in the origin territory described in (A) above.

In proposal No. 35:

(A) *Paper and paper products* (except commodities in bulk), from points in West Virginia on and north of U.S. Highway 33 to Evansville, Ind.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk) from Evansville, Ind., to points

in the origin territory described in (A) above.

In proposal No. 36:

(A) *Paper and paper products* (except commodities in bulk), from points in that part of West Virginia on, north and east of a line beginning at Parkersburg and extending along U.S. Highway 50 to Grafton, thence southeast along U.S. Highway 250 to the West Virginia-Virginia State line to points in that part of the St. Louis-East St. Louis, Ill., commercial zone within Illinois, and points in Illinois on and south of U.S. Highway 460.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in the destination territory described in (A) above to points in the origin territory described in (A) above.

In proposal No. 38:

(A) *Paper and paper products* (except commodities in bulk), from points in Pennsylvania to points in Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, Montana, Wyoming, Colorado, New Mexico, Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, Missouri, Arkansas, Louisiana, Mississippi, points in that part of the St. Louis-East St. Louis commercial zone within Illinois and points in Illinois on and south of U.S. Highway 460, and Evansville, Ind.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in the destination territory described in (A) above, to points in Pennsylvania.

In proposal No. 44:

(A) *Paper and paper products* (except commodities in bulk), from points in Iowa to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, and the District of Columbia.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in the destination territory described in (A) above, to points in Iowa.

In proposal No. 52:

(A) *Paper and paper products* (except commodities in bulk), from points in Alabama (except Mobile and points in its commercial zone as defined by the Commission, and points on and north of U.S. Highway 78, including points in the commercial zones of points on U.S. Highway 78) to points in Washington, Montana (except points south and east of a line beginning at the Wyoming-Montana State line and U.S. Highway 80, thence north along U.S. Highway 80 to the junction of U.S. Highway 80 and U.S. Highway 30, thence southeast along U.S. 10 to the Montana-North Dakota State way 10, thence east along U.S. Highway line), Idaho (except points south of a line beginning at the junction of the Oregon-Idaho State line and U.S. Highway 30, thence southeast along U.S. Highway 30 to the junction of U.S. Highway 30 and U.S. Highway 30N, thence along U.S. Highway 30N to the junction of U.S. Highway 30N and U.S. Highway 91, thence along U.S. Highway 91 to the junction of U.S. Highway 91 and U.S. Highway 30 to the junction of U.S. High-Highway 26, thence along U.S. Highway 26 to the Idaho-Wyoming State line), Oregon (except points south and east of a line beginning at the junction of the California-Oregon State line and U.S. Highway 395, thence north along U.S. Highway 395 to the junction of U.S. Highway 395 and U.S. Highway 20, thence along U.S. Highway 20 to the Oregon-Idaho State line), and California (except points south of a line beginning at Moyo) thence east along California Highway 20 to the junction of California Highway 20 and Interstate Highway 80, thence along Interstate Highway 80 to the California-Nevada State line.

(B) *Materials and supplies* used in the manufacture and distribution of paper and paper products (except commodities in bulk), from points in the destination territory described in (A) above to points in Alabama described in (A) above. The purpose of the filings in proposals Nos. 3, 5, 8, 10, 11, 14, 16, 17, 24, 26, 27, 30, 31, 34, 35, 36, 38, 44, and 52 is to eliminate the gateway of Muncie, Ind.

No. MC–95540 (Sub-No. E86), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and south of Interstate 8, to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–95540 (Sub-No. E104), filed April 19, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California to the District of Columbia. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC–100666 (Sub-No. E25), filed April 11, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Albuquerque, N. Mex., to points in Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and points in that part of Kansas on and east of a line beginning the junction of the Kansas-Oklahoma State line and U.S. Highway 75, thence north on U.S. Highway 75 to its junction with U.S. Highway 50, thence east along U.S. Highway 50 to its junction with U.S. Highway 59, thence along U.S. Highway 59 to its junction with Interstate Highway 159, and thence along Interstate Highway 159 to the Kansas-Nebraska State line, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Miami, Okla.

No. MC–100666 (Sub-No. E31), filed April 15, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from points in Texas (except Pineland or Silsbee and particleboard from Diboll) to points in Louisiana. The purpose of this filing is to eliminate the gateways of Irving, Pineland, and Silsbee, Tex.

No. MC–100666 (Sub-No. E35), filed April 15, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber* from points in Texas (except Pineland or Silsbee and particleboard from Diboll) to points in Florida. The purpose of this filing is to eliminate the gateways of Irving, Pineland, Silsbee, Tex., and New Orleans, La.

No. MC–100666 (Sub-No. E36), filed April 15, 1974, Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber* from points in Texas (except Pineland or Silsbee and particleboard from Diboll) to points in Gerogia. The purpose of this filing is to eliminate the gateway of Pineland and Silsbee, Tex.

No. MC–100666 (Sub-No. E37), filed April 15, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from points in Texas (except Pineland or Silsbee and particleboard from Diboll) to points in Mississippi. The purpose of this filing is to eliminate the gateway of Irving, Pineland, and Silsbee, Tex.

No. MC–124211 (Sub-No. E6), filed April 8, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry animal feed sugar* and *dry fish meal*, from St. Louis,

Mo., to points in Idaho, Montana, and Utah. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC–128383 (Sub-No. E42), filed May 1, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobile), between Oneida County Airport, Oneida County, N.Y., and Newark Airport, Newark, N.J., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Schenectady County Airport, Schenectady County, N.Y.

No. MC–128383 (Sub-No. E45), filed May 1, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between La Guardia Airport, New York, N.Y., and Oneida County Airport, Oneida County, N.Y., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Schenectady County Airport, Schenectady County, N.Y.

No. MC–128383 (Sub-No. E48), filed May 1, 1974. Applicant: PINTO TRUCKING SERVICE, INC., 1414 Calcon Hook Road, Sharon Hill, Pa. 19079. Applicant's representative: Gerald K. Gimmel, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and automobiles), between Philadelphia International Airport, Philadelphia, Pa., and Bradley International Airport, Hartford County, Conn., restricted to the transportation of traffic having a prior or subsequent movement by air. The purpose of this filing is to eliminate the gateway of Tweed-New Haven Airport, New Haven County, Conn.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–10874 Filed 5–9–74;8:45 am]

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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

PUBLIC ASSISTANCE—MEDICAID

Implementation of Social Security Amendments of 1972 and 1973

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PUBLIC ASSISTANCE—MEDICAID

Implementation of Social Security Amendments of 1972 and 1973

Notice of proposed rule making was published June 13, 1973, at 38 FR 15580, implementing certain amendments of titles XI and XIX of the Social Security Act relating to Medicaid, enacted by Public Law 92–603 (Social Security Amendments of 1972). Certain other clarifying changes in current regulations were also included.

The specific proposals (including citation of the Public Law 92–603 sections), comments received, and changes in the final regulations are summarized below. Also indicated below are certain technical amendments required by Pub. L. 93–233, December 31, 1973.

1. *Staffing* (Sections 235, 249B, 299E (a)). The proposal specified the increased Federal matching rates for costs of personnel concerned with ADP functions, long-term care facility surveys, and family planning services. It also clarified the types of costs eligible for 75 percent matching. (§§ 205.101, 250.-120) (note: § 205.100, Single State agency, included in the proposal, has been published in final in a separate document (39 FR 9512).

Respondents requested clarification that functions, rather than titles, constitute criteria for professional positions and that both compensation and training costs of survey personnel are reimbursable at 100 precent. The first clarification will be made in guidelines, and the second has been incorporated in the regulations. A request that 100 percent compensation for surveyors be continued beyond June 30, 1974 cannot be granted in light of the statutory limit provided by section 249B.

2. *Amount, duration and scope of medical assistance* (sections 212, 230, 240, and 299E (a) and (b)). The proposal related to (a) optometrists' services; (b) repeal of the requirement for progression toward comprehensive care; (c) use of geographically limited health organizations; and (d) family planning srevices. It also specified limitations on denial of services based on diagnosis, and conditions for matching of transportation costs. (§ 249.10)

Because the current regulations, with amendments as noted above, were reprinted in entirety for purposes of clarity, some respondents commented on provisions that had not been changed, such as early screening, high quality care, clinic services and physical therapy and related services. Some of these are being changed through proposed rule making documents; others have been clarified or cannot be changed because they are required by statute.

Comments on the new provisions of the June 13 proposal and the Department's responses are:

(a) The prohibition against limitation on services based on diagnosis is very good; on the other hand, it may undercut utilization review. The regulation has been clarified to indicate that the prescription relates to arbitrary limitations, not those appropriate to medical necessity or utilization review.

(b) The requirement on optometric services should be clarified. This has been done.

(c) The provision on reimbursement of transportation costs through vendor payments is not clear. We have revised the regulation further to indicate that expenditures for transportation other than by vendor payment are matched as administrative costs, not as medical assistance.

Family planning services are currently mandated for State title XIX programs by Pub. L. 92–603, and are reimbursable at a 90 percent Federal matching rate. Regulations are being published separately and are not included in this document.

3. *Disclosure of information* (sections 249C and 299D(b)). The proposal required States to establish a procedure for disclosure of survey findings and to permit providers whose performance is evaluated an opportunity for review of reports before disclosure. (§ 250.70)

The comments either requested clarifications of detail that will be contained in guidelines or suggested additional provisions that can be accommodated under the regulations as proposed—for example, additional accessibility of survey findings. Consequently, the only changes in the regulations are clarifications of the survey findings to be made available and of the circumstances under which reports must be made available in Standard Metropolitan Statistical Areas.

The proposal also included provisions implementing section 235 of Pub. L. 92–603, relating to increased Federal matching for mechanized claims processing and information retrieval systems. The final regulations are being published in a separate document.

These final regulations include amendments to § 205.120, Statewide operation, to (a) recognize the establishment of title VI of the Act relating to services and (b) insert a cross-reference to exceptions available under title XIX of the Act.

The following technical changes required by Pub. L. 93–233 are included in these regulations:

Sections 13(a)(11), 18(e) and 18(u): Provides for continuation of buy-in agreements under the Supplementary Security Income program; coverage under the buy-in for certain mandated groups; and Federal matching for retroactive coverage even though the individual could have been enrolled in Medicare. (§ 249.41)

Section 13(a)(13): Prohibits direct payments for physicians' or dentists' services to State-supplement-only recipients (§ 249.32).

Section 18(p): Extends requirement for disclosure of ownership of intermediate care facilities (§ 249.33(a)(3)(i)).

Section 18(q): Provides for continued Medicaid coverage for certain AFDC families who no longer receive AFDC payments because of increased hours of, or increased earnings from, employment. The provisions published in this document implement the statutory requirement with respect to Medicaid State plans in Puerto Rico, the Virgin Islands, and Guam. It was implemented for other jurisdictions in the regulations published at 39 FR 9512.

Section 18(x)(1): Corrects statutory reference to Medicaid services for the medically needy (§ 249.10(a)(2)).

These amendments are technical in nature and merely reflect what is otherwise required by statute; consequently proposed rule making procedures for these amendments would serve no useful purpose and have been omitted.

Accordingly, the regulations as proposed with substantive and technical amendments have been adopted.

Chapter II, title 45 of the Code of Federal Regulations is amended as set forth below:

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

1. Part 205 is amended by revising § 205.101 and § 205.120 to read as set forth below:

§ 205.101 Organization for administration.

(a) A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act shall include a description of the organization and functions of the single State agency and an organizational chart of the agency.

(b) Where applicable, a State plan under title I, IV–A, X, XIV, or XVI of the act shall identify the organizational unit within the State agency which is responsible for operation of the plan, and shall include a description of its organization and functions and an organizational chart of the unit. (See also, for requirements concerning the organization for the administration of service programs, pt. 220 of this chapter as to programs under title IV–A and B of the act, and pt. 222 of this chapter as to programs under title I, X, XIV, or XVI of the act.)

(c) A State plan under title XIX of the act must:

(1) Provide for the establishment of a medical assistance unit in the single State agency which shall include the program director and other appropriate staff for participation in the development, analysis, and evaluation of the State's medical assistance program;

(2) Include a description of the organization and functions of the medical assistance unit, and an organizational chart of the unit;

(3) Include a description of the kinds and numbers of professional medical personnel and supporting staff that will be used in the administration of the plan and of the responsibilities they will have; and

(4) If eligibility determinations are made by a State agency other than the

title XIX single State agency or by local agency staff under the supervision of a State agency, include a description of the staff designated by such agencies and the functions they will perform in carrying out this responsibility.

§ 205.120 Statewide operation.

(a) *State plan requirements.* A State plan under title I, IV–A, VI, X, XIV, XVI, or XIX of the Social Security Act must provide that:

(1) It shall be in operation, through a system of local offices, on a statewide basis in accordance with equitable standards for assistance and administration that are mandatory throughout the State;

(2) If administered by political subdivisions of the State, the plan will be mandatory on such political subdivisions;

(3) The State agency will assure that the plan is continuously in operation in all local offices or agencies through:

(i) Methods for informing staff of State policies, standards, procedures and instructions; and

(ii) Regular planned examination and evaluation of operations in local offices by regularly assigned State staff, including regular visits by such staff; and through reports, controls, or other necessary methods.

(b) *Exception.* For provisions relating to organizations providing health services on a prepaid basis under title XIX, see § 249.10(a)(6)(vii) of this chapter.

PART 248—COVERAGE AND CONDITIONS OF ELIGIBILITY FOR MEDICAL ASSISTANCE

2. Section 248.10(b)(4) is revised to read as follows:

§ 248.10 Coverage and conditions of eligibility for medical assistance.

* * * * *

(b) *State plan requirements.* * * *

(4) Provide, in the case of any family which was receiving assistance under the State's plan under title IV–A in at least 3 of the 6 months immediately preceding the month in which such family became ineligible for such assistance because of increased hours of or increased income from employment, that as long as a member of such family is employed, the family will continue to be eligible for medical assistance for a period of 4 calendar months beginning with the month in which the family became ineligible for assistance under title IV–A because of increased hours of employment or increased earnings, to the same extent and under the same conditions as it is furnished to the categorically needy under the title XIX plan in effect during such 4 months.

* * * * *

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

3. Section 249.10 is amended by revising paragraphs (a)(2)(ii), (a)(5) and (a)(6); revoking paragraph (a)(9); and adding new paragraphs (a)(9) and (a)(10). Paragraph (b) is amended by revising subparagraphs (7) and (11); and revising subparagraph (17).

§ 249.10 Amount, duration, and scope of medical assistance.

(a) *State plan requirements.*—A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Specify that at least the first five items of medical and remedial care and services, as set forth in paragraph (b)(1) through (5) of this section, will be provided to the categorically needy.

(2) Specify that, if the plan includes the medically needy, at least the following items of medical and remedial care and services will be provided to the medically needy:

(i) The first five items as set forth in paragraph (b)(1) through (5) of this section; or

(ii) (A) Any seven of the items as set forth in paragraph (b)(1) through (16) of this section; and

(B) If the plan includes inpatient hospital services or skilled nursing facility services, physicians' services to eligible individuals when they are patients in a hospital or skilled nursing facility, even though physicians' services as defined in paragraph (b)(5) of this section are not otherwise included for the medically needy.

* * * * *

(5)(i) Specify the amount and/or duration of each item of medical and remedial care and services that will be provided to the categorically needy and to the medically needy, if the plan includes this latter group. Such items must be sufficient in amount, duration and scope to reasonably achieve their purpose. With respect to the required services for the categorically needy (subparagraph (1) of this paragraph) and the medically needy (subparagraph (2) of this paragraph), the State may not arbitrarily deny or reduce the amount, duration, or scope of, such services to an otherwise eligible individual solely because of the diagnosis, type of illness or condition. Appropriate limits may be placed on services based on such criteria as medical necessity or those contained in utilization or medical review procedures.

(ii) Specify that there will be provision for assuring necessary transportation of recipients to and from providers of services and describe the methods that will be used.

(6) Provide that the medical and remedial care and services made available to any categorically needy individual included under the plan will not be less in amount, duration, or scope than those made available to other individuals included under the program, except that:

(i) Skilled nursing facility services may be limited to persons 21 years of age or older;

(ii) Services to persons in institutions for tuberculosis or mental diseases may be limited to persons 65 years of age or over;

(iii) Inpatient psychiatric hospital services as provided in section 1905(a)(16) of the act may be limited to individuals under age 21 (or under age 22 for individuals receiving such services immediately prior to attaining age 21), as specified in section 1905(a)(16) of the act;

(iv) Early and periodic screening and diagnosis for individuals, and treatment of conditions found, as provided in section 1905(a)(4)(B) of the act, may be limited to individuals under 21 years of age;

(v) Benefits under part B of title XVIII of the Social Security Act made available to individuals through a "buy-in" agreement or payment of the premiums, or the payment of part or all of the deductibles, cost sharing or similar charges under part B, may be limited to such individuals for whom, by virtue of such action, these benefits are included as part of the plan;

(vi) Family planning services and supplies may be limited to individuals of child bearing age (including minors who can be considered to be sexually active) who desire such services and supplies; and

(vii) Care and services which are additional to those offered under the State plan and which are made available under a contract between the State (or a political subdivision thereof) and an organization providing comprehensive health services may be limited to individuals who reside in the geographic area served by the contracting organization and elect to obtain care and services from it.

* * * * *

(9) With respect to individuals eligible under the plan for family planning services and supplies, provide that there shall be freedom from coercion or pressure of mind and conscience, and freedom of choice of method, so that such individuals can choose in accordance with the dictates of their consciences.

(10) Provide in the case of any State which (i) does not provide for the payment of services provided by an optometrist (other than services covered under § 248.70(a)(2) of this chapter); but (ii) at a prior period did provide for the payment of such services; that where the State plan specifically provides that "physicians' services" includes services which an optometrist is legally authorized to perform, such services shall be included as physicians' services and shall be reimbursed whether furnished by a physician or an optometrist.

(b) *Federal financial participation.*—Subject to the limitations in paragraph (c) of this section, Federal financial participation is available in expenditures for medical or remedial care and services under the State plan which meet the following definitions:

* * * * *

(7) *Home health care services.*—"Home health care services" in addition to the services of physicians, dentists, physical therapists, and other services and items available to patients in their homes and

described elsewhere in these definitions, are any of the following items and services when they are provided on recommendation of a licensed physician to a patient in his place of residence, but not including as a residence a hospital, a skilled nursing facility, or an intermediate care facility:

* * * * *

(11) *Physical therapy, occupational therapy, treatment of speech, hearing, and language disorders.* The services are defined as follows and include the use of such supplies and equipment as are necessary.

* * * * *

(17) *Any other medical care and any other type of remedial care recognized under State law and specified by the Secretary.*—This term includes the following items in those States in which they are recognized under State law and under the circumstances, and to the extent to which, they are so recognized:

(i) (*a*) Transportation, including expenses for transportation and other related travel expenses, necessary to securing medical examinations and/or treatment when determined by the agency to be necessary in the individual case. "Travel expenses" include the cost of transportation for the individual by ambulance, taxicab, common carrier or other appropriate means; the cost of outside meals and lodging en route to medical care, while receiving medical care, and returning from a medical resource; and the cost of an attendant to accompany him, if medically or otherwise necessary. The cost of an attendant may include transportation, meals, lodging, and salary of the attendant, except that no salary may be paid a member of the patient's family.

(*b*) Transportation as defined in paragraph (b)(17)(i)(*a*) of this section is recognized as an item of medical assistance only when furnished by a provider to whom a direct vendor payment can appropriately be made by the agency. When other arrangements are made to satisfy the requirement in paragraph (a)(5) of this section, Federal financial participation is available as an administrative cost.

(ii) Services of Christian Science nurses who are listed and certified by the First Church of Christ Scientist, Boston, Mass., when these services have been requested by the patient and are provided (A) by, or under the supervision of, a Christian Science visiting nurse organization listed and certified by the First Church of Christ Scientist, Boston, Mass.; or (B) as private duty services to and individual in his own home or in a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ Scientist, Boston, Mass., when the patient requires individual and continuous care beyond that available from a visiting nurse or that routinely provided by the nursing staff of the sanatorium.

(iii) Care and services provided in Christian Science sanatoria operated by, or listed and certified by, the First Church of Christ Scientist, Boston, Mass.

(iv) Skilled nursing facility services, as defined in paragraph (b)(4)(i) of this section, provided to patients under 21 years of age.

(v) Emergency hospital services which are necessary to prevent the death or serious impairment of the health of the individual and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital available which is equipped to furnish such services, even though the hospital does not currently meet the conditions for participation under title XVIII of the Social Security Act, or definitions of inpatient or outpatient hospital services set forth in paragraphs (b)(1) and (2) of this section.

(vi) Personal care services in a recipient's home rendered by an individual, not a member of the family, who is qualified to provide such services, where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse.

* * * * *

4. Section 249.32 is revised to read as follows:

§ 249.32 Direct payments to certain recipients for physicians' or dentists' services.

(a) *Federal financial participation.* Federal financial participation under title XIX of the Social Security Act is not available in direct payments for physicians' or dentists' services to any individual:

(1) Who is receiving assistance under the State's approved plan under title I, IV–A, X, XIV or XVI of the act, or

(2) With respect to whom supplemental security benefits are being paid under title XVI of the act, or

(3) Who is receiving or eligible for a State supplementary payment or would be eligible therefor if not in a medical institution, and who is eligible for medical assistance to the same extent as an individual described in paragraph (a)(1) or (a)(2) of this section.

(b) *State plan requirement.* A State may make direct payments for physicians' or dentists' services to any individual to whom such payments are not prohibited by paragraph (a) of this section. A State which does so must so provide in its State plan for medical assistance and must specify in its plan the conditions under which payments will be made.

(c) *Federal requirements.* Direct payments under this section are in all respects viewed as an alternative to State agency payments directly to the providers and are subject to the same conditions; for example, the State's reasonable charge schedules are applicable. Direct payments must be supported by vendor bills for services.

5. Section 249.33(a)(3)(i) is revised to read as follows:

§ 249.33 Standards for payment for skilled nursing facility and intermediate care facility services.

(a) *State plan requirements.* A State plan for medical assistance under title XIX of the Social Security Act must:

* * * * *

(3) Provide that any intermediate care facility receiving payments under the plan must supply to the licensing agency of the State full and complete information, and promptly report any changes which would affect the current accuracy of such information, as to the identity:

(i) Of each person having (directly or indirectly) an ownership interest of 10 percent or more in such facility, or who is the owner (in whole or in part) of any mortgage, deed of trust, note, or other obligation secured (in whole or in part) by such intermediate care facility or any of the property or assets of such facility,

* * * * *

6. Section 249.41 is revised to read as follows:

§ 249.41 Coordination of title XIX with part B of title XVIII, Social Security Act.

(a) *Requests for "buy-in" agreements.* (1) States had through December 31, 1969, to request a "buy-in" agreement for the following two groups:

(i) Individuals receiving money payments under the plan of the State approved under titles I, X, XIV, and XVI, and part A of title IV of the Social Security Act and

(ii) All individuals who are eligible to receive medical assistance under the State's plan under title XIX of the act.

(2) Effective January 1, 1974, as provided in section 1843(b) of the act, such agreements continue in effect subject to modifications necessary as a result of termination of State plans in effect prior to January 1, 1974, and establishment of a supplementary payment program under title XVI of the act.

(b) *Comparability.* Payment made by a State of premiums under title XVIII, part B of the act, whether through a "buy-in" agreement or otherwise, or provision for meeting part or all of the cost of the deductibles, cost sharing, or similar charges under part B, does not impose an obligation on the State to make comparable services available to other title XIX recipients. This provision permits the States to enter into agreements to pay the premium charges under part B or to pay the deductibles and other charges under that program without obligating themselves to provide the range of part B benefits to other individuals who are under title XIX of the act. Any State implementing this provision must amend its plan accordingly.

(c) *Federal financial participation.* (1) There will be no Federal financial participation in the monthly insurance premium under title XVIII, part B of the act which the title XIX State agency pays on behalf of nonmoney payment

individuals eligible to receive medical assistance under title XIX of the act, except for those persons required to be covered pursuant to § 248.1(b)(1)(ii) of this chapter (AFDC families eligible for continued Medicaid coverage under section 209(a) of P.L. 92–603), and § 248.1(b)(3)(ii) of this chapter (persons eligible for continued Medicaid coverage despite increased income from benefits, as provided under section 249E of P.L. 92–603).

(2) There will also be no Federal financial participation for State expenditures for medical assistance after December 31, 1969, under title XIX of the act, which would not have been so expended if the individuals involved had been enrolled in the insurance program established by part B of title XVII of the act. This applies to all persons who could have been covered under such program, whether on an individual basis or through the "buy-in." However, Federal financial participation will be available for such expenditures made under the requirements of § 206.10(a)(6)(ii) of this chapter regarding retroactive coverage.

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

7. Part 250 is amended by adding new § 250.70 and revising § 250.120, as follows:

§ 250.70 Disclosure of information on providers of health care services and contractors.

A State plan for medical assistance under title XIX of the Social Security Act must provide that:

(a) A procedure will be established for disclosure of pertinent findings contained in documents which result from surveys of any health care facility, laboratory, agency, clinic, or organization providing health care services, performed by State standard-setting agencies described in section 1902(a)(9) of the act for the purpose of determining eligibility of such providers to begin or continue participation in the State's medical assistance program, and of other documents described in this section. The procedure established must meet the following requirements:

(1) Documents subject to disclosure include survey reports prepared after January 31, 1973, by the survey agency, official notifications of findings prepared by the survey agency based on such reports, any pertinent parts of written statements relating to such reports and findings furnished by the provider to the survey agency, and information regarding ownership of a skilled nursing facility (as prescribed in section 1861(j)(11) of the act and 20 CFR 405.1121(a)) and of an intermediate care facility (as prescribed in § 249.33(a)(3) of this chapter).

(2) Statements listing all deficiencies in compliance with pertinent health and safety regulations, as found during survey, shall be made readily available for inspection and copying in the local public assistance office and the district office of the Social Security Administration serving the area in which the provider is located. The survey agency shall submit through the title XIX agency to the Regional Office of the Social and Rehabilitation Service a plan for making such documents available in additional public assistance offices in standard metropolitan statistical areas as necessary to provide ready access to the information for persons who are likely to utilize the provider's services.

(3) Survey reports and accurate and current ownership information shall be retained in the survey agency and made available upon request.

(4) Reports, findings, and statements shall be made available immediately upon determination of eligibility but in no case later than 90 calendar days following the completion of the survey.

(b) The single State agency will not make public any of the reports listed below, prepared after January 31, 1973, and made available by the Secretary to the State agency pursuant to section 1106(d) of the act, until the contractor or provider of services under title XVIII or XIX of the act whose performance is being evaluated by the Department has had a reasonable opportunity (not exceeding 30 days) to review such report and offer comments, pertinent parts of which shall be incorporated in the public report:

(1) Individual contractor performance reviews and other formal evaluations of the performance of carriers, intermediaries, and State agencies, including the reports of followup reviews;

(2) Comparative evaluations of the performance of such contractors, including comparisons of either overall performance or of any particular aspect of contractor operation; and

(3) Program validation survey reports and other formal evaluations of the performance of providers of services, including the reports of followup reviews. Reports made public under the provisions of this paragraph (b) shall contain no identification of individual patients, individual health care practitioners or other individuals.

§ 250.120 Staffing for administration of medical assistance programs, Federal financial participation.

Under a State plan for medical assistance approved under title XIX of the act:

(a) Federal financial participation at 75 percent is available for salary and other compensation, travel, and training costs of skilled professional medical personnel, and staff directly supporting such personnel, of the State title XIX agency or any other public agency, in the administration of the medical assistance program at the State and local level.

(1) Skilled professional medical personnel include physicians, dentists, and other health practitioners, and nurses, medical social workers, psychiatric social workers, and other specialized personnel in the field of medical care including medical administrators, hospital or public health administrators, and licensed nursing home administrators.

(2) Supporting staff include secretarial, stenographic, clerical, and other subprofessional staff directly supervised by the skilled professional medical personnel.

(3) If employed by a public agency other than the State title XIX agency (including a local agency administering the State plan in a political subdivision, and a title I, IV–A, or XVI agency that has not been designated as the title XIX agency), such skilled professional medical personnel as defined in subparagraph (1) of this paragraph and supporting staff as defined in subparagraph (2) of this paragraph are those whose duties are directly related to the administration of the medical assistance program, and are specified in a written contract or agreement with the title XIX agency for the performance of such duties.

(b) Federal financial participation at 90 percent is available for salary and other compensation, and travel costs of personnel engaged in the design, development, or installation of mechanized claims processing and information retrieval systems, and at 75 percent for salary and other compensation, travel and training costs of personnel engaged directly in the operations of such mechanized systems, when such design, development, or installation, or such operations, have been approved by the Administrator pursuant to § 250.90 of this chapter.

(c) Federal financial participation is available at 90 percent for salary and other compensation, travel, and training costs of personnel engaged in administering family planning services and supplies provided under section 1905(a)(4)(C) of the act.

(d) Federal financial participation at 100 percent is available for the period October 1, 1972, through June 30, 1974, for the compensation and training costs of personnel of the State licensing agency (designated in section 1902(a)(33)(B) of the act) who are responsible for inspecting public or private skilled nursing or intermediate care facilities to determine whether such facilities comply with health or safety standards applicable to them under the act, provided that a work plan and budget plan relative to such inspectional personnel have been approved by the appropriate regional office of the Department. Such Federal financial participation is available only for those expenditures of the State licensing agency which are not attributable to the overall cost of meeting responsibilities under State law and regulations for establishing and maintaining standards but which are necessary and proper for carrying out these regulations.

(e) Federal financial participation at 50 percent is available in the costs of all other staff employed in the administration of the State plan.

(f) The special rates of Federal financial participation provided in paragraphs (a) through (d) of this section are available only for those portions of the time of the persons affected as are devoted to the kinds of positions or duties for which the special matching is specified under those paragraphs.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective Date: Except as otherwise specified, these regulations shall be effective July 24, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program).

Dated: March 21, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: May 2, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74-10790 Filed 5-9-74;8:45 am]

federal register

FRIDAY, MAY 10, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 92

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes these procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New General Wage Determination Decisions.

Mississippi	AQ–4112
Puerto Rico	AQ–2117
Tennessee	AQ–4114
Texas	AQ–97
Washington	AQ–1108

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.

Alabama:	
AQ–4095	Mar. 29, 1974
California:	
AQ–1094; AQ–1095	Mar. 22, 1974
Colorado:	
AQ–1097	Apr. 12, 1974
Iowa:	
AQ–101; AQ–102	Apr. 12, 1973
Kentucky:	
AQ–4063	Feb. 22, 1974
Michigan:	
AQ–3066	Dec. 21, 1973
New Jersey:	
AQ–2091	Mar. 29, 1974
Oklahoma:	
AM–3611	Aug. 25, 1971
Pennsylvania:	
AQ–2013	Aug. 17, 1973
AQ–2025	Oct. 19, 1973
AQ–2044	Feb. 22, 1974
AQ–2050; AQ–2055	Feb. 15, 1974
AQ–2078	Mar. 29, 1974
Texas:	
AQ–69	Dec. 28, 1973

Supersedeas Decisions to General Wage Determination Decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Colorado:	
AQ–1012(AQ–1104); AQ–1013(AQ–1105)	Aug. 17, 1973
AQ–1062(AQ–1107); AQ–1063(AQ–1106)	Dec. 7, 1973
Connecticut:	
AP–803(AQ–2116)	Apr. 27, 1973
Delaware:	
AP–803(AQ–2116)	Do.
Iowa:	
AQ–3(AQ–107)	July 20, 1973
AQ–12(AQ–108)	Aug. 3, 1973
Maine:	
AP–803(AQ–2116)	Apr. 27, 1973
Maryland:	
AP–803(AQ–2116)	Do.
Massachusetts:	
AP–803(AQ–2116)	Do.
AQ–3031(AQ–3174)	Nov. 2, 1973
AQ–3038(AQ–3171); AQ–3039(AQ–3172); AQ–3040(AQ–3173); AQ–3041 & AQ–3042(AQ–3175); AQ–3043 & AQ–3044(AQ–3176); AQ–3045(AQ–3178)	Nov. 23, 1973
AQ–3071(AQ–3172)	Dec. 14, 1973
AQ–3072(AQ–3178)	Jan. 4, 1974
AQ–3083 & AQ–3084(AQ–3177)	Feb. 1, 1974
AQ–3160(AQ–3179)	Apr. 5, 1974
New Hampshire:	
AP–803(AQ–2116)	Apr. 27, 1973
New Jersey:	
AP–803(AQ–2116)	Do.
AP–846(AQ–2119)	June 8, 1973
New York:	
AP–803(AQ–2116)	Apr. 27, 1973
Oklahoma:	
AQ–22(AQ–96)	Aug. 31, 1973
Oregon:	
AQ–1079(AQ–1102)	Feb. 8, 1974
AQ–1100(AQ–1103)	Apr. 26, 1974
Pennsylvania:	
AP–803(AQ–2116)	Apr. 27, 1973
Rhode Island:	
AP–803(AQ–2116)	Do.
Texas:	
AQ–78(AQ–98)	Feb. 1, 1974
AQ–40, AQ–41(AQ–105)	Oct. 26, 1973
AQ–66, AQ–67(AQ–106)	Dec. 28, 1973

Signed at Washington, D.C., this 3rd day of May 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

[AQ–106 P. 4]

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1—Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick—power operated (all types); Clam Shell; Draglines; Push Cat Operator; Bull Dozer & all types Cat Tractors; Cable-Way; Backhoe; Shovel, power operated; Crane, power operated (all types); Elevating Grader, Self-propelled; Hoist, Motor-Driven, Two Drums or more; Mix Mobile; Water Well Drilling Machines, Used on Construction; Building Elevator, used on Construction; Tug Boat Operator, Assigned to Construction; Winch Truck; Locomotive Crane; Concrete Mixer, 14 cu. ft. or more; Paving Mixer (all types); Pile Driver; Scraper, Heavy Type, over 3 cu. yds.; Trenching Machines (all sizes); Gradall; High-Lift; Foundation Boring Machine; Gasoline or Diesel Driven Welding Machines, 7 or more; Pumpcrete Machine Operator; Turnapulls; DW–10 Caterpillar, S–18 Euclid and similar Tractors; Asphalt Plant Mixer Operator on job; Crusher Operator on job; Scoopmobiles; Forklift used on construction (not including warehousing); Well Point Pump; Concrete Batch Plant Operator; Pneumatic Rollers, Self-propelled; All other equipment of similar nature coming under the Heavy Equipment Class, when power operated.

GROUP 2—Air Compressors; Blade Grader, Towed; Flex Plane; Form Grader; Concrete Mixer, less than 14 cu. ft.; Pumps; Pulsometer; Truck crane Driver; Gasoline or diesel Driven Welding Machine (on 3 or more, up to 6 machines); Hoist, Single Drum; Scraper, 3 cu. yds. or less; Wagon Drill Operator; Conveyor; Generator, Gasoline or Diesel-driven, over 1500 watts; Rubber Tired Farm Tractor with attachments; A light Equipment Operator may run 1 or 2 105 cfm compressors; All other equipment of similar nature coming under the Light Equipment Class, when power operated.

GROUP 3—Fireman.

GROUP 4—Oiler.

NEW DECISION

STATE: Mississippi COUNTY: Warren
DECISION NO.: AQ-4112 DATE: See Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

76-Mississippi-1-a

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.35	.30			
Boilermakers	7.13	.40	.70		.01
Bricklayers: Stonemasons	6.22				.02
Carpenters; Soft floor layers	6.30				
Cement masons	5.35	.25			
Electricians:					
Electricians	6.85		1% + .50		1/10 of 1%
Cable splicers	7.10		1% + .50		1/10 of 1%
Elevator constructors	6.13	.345	.23	2%+a&b	.015
Elevator constructors' helpers	70%JR	.345	.23	2%+a&b	.015
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	5.20				
Ironworkers	6.40	.30	.25		.04
Laborers:					
Laborers	2.60				
Mortar mixers	2.70				
Lathers	6.45				.01
Millwrights	6.90				
Painters:					
Brush; Drywall tapers; Rollers	5.05	.15			
Spray	5.55	.15			
Structural steel	5.30	.15			
Piledrivermen	6.90				
Plasterers	6.15	.25			.01
Plumbers; pipefitters	7.20			c	.05
Roofers	5.85				
Sheet metal workers	5.85	.25			
Truck Drivers:					
1½ to 5 tons	3.75				
Over 5 tons	4.40				

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. 6 paid holidays: A through F
b. Employer contributes 4% of regular hourly rate to Vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation pay credit for employee who has worked in business less than 5 years.
c. 2 paid holidays: D & F

Mississippi-1-PEO 1-K

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
Group A						
Engineer, operating under air pressure	$7.20	.25	.25			
Group B						
Mechanic	6.25	.25	.25			
Group C						
Asphalt plant; backhoe; blacksmith, boom tractor, bulldozer, central mixing plant, cherry picker, clamshell, Crane, Derrick, Derrick car, Derrick boat, Dragline, Dredge, Elevating grader, Excavator (power belt), Fork lift (5 ton & over), Hoists (2 drum in active use), Locomotive engineer, Marine engineer (chief), Master pilot, Mixer-mobile, Motor patrol and similar type equipment, Paver (21 c.f. or larger), Pile driver, Recharger, Scoop (skimmer), Scraper, Shovel, Trenching machine (over 18" bucket line width), Turna-pull (Dw-10 and similar pull type scrapers), Traxcavator and similar end-loaders, Welder, Welding machines and pumps (operating 2 to 6 machines), Well driller, Well point pumps	6.00	.25	.25			
Group D						
Asphalt spreader (bituminous distributor), Asphalt spreader (bituminous mixer), Backfilling machine, Conveyor, Drill (earth), Finishing machine, Fireman, Forklift (over 2 ton and less than 5 ton), Heating plant, Hoist (one drum), Marine engineers assistant, Mixer, Pay-loader and similar endloaders, Pilot, Power generating plant, Pump (concrete), Roller, Scoopmobile, Tractor (with power take-off), Trenching machine (18" or smaller bucket line width), Tug-boat, Well driller (1st helper), Winch truck & tractor, small Rubber-Tired with Backhoe attachment	5.55	.25	.25			
Group E						
Air compressor, Batch scale, Deckhand, Forklift (2 ton & under), Form grader, Locomotive hostler, Mechanic helper, Motorboat (in or outboard), Oiler, Pump, Roughneck, Scowman, Tractor (w/ attachments), Welding machine	4.85	.25	.25			

Booms, including jib:
25¢ per hour above regular rate - 100 feet to and including 200 feet.
50¢ per hour above regular rate - 201 feet to and including 300 feet.
75¢ per hour above regular rate - 301 feet and above.

Operators servicing other crafts shall draw rate of pay not less than journeyman rate of craft being serviced.

NEW DECISION

STATE: PUERTO RICO COUNTY: ISLAND WIDE

DECISION NO.: AQ-2,117 DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

11-PUERTO RICO-R-1-B

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$2.00				
Carpenters	2.19				
Carpenters' helpers	1.83				
Cement masons	2.21				
Electricians	2.335				
Ironworkers:					
Reinforcing	1.93				
Laborers:					
Laborers	1.70				
Painters:					
Brush	2.00				
Plumbers & pipefitters	2.20				
Plumbers' helpers	1.95				
Terrazzo workers	2.75				
Truck drivers	1.95				
Welders	2.66				
Welders' helpers	1.80				
POWER EQUIPMENT OPERATORS:					
Bulldozer	3.40				
Crane	3.45				
Grader	3.40				
Digger, transcavator	2.15				

NEW DECISION

STATE: Tennessee
DECISION NO.: AQ-4114
COUNTY: Rutherford
DATE: See Date of Publication
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

75-Tennessee-1-D (1-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$7.75	.35	.15		
A/C & Htg. Mechanics	5.00				
Bricklayers	6.43				
Carpenters	4.91				
Cement Masons	4.93				
Electricians	4.93				
Elevator constructors	6.60	.395	.26	2½%a&b	.02
Elevator constructors' helpers	70%JR	.395	.26	2½%a&b	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	6.60	.35	.40		.02
Ironworkers:					
Structural, reinforcing	4.56				
Laborers:					
Unskilled	3.00				
Air tool operator	3.75				
Asphalt Raker	3.00				
Mason tender	4.00				
Lathers	5.50				
Painters, brush	6.20		.30		.05
Plasterers	6.10	.20	.20		.01
Plumbers	4.90				
Roofers	3.85				
Sheet metal workers	4.00				
Tile Setters	5.10				
Tile Setter Helpers	3.08				
Truck Drivers	2.76				
Welders - Rate for Craft.					
POWER EQUIPMENT OPERATORS:					
Backhoe	3.25				
Bulldozers	4.26				
Cranes	4.00				
Front end loaders	5.45				
Graders	4.53				
Paver, asphalt	3.00				
Mechanic	5.45				

75-Tennessee-1-D (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor 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.

NEW DECISION

STATE: Texas

COUNTIES: Bell, Bosque, Coryell, Falls, Hill & McLennan

DECISION NO.: AQ-97

DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AQ-100 for Paving & Utilities Incidental to Building Construction in Bosque, Falls, Hill & McLennan Counties)

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Bell, Coryell & Falls Counties	$7.68	.30	.30		.08
Bosque, Hill & McLennan Counties	7.56	.30	.51		.02½
BOILERMAKERS	7.00	.30	.76		.02
BRICKLAYERS	7.00		.15		.03
CARPENTERS:					
Carpenters:					
Bell & Coryell Counties	6.92				
Bosque, Falls, Hill & McLennan Counties	6.34	.125			
Millwrights & Piledrivermen:					
Bosque, Falls, Hill & McLennan Counties	6.74	.125			
CEMENT MASONS	5.70				
ELECTRICIANS:					
Bosque, Hill & McLennan Counties; Parts of Bell & Coryell Counties (north of Cowhouse Creek)	7.45		1%		1/4%
Parts of Bell & Coryell Counties (south of Cowhouse Creek)	7.90		1%		.8%
ELEVATOR CONSTRUCTORS	7.20	.345	.23	2%+a+b	.015
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	5.55				
IRONWORKERS	6.765	.40	.50		.12
LABORERS:					
Unskilled	2.97				
Mason tenders	3.55				
Mortar mixers	3.55				

DECISION NO. AQ-97

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Bosque, Coryell, Falls, Hill & McLennan Counties:					
Brush	$5.35				
Boiler pipes & steel, structural steel, window jacks, roofs, stage work, smoke stack, water towers, boatswain chair	5.85				
Ames tools for dry walls	5.95				
Spray work & self feeding rollers	6.10				
Steam cleaning, sandblasting & hazardous work	6.45				
Bell County:					
Brush	4.40				
Tapers, floater & dry wall finishers	4.65				
Stage work; Boatswain chair	4.90				
Window jacks, Steel brushing	4.875				
Spray; Sandblasting	5.65				
PLASTERERS	6.30				.01
PLUMBERS & PIPEFITTERS:					
ZONE 1 - Area within a 35 mile radius of Waco, including Temple, Marlin, Clifton & Hillsboro	7.25				.02
ZONE 2 - All other areas	7.65				.02
ROOFERS:					
Slate, tile, asbestos, roofing & siding	5.35				.03
Composition, built-up, damp & waterproofing	5.20				.03
SHEET METAL WORKERS:					
ZONE 1 - Within a radius of 20 miles from the McLennan County Court House, Waco	6.70		.15	.20	.02
ZONE 2 - Over 20 miles but less than 45 miles	7.20		.15	.20	.02
ZONE 3 - Over 45 miles	7.70		.15	.20	.02
SPRINKLER FITTERS	8.50	.40	.60		.07
TRUCK DRIVERS	2.80				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

DECISION NO. AQ-97

BUILDING CONSTRUCTION

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2% over 5 yrs. - 4% of basic hourly rates.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Linemen	$8.53		1%		1/2%
Cable splicer	9.38		1%		1/2%
Lineman operator	8.53		1%		1/2%
Groundman, 1st 6 months	5.12		1%		1/2%
Groundman, 2nd 6 months	5.54		1%		1/2%
Groundman, 1 year & over	5.97		1%		1/2%
POWER EQUIPMENT OPERATORS:					
Group 1	7.13		.40		
Group 2	6.26		.40		
Group 3	5.285		.40		
Group 4	5.185		.40		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Heavy Duty Mechanic; Blade Grader - Self-propelled; Bull Clam; Back Filler; Derricks, power operated (all types); Dragline; Push Cat Operator; Euclid Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back Hoe; Crane, Power Operated (all types); Elevating Grader, self-propelled; Hoist, Motor Driven, two drums or more; Mix Mobile; High-Lifts & loaders, over 1/3 cu. yd. capacity; Winch Truck; Locomotive; Mixer, 14 cu. ft. or over; Paving Mixer (all sizes); Scraper; Trenching Machine (all sizes); Gradall; Foundation Boring Machine; Scoopmobile; Shovel, Power Operated; Pump Crete Machine; Clam Shell Operator; Rock Crusher Operated on Job; Welding Machine, 6 to 12; Two 125 cu. ft. Compressors; Well points, including installations

GROUP 2 - Blade Grader, Towed; Flex Plane; Form Grader; Mixer, less than 14 cu. ft.; Pulsometer; Truck Crane Driver & Oiler, Combination man; Gasoline or Diesel Driven Welding Machine, 3 to 6; Hoist, Single Drum; Pump, 2½ in. or larger; Pneumatic Roller; High-Lifts & Loaders, 1/3 cu. yd. or less; Forklift, 1500 lbs. capacity or less; Air Compressors, anytime there are two or more attachments operating on a 125 cu. ft. compressor, a light equipment operator shall be employed. One 125 cu. ft. air compressor and one welding machine requires no operator. One 125 cu. ft. compressor and two welding machine or any 2 air compressors equivalent to a 125 cu. ft. air compressor requires a light equipment operator

GROUP 3 - Fireman

GROUP 4 - Oiler

DECISION NO. AQ-97

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Tool Man	$2.80				
Asphalt Heaterman	2.60				
Asphalt Raker	3.25				
Batching Plant Scaleman	3.00				
Carpenter	3.25				
Carpenter Helper	2.70				
Concrete Finisher (Structures)	3.50				
Concrete Finisher Helper (Structures)	2.80				
Concrete Rubber	2.95				
Electrician	5.00				
Form Builder (Structures)	3.50				
Form Builder Helper (Structures)	3.00				
Form Setter (Paving and Curb)	3.60				
Form Setter (Structures)	3.50				
Form Setter Helper (Structures)	2.50				
Laborer, Common	2.00				
Laborer, Utility Man	2.50				
Mechanic	4.00				
Mechanic Helper	2.50				
Oiler	3.25				
Serviceman	2.25				
Pipelayer	3.25				
Pipelayer Helper	2.25				
Plumbers:					
Zone 1 - 35 mile radius of Waco, Texas including town of Temple	7.25				.02
Zone 2 - all area not included in Zone 1	7.65				.02
Powderman	3.25				
Reinforcing Steel Setter (Paving)	3.75				
Reinforcing Steel Setter (Structures)	3.50				
Reinforcing Steel Setter Helper	2.50				
Sign Erector	3.00				
Spreader Box Man	3.00				
Swamper	2.65				

DECISION NO. AQ-97

INCIDENTAL PAVING & UTILITIES (BELL & CORYELL COUNTIES)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Asphalt Distributor	$3.00				
Asphalt Paving Machine	3.25				
Bulldozer, 150 HP and less	3.25				
Bulldozer, over 150 HP	3.50				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	3.75				
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY & over)	4.00				
Crusher or Screening Plant Operator	3.50				
Foundation Drill Operator (Truck Mounted)	4.40				
Front End Loader (2½ CY & less)	3.25				
Front End Loader (Over 2½ CY)	3.50				
Motor Grader Operator, Fine Grade	4.00				
Motor Grader Operator	3.50				
Roller, Steel Wheel (Plant-Mix Pavements)	2.90				
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.50				
Roller, Pneumatic (Self-Propelled)	2.25				
Scrapers (17 CY and Less)	3.25				
Scrapers (Over 17 CY)	3.50				
Tractor (Crawler Type) 150 HP and Less	3.00				
Tractor (Crawler Type) over 150 HP	3.25				
Tractor (Pneumatic) 80 HP and Less	2.50				
Tractor (Pneumatic) over 80 HP	3.10				
Trenching Machine, Heavy	4.00				
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00				
Truck Drivers:					
Single Axle, Light	2.50				
Single Axle, Heavy	2.50				
Tandem Axle or Semitrailer	2.50				
Weighman (Truck Scales)	2.25				
Welder	3.50				

NEW DECISION

STATE: Washington COUNTY: Yakima
DECISION NUMBER: AQ-1108 DATE: Date of Publication

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.
CARPENTERS	6.45	.50	.60		.01
CEMENT MASONS	7.00	.50	.50		.01
ELECTRICIANS	6.44	.35	1% + .40		.02
LABORERS	5.20	.50	.60		.03
PAINTERS, Brush	6.44	.21	.35		.01
PLUMBERS	7.96	.33	.85	.49	.08
ROOFERS	6.95	.20	.20		
SHEET METAL WORKERS	7.65	.32	.50		

DECISION #AQ-4095 - Mod. #2
(39 FR 11817 - March 29, 1974)
Jefferson County, Alabama

Omit:
Modification #1:
Power equipment operators:
Group C: apprentice engineer (oilers-firemen)

Add:
Modification #1:
Power equipment operators:
Group C: oilers-firemen

DECISION #AQ-1094 - Mod. #2
(39 FR 11004 - March 22, 1974)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$8.50	.65	1.00	.50	.02
Elevator Constructors					
Kern County (North of Tehachapi Range)					
Elevator Constructors	9.73	.395	.26	2%+a	.02
Elevator Constructors' Helpers	70%JR	.395	.26	2%+a	.02
Painters					
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 Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	8.25	.305	.40	.30	
Structural steel and bridge; Paint burner; Taper	8.37	.305	.40	.30	
Brush swing stage (13 stories or less); Paperhanger; Sandblaster; Spray	8.50	.305	.40	.30	
Brush swing stage (over 13 stories)	8.62	.305	.40	.30	
Structural steel and bridge, swing	8.65	.305	.40	.30	
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	8.75	.305	.40	.30	
Steeplejack	9.50	.305	.40	.30	
Roofers					
Inyo, Kern and Mono Counties	7.75	.50	.50		

MODIFICATIONS P. 3

DECISION #AQ-1094 - (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
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	8.52	.74	1.20		

DECISION #AQ-1095 - Mod. #2
(39 FR 11013 - March 22, 1974)
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

Change:

Boilermakers	8.50	.65	1.00	.50	.02
Elevator Constructors					
Kern County (North of Tehachapi Range)					
Elevator Constructors	9.73	.395	.26	2%+a	.02
Elevator Constructors' Helper	70%JR	.395	.26	2%+a	.02
Painters					
Kern (Lancaster, Mohave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (West of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	8.25	.305	.40	.30	
Structural steel and bridge; Paint burner; Taper	8.37	.305	.40	.30	
Brush swing stage (13 stories or less); Paperhanger; Sandblaster; Spray	8.50	.305	.40	.30	

MODIFICATIONS P. 4

DECISION #AQ-1095 (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Brush swing stage (over 13 stories)	$8.62	.305	.40	.30	
Structural steel and bridge, swing	8.65	.305	.40	.30	
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	8.75	.305	.40	.30	
Steeplejack	9.50	.305	.40	.30	
Roofers					
Kern County	7.75	.50	.50		
Sheet Metal Workers					
Imperial County	8.93	.74	1.20		
Kern, Los Angeles (North of line between Gorman and Big Pines, and Mono Counties	8.52	.74	1.20		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-1097 - Mod. #1 (39 FR 1097 - April 12, 1974) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Logan, Morgan, Park, Summit and Weld Counties, Colorado					
Change:					
Building Construction:					
Cement Masons:					
Remaining Counties (including Elbert County, except S. E. corner, and N. 1/2 of Park County)					
Cement masons	$ 6.78	.37	.80	.60	.06
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.03	.37	.80	.60	.06
Eagle and Summit Counties					
Cement masons	6.43	.37	.80	.60	.06
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	7.68	.37	.80	.60	.06
S. E. Corner of Elbert, Lake and Southern 1/2 of Park Counties					
Cement masons	6.53	.37	.80	.60	.06
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	6.78	.37	.80	.60	.06
Glaziers	8.04				

DECISION #AQ-1097- Mod. #1 (Cont'd)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 5.30	.35	.25	.10	
DUMP TRUCKS, to and incl. 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.40	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to & incl. 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.50	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.55	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.60	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to & incl. 19 cu. yds.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.65	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and Hoisting	5.70	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.75	.35	.25	.10	
MECHANICS	5.80	.35	.25	.10	

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters	$6.57	.45	.45	.30	.04
Underground Carpenters	6.72	.45	.45	.30	.04
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continously assigned to 1½ HP saws at jobsite	6.82	.45	.45	.30	.04

DECISION #AQ-1097 - Mod. #1(Cont'd) MODIFICATIONS P. 7

CO-1-TD-1-2-3-e (2-2)

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to & incl. 29 cu. yds.; Truck driver snow plow	$ 5.85	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and incl. 15 cu. yds.	5.90	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to & incl. 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.00	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.15	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to & incl. 54 cu. yds.	6.20	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to & incl. 79 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to & incl. 104 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS over 104 cu. yds.	6.80	.35	.25	.10	

MODIFICATIONS P.8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-101 - Mod. #1 (39 FR 13456 - April 12, 1974) Cerro Gordo County (Mason City), Iowa Change County to Cerro Gordo (Mason City)						
DECISION #AQ-102 - Mod. #1 (39 FR 13460 - April 12, 1974) Webster County (City of Fort Dodge), Iowa Change County to Webster (City of Fort Dodge)						
DECISION # AQ-4063 - Mod #3 (39 FR 7016 - February 22, 1974) Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliot, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Larue, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington, and Woodford Counties, Kentucky. Change: Modification #1 dated April 26, 1974 to read "Modification #2."						

DECISION #AQ-3066 - Mod. #3
(38 FR 35178 - December 21, 1973)
Muskegon and Oceana Counties, Michigan

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CHANGE:						
Boilermakers	$8.83	.60	1.00	1.00	.01	
Cement masons	7.13	.32	.18		.02	
Stone masons	7.92	.25	.50			
Power Equipment Operators (Underground Construction):						
Class I	9.39	.55	.65		.05	
Class II	9.26	.55	.65		.05	
Class III	8.53	.55	.65		.05	
Class IV	7.96	.55	.65		.05	
Oiler and Firemen	7.96	.55	.65		.05	

DECISION #AQ-2,091 - Mod. #2
(39 FR 11830 - March 29, 1974)
Somerset County, New Jersey

Change:					
Laborers, Building:					
Bernardsville, Peapack, Gladstone, Far Hills, Basking Ridge, Liberty Corners, Lyons (VA Hospital)	7.05	.45	.40		
Remainder of County	6.95	.55	.55		
Marble Setters	7.80	.78	.94		
Marble Setters' Helpers	7.33	.74	.88		
Plumbers & Steamfitters	9.32	.40	.90	1.00	.15
Omit:					
Painters schedule as originally issued					
Add:					
Painters:					
Franklin Township:					
Commercial	7.15	.65	.50		
Steel, tanks, towers, steeples, stacks and bridges	8.25	.65	.50		
Spray	8.25	.65	.50		
Remainder of county:					
Commercial	7.80	.45	.50	.10	
Exterior work exceeding 30', Interior work over 20' and structural steel under 30'	7.95	.45	.50	.10	
Spray	8.27	.45	.50	.10	
Bridges, towers and structural steel over 30'	8.40	.45	.50	.10	

DECISION #AM-3611 - Mod. #3
(36 FR 16769 - August 25, 1971)
Tulsa County, Oklahoma

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Change:						
Modification No. one in Federal Register issued May 3, 1974 to read "Modification No. three"						

DECISION #AQ-2013 - Mod. #3
(38 FR 22347 - August 17, 1973)
Montgomery County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Cement Masons & Plasterers:					
Pennsburg & Pattstown	$8.305		.215		
Electricians:					
Pottsgrove, Upper Pottsgrove, Douglas and Pottstown	9.19	.33	1%		.03
Painters caulkers, cleaners	8.25	.35	.50		

DECISION #AQ-2025 - Mod. #3
(38 FR 29184 - October 19, 1973)
Berks County, Pennsylvania

Change:					
Bricklayers & Stonemasons	7.95	.45	.50		
Carpenters	7.78	.47	.40		.015
Cement Masons	8.305		.215		
Electricians:					
Marion, Tulpehocken & Bethel Twps.	8.31	.25	1%		.01
Remainder of County	9.19	.33	1%		.03
Millwrights	8.30	.47	.40		.015
Roofers:					
Albany, Maxstany and Windsor Composition & Slate	8.35	.25	.25		
Remainder of County:					
Composition, damp and waterproofers	8.725	.375	.10	d	
Precast slabs	9.525	.375	.10	d	
Slate, tile asbestos	9.175	.375	.10	d	
Sheet Metal Workers	8.43	.52	.50		
Soft Floor Layers	7.78	.47	.40		.015

FOOTNOTE:
d. Paid Holidays: Election Day and Labor Day.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2044 - Mod. #2 (39 FR 7015 - February 22, 1974) Northumberland County, Pennsylvania					
Change:					
Plumbers & Steamfitters	$8.90	.30	.40		.12
Sheet Metal Workers	8.37	.25	.30		.04
DECISION #AQ-2050 - Mod. #2 (39 FR 5938 - February 15, 1974) Schuylkill County, Pennsylvania					
Change:					
Electricians:					
North Manheim, South Manheim, West Brunswick, Wayne Washington, Pottsville, Schuylkill Haven Twps:	9.19	.33	1%		.03
Pine Grove	8.31	.25	1%		½ of 1%
Sheet Metal Workers	8.37	.25	.30		.04
DECISION #AQ-2055 - Mod. #3 (39 FR 5940 - February 15, 1974) Lancaster County, Pennsylvania					
Change:					
Electricians:					
W. Calico, E. Calico, Brecknock, E. Carl, & Caernarvon	9.19	.33	1%		.03
DECISION #AQ-2078 - Mod. #1 (39 FR 11800 - March 29, 1974) Chester County, Pennsylvania					
Change:					
Electricians:					
West Clan, West Brandywine, Honey Brook, Wallace, West Natmeal, Warwick, South Coventy, Valley Twps. & Coatesville	$9.19	.33	1%		.03
Elevator Constructors	9.52	.395	.26	2%+a+b	.02
Elevator Constructors Helpers	6.66	.395	.26	2%+a+b	.02
Elevator Constructors Helpers (prob.)	4.76				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-69 - Mod. #3 (38 FR 35582 - December 28, 1973) Lubbock County, Texas						
Change:						
Building Construction:						
Cement masons	$5.75					
Laborers:						
Construction laborers, including excavation, pouring concrete, carpenter tenders, reinforcing, shoring, digging, loading and unloading materials, wrecking building and all structures and all construction laborers except those named below	3.875	.275			.01	
Air tool operator (jackhammer, vibrator, tamper, brush hammer, chipping hammer, air or electric), power buggy man, pipelayer (concrete and clay and all non-metallic pipe); handling, laying and cleaning pumpcrete pipe	4.15	.275			.01	
Mortar mixers, mason tenders, plasterer tenders, cement finishers tenders, lather tenders	4.075	.275			.01	
Wagon drill	4.225	.275			.01	
Blasters and powder make-up men	4.475	.275			.01	

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: El Paso
DECISION NUMBER: AQ-1104 DATE: Date of Publication
Supersedes Decision No. AQ-1012 dated August 17, 1973, in 38 FR 22322
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 8.47	.33	.72		
BOILERMAKERS	8.25	.30	1.00		.02
BRICKLAYERS; Stonemasons	8.12	.30	.50		.02
CARPENTERS:					
Zone I (0-30 miles from nearest basing point)	6.87	.45	.45	.30	.04
Zone II (30-60 miles from nearest basing point)	7.12	.45	.45	.30	.04
Zone III (60 miles and over from nearest basing point)	7.37	.45	.45	.30	.04
Millwrights	7.24	.45	.40	.40	.04
CEMENT MASONS:					
Cement masons	6.90	.30	.50	.60	.03
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25' or above permanent floor, roof or solidly planked opening; All power troweling, floating or floor grinding machines	7.15	.30	.50	.60	.03
ELECTRICIANS	8.32	.32	1% + .25		.01
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS	7.75	.55	.60		.06
MARBLE SETTERS	7.14	.30	.50		
PAINTERS:					
Brush and roller; Tapers; Texture	6.50	.45	.20		.02
Paperhangers; Spray; Steel	7.05	.45	.20		.02
PLASTERERS	8.19			.50	.01
PLUMBERS; Pipefitters	7.33	.50	.50	1.17	.05
ROOFERS	7.58				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT FLOOR LAYERS	6.60	.35	.30	.25	.03
SPRINKLER FITTERS	8.85	.40	.60		.05
TERRAZZO WORKERS	7.60	.53	.40	.25	
TILE SETTERS	7.14	.30	.50		
MARBLE, TILE AND TERRAZZO WORKERS HELPERS	5.65	.38	.20	.25	

FOOTNOTE:

a. Employer contributes 4% basic hourly rate for over 5 years' service; 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

BUILDING CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
General laborers	$ 4.75	.37	.40		.05
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechanical, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.30	.37	.40		.05
Mason tenders, brick and plaster	5.35	.37	.40		.05
HEAVY AND HIGHWAY CONSTRUCTION					
Carpenters	6.57	.45	.45	.30	.04
Underground Carpenters	6.72	.45	.45	.30	.04
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1 1/2 H.P. saws at jobsite	6.82	.45	.45	.30	.04
Cement Masons (Construction - outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06
Cement Masons (Construction - Denver Metropolitan Area)	6.13	.37	.80	.30	.06

CO-1-TD-1-2-3-e (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 5.30	.35	.25	.10	
DUMP TRUCKS, to and incl. 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.40	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to & incl. 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.50	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.55	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.60	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to & incl. 19 cu. yds.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.65	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and Hoisting	5.70	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.75	.35	.25	.10	
MECHANICS	5.80	.35	.25	.10	

CO-1-TD-1-2-3-e (2-2)

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to & incl. 29 cu. yds.; Truck driver snow plow	$ 5.85	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and incl. 15 cu. yds.	5.90	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to & incl. 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.00	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.15	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to & incl. 54 cu. yds.	6.20	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to & incl. 79 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to & incl. 104 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS over 104 cu. yds.	6.80	.35	.25	.10	

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$4.55	.37	.40		.05
GROUP 2:	4.60	.37	.40		.05
GROUP 3:	5.68	.37	.40		.05
GROUP 4:	4.70	.37	.40		.05
GROUP 5:	4472	.37	.40		.05
GROUP 6:	4.83	.37	.40		.05
GROUP 7:	4.93	.37	.40		.05
GROUP 8:	5.00	.37	.40		.05
GROUP 9:	5.13	.37	.40		.05
GROUP 10:	5.18	.37	.40		.05
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pen Stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
GROUP 1:	4.55	.37	.40		.05
GROUP 2:	5.60	.37	.40		.05
GROUP 3:	4.77	.37	.40		.05
GROUP 4:	4.79	.37	.40		.05
GROUP 5:	4.88	.37	.40		.05
GROUP 5-A:	4.93	.37	.40		.05
GROUP 6:	5.00	.37	.40		.05

Line Construction - Colorado	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
Cable Splicer	$ 8.98	.35	1%		3/4%	
Lineman Cableman	8.43	.35	1%		3/4%	
Journeyman Lineman	8.37	.35	1%		3/4%	
Line Equipment Operator	7.12	.35	1%		3/4%	
Line Equipment Maintenance Man	7.12	.35	1%		3/4%	
Groundmen	5.87	.35	1%		3/4%	

LABORERS (TUNNELS)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1:	$ 4.55	.37	.40		.05	
Group 2:	5.15	.37	.40		.05	
Group 3:	5.25	.37	.40		.05	
Group 4:	5.33	.37	.40		.05	
Group 5:	5.40	.37	.40		.05	
Group 6:	5.55	.37	.40		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
Group 1:	5.25	.37	.40		.05	
Group 2:	5.40	.37	.40		.05	
Group 3:	5.50	.37	.40		.05	
Group 4:	5.68	.37	.40		.05	
Group 5:	5.78	.37	.40		.05	
Group 6:	5.83	.37	.40		.05	

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1:	$ 5.60	.37	.45	.20	.03	
Group 2:	5.95	.37	.45	.20	.03	
Group 3:	6.30	.37	.45	.20	.03	
Group 4:	6.45	.37	.45	.20	.03	
Group 5:	6.60	.37	.45	.20	.03	
Group 6:	6.75	.37	.45	.20	.03	
(For work in Tunnels, Shafts, and Raises)						
Brakeman	5.75	.37	.45	.20	.03	
Motorman	6.10	.37	.45	.20	.03	
Compressor (900 CFM & Over), serving tunnels, shafts and raises	6.20	.37	.45	.20	.03	
Air Tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03	
Concrete Placement Pumps 8" and Over Discharge; Mechanic-welder (heavy duty); Mucking machine and frontend loaders underground; Slusher	6.60	.37	.45	.20	.03	
Mole	7.00	.37	.45	.20	.03	

LABORERS (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Callapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado COUNTY: Statewide
DECISION NUMBER: AQ-1105 DATE: Date of Publication
Supersedes Decision No. AQ-1013 dated August 17, 1973, in 38 FR 22328
DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$ 6.57	.45	.45	.30	.04
CEMENT MASONS:					
Denver Metropolitan Area	6.13	.37	.80	.30	.06
Outside Denver Metropolitan Area	5.98	.37	.80	.30	.06
ELECTRICIANS:					
Adams, Arapahoe, Boulder, Clear Creek, Douglas, Eagle, Gilpin, Grand, Jackson, Jefferson, Lake, Larimer, Logan, Morgan, Phillips, Denver, Sedgwick, Summit, Washington and Weld Counties					
Electricians	8.38	.65	1% + .16		2/10%
Cable splicers	8.63	.65	1% + .16		2/10%
Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montezuma, Montrose, Ouray, Pitkins, Rio Blanco, Routt, San Juan and San Miguel Counties					
Electricians	8.15	.32	1%		3/10%
Cable splicers	8.40	.32	1%		3/10%
Archuleta, Baca, Bent, Chaffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, Rio Grande Counties					
Zone 1 (Within 12 miles of Pueblo Main P. O.)					
Electricians	8.50	.32	1% + .25		1/10%
Cable splicers	9.30	.32	1% + .25		1/10%
Zone 2 (12 to 20 miles from Pueblo Main P. O.) & (0 to 12 miles from P. O. in Canon City)					
Electricians	8.90	.32	1% + .25		1/10%
Cable splicers	9.70	.32	1% + .25		1/10%
Zone 3 (20 to 40 miles from Pueblo Main Post Office)					
Electricians	9.25	.32	1% + .25		1/10%
Cable splicers	10.05	.32	1% + .25		1/10%
ELECTRICIANS: (Cont'd)					
Zone 4 (40 miles and over from Pueblo Main Post Office)					
Electricians	$10.00	.32	1% + .25		1/10%
Cable splicers	10.80	.32	1% + .25		1/10%
Zone 3 and 4 less than $5,000					
Electricians	6.16	.32	1% + .25		1/10%
Cheyenne, Elbert, El Paso, Kit Carson, Lincoln, Park and Teller Counties					
Electricians	8.32	.32	1% + .25		.01
IRONWORKERS	7.75	.55	.60		.06
PAINTERS:					
Adams, Arapahoe, Boulder, Clear Creek, Delta, Denver, Douglas, Eagle, Elbert, Garfield, Gilpin, Grand, Gunnison, Jackson, Jefferson, Lake, Larimer, Logan, Mesa, Moffat, Montrose, Morgan, Park (Northern Half), Phillips, Pitkin, Rio Blanco, Routt, Sedgwick, Summit, Washington and Weld Counties					
Brush	7.41	.40	.15		.01
Spray, Swing Stage	7.89	.40	.15		.01
Baca, Bent, Crowley, Custer, Huerfano, Kiowa, Las Animas; Otero, Prowers and Pueblo Cos.					
Brush	5.53	.30			.02
Structural Steel: Spray	6.03	.30			.02
Spray Steel	6.53	.30			.02
Archuleta, Chaffee, Cheyenne, Delores, El Paso, Fremont, Gunnison, Hinsdale, Kit Carson, La Plata, Lincoln, Mineral, Montezuma, Auray, Park (Southern half), Rio Grande, Saguache, San Juan, San Miguel and Teller Counties					
Brush	6.50	.45	.20		.02
Spray, Structural Steel	7.05	.45	.20		.02
Steel Spray	7.50	.45	.20		.02
PILEDRIVERMEN	5.97	.35	.35	.25	.015

CO-1-TD-1-2-3-e (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 5.30	.35	.25	.10	
DUMP TRUCKS, to and incl. 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.40	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to & incl. 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.50	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.55	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.60	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to & incl. 19 cu. yds.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.65	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and Hoisting	5.70	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.75	.35	.25	.10	
MECHANICS	5.80	.35	.25	.10	

CO-1-TD-1-2-3-e (2-2)

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to & incl. 29 cu. yds.; Truck driver snow plow	$ 5.85	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and incl. 15 cu. yds.	5.90	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to & incl. 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.00	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.15	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to & incl. 54 cu. yds.	6.20	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to & incl. 79 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to & incl. 104 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS over 104 cu. yds.	6.80	.35	.25	.10	

LABORERS-	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$4.55	.37	.40		.05
GROUP 2:	4.60	.37	.40		.05
GROUP 3:	5.68	.37	.40		.05
GROUP 4:	4.70	.37	.40		.05
GROUP 5:	4.72	.37	.40		.05
GROUP 6:	4.83	.37	.40		.05
GROUP 7:	4.93	.37	.40		.05
GROUP 8:	5.00	.37	.40		.05
GROUP 9:	5.13	.37	.40		.05
GROUP 10:	5.18	.37	.40		.05
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pen Stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
GROUP 1:	4.55	.37	.40		.05
GROUP 2:	5.60	.37	.40		.05
GROUP 3:	4.77	.37	.40		.05
GROUP 4:	4.79	.37	.40		.05
GROUP 5:	4.88	.37	.40		.05
GROUP 5-A:	4.93	.37	.40		.05
GROUP 6:	5.00	.37	.40		.05

Line Construction - Colorado	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable Splicer	$ 8.98	.35	1%		3/4%
Lineman Cableman	8.43	.35	1%		3/4%
Journeyman Lineman	8.37	.35	1%		3/4%
Line Equipment Operator	7.12	.35	1%		3/4%
Line Equipment Maintenance Man	7.12	.35	1%		3/4%
Groundmen	5.87	.35	1%		3/4%

LABORERS (TUNNELS)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1:	$ 4.55	.37	.40		.05	
Group 2:	5.15	.37	.40		.05	
Group 3:	5.25	.37	.40		.05	
Group 4:	5.33	.37	.40		.05	
Group 5:	5.40	.37	.40		.05	
Group 6:	5.55	.37	.40		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
Group 1:	5.25	.37	.40		.05	
Group 2:	5.40	.37	.40		.05	
Group 3:	5.50	.37	.40		.05	
Group 4:	5.68	.37	.40		.05	
Group 5:	5.78	.37	.40		.05	
Group 6:	5.83	.37	.40		.05	

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POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1:	$ 5.60	.37	.45	.20	.03	
Group 2:	5.95	.37	.45	.20	.03	
Group 3:	6.30	.37	.45	.20	.03	
Group 4:	6.45	.37	.45	.20	.03	
Group 5:	6.60	.37	.45	.20	.03	
Group 6:	6.75	.37	.45	.20	.03	
(For work in Tunnels, Shafts, and Raises)						
Brakeman	5.75	.37	.45	.20	.03	
Motorman	6.10	.37	.45	.20	.03	
Compressor (900 CFM & Over), serving tunnels, shafts and raises	6.20	.37	.45	.20	.03	
Air Tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03	
Concrete Placement Pumps 8" and Over Discharge; Mechanic-welder (heavy duty); Mucking machine and frontend loaders underground; Slusher	6.60	.37	.45	.20	.03	
Mole	7.00	.37	.45	.20	.03	

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LABORERS

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Callapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado
DECISION NUMBER: AQ-1106
COUNTIES: Las Animas and Pueblo
DATE: Date of Publication

Supersedes Decision No. AQ-1063 dated December 7, 1973, in 38 FR 33888

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 8.47	.33	.72		
BOILERMAKERS	8.25	.30	1.00		.02
BRICKLAYERS	7.72	.30	.50		.04
CARPENTERS	6.87	.45	.45	.30	.04
CEMENT MASONS	6.43	.37	.80	.60	.06
ELECTRICIANS:					
Zone I (0-12 miles from Post Office)					
Electricians	8.50	.32	1% + .25		1/10%
Cable splicers	9.35	.32	1% + .25		1/10%
Zone II (12-20 miles from Post Office)					
Electricians	8.90	.32	1% + .25		1/10%
Cable splicers	9.75	.32	1% + .25		1/10%
Zone III (20-40 miles from Post Office)					
Electricians	9.25	.32	1% + .25		1/10%
Cable splicers	10.10	.32	1% + .25		1/10%
Zone IV (Over 40 miles from Post Office)					
Electricians	10.00	.32	1% + .25		1/10%
Cable splicers	10.85	.32	1% + .25		1/10%
Electrical contracts less than $5,000 in Zones III and IV	6.16	.32	1% + .25		1/10%
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS:					
Structural; Ornamental and Reinforcing	7.75	.55	.60		.06
MARBLE & TILE SETTERS, Terrazzo Workers	7.60	.53	.40	.25	
PAINTERS:					
Brush	5.53	.30			.02
Structural steel; Spray	6.03	.30			.02
Spray steel	6.53	.30			.02
PILEDRIVERMEN	$ 5.97	.35	.35	.25	.015
PLASTERERS	8.19			.50	.01
PLUMBERS:					
Zone I (0-15 miles from P. O.)	8.50	.50	.50		.05
Zone II (15-20 miles from P. O.)	9.07	.50	.50		.05
Zone III (20-40 miles from P. O.)	9.25	.50	.50		.05
Zone IV (Over 40 miles from P. O.)	9.875	.50	.50		.05
ROOFERS	7.58				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT FLOOR LAYERS (Las Animas Co.)	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	8.85	.40	.60		.05
SOFT FLOOR LAYERS (Pueblo Co.)	6.40		.30		

FOOTNOTE:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Line Construction - Colorado	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Cable Splicer	$ 8.98	.35	1%		3/4%	
Lineman Cableman	8.43	.35	1%		3/4%	
Journeyman Lineman	8.37	.35	1%		3/4%	
Line Equipment Operator	7.12	.35	1%		3/4%	
Line Equipment Maintenance Man	7.12	.35	1%		3/4%	
Groundmen	5.87	.35	1%		3/4%	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	O
BUILDING CONSTRUCTION:						
LABORERS:						
General laborers	$4.75	.37	.40		.05	
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05	
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechanical, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05	
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05	
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.30	.37	.40		.05	
Mason tenders, brick and plaster	5.35	.37	.40		.05	
HEAVY AND HIGHWAY CONSTRUCTION						
CARPENTERS	$ 6.57	.45	.45	.30	.04	
UNDERGROUND CARPENTERS	6.72	.45	.45	.30	.04	
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1 1/2 HP saws at jobsite	6.82	.45	.45	.30	.04	
CEMENT MASONS: (Construction - outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06	
CEMENT MASONS: (Construction (Denver Metropolitan Area)	6.13	.37	.80	.30	.06	

CO-1-TD-1-2-3-e (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 5.30	.35	.25	.10	
DUMP TRUCKS, to and incl. 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers, if used	5.40	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to & incl. 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.50	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.55	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.60	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to & incl. 19 cu. yds.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.65	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and Hoisting	5.70	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.75	.35	.25	.10	
MECHANICS	5.80	.35	.25	.10	

CO-1-TD-1-2-3-e (2-2)

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to & incl. 29 cu. yds.; Truck driver snow plow	$ 5.85	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and incl. 15 cu. yds.	5.90	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to & incl. 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.00	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.15	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to & incl. 54 cu. yds.	6.20	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to & incl. 79 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to & incl. 104 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS over 104 cu. yds.	6.80	.35	.25	.10	

LABORERS (Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$4.55	.37	.40		.05
GROUP 2:	4.60	.37	.40		.05
GROUP 3:	5.68	.37	.40		.05
GROUP 4:	4.70	.37	.40		.05
GROUP 5:	4.72	.37	.40		.05
GROUP 6:	4.83	.37	.40		.05
GROUP 7:	4.93	.37	.40		.05
GROUP 8:	5.00	.37	.40		.05
GROUP 9:	5.13	.37	.40		.05
GROUP 10:	5.18	.37	.40		.05
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pen Stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
GROUP 1:	4.55	.37	.40		.05
GROUP 2:	5.60	.37	.40		.05
GROUP 3:	4.77	.37	.40		.05
GROUP 4:	4.79	.37	.40		.05
GROUP 5:	4.88	.37	.40		.05
GROUP 5-A:	4.93	.37	.40		.05
GROUP 6:	5.00	.37	.40		.05

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LABORERS (TUNNELS)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1:	$ 4.55	.37	.40		.05	
Group 2:	5.15	.37	.40		.05	
Group 3:	5.25	.37	.40		.05	
Group 4:	5.33	.37	.40		.05	
Group 5:	5.40	.37	.40		.05	
Group 6:	5.55	.37	.40		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
Group 1:	5.25	.37	.40		.05	
Group 2:	5.40	.37	.40		.05	
Group 3:	5.50	.37	.40		.05	
Group 4:	5.68	.37	.40		.05	
Group 5:	5.78	.37	.40		.05	
Group 6:	5.83	.37	.40		.05	

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POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group 1:	$ 5.60	.37	.45	.20	.03	
Group 2:	5.95	.37	.45	.20	.03	
Group 3:	6.30	.37	.45	.20	.03	
Group 4:	6.45	.37	.45	.20	.03	
Group 5:	6.60	.37	.45	.20	.03	
Group 6:	6.75	.37	.45	.20	.03	
(For work in Tunnels, Shafts, and Raises)						
Brakeman	5.75	.37	.45	.20	.03	
Motorman	6.10	.37	.45	.20	.03	
Compressor (900 CFM & Over), serving tunnels, shafts and raises	6.20	.37	.45	.20	.03	
Air Tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03	
Concrete Placement Pumps 8" and Over Discharge; Mechanic-welder (heavy duty); Mucking machine and frontend loaders underground; Slusher	6.60	.37	.45	.20	.03	
Mole	7.00	.37	.45	.20	.03	

LABORERS(Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Callapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

SUPERSEDEAS DECISION

STATE: Colorado COUNTIES: Garfield, Gunnison, Mesa, Montrose and Pitkin

DECISION NUMBER: AQ-1107 DATE: Date of Publication

Supersedes Decision No. AQ-1062 dated December 7, 1973, in 38 FR 33881.

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories) and heavy construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 8.47	.33	.72		
BOILERMAKERS	8.25	.30	1.00		.02
BRICKLAYERS; Stonemasons;					
Mesa, Montrose, Garfield, Gunnison Cos.	7.45	.45	.60	.25	.05
Pitkin County	7.45	.45	.60	.25	.05
CARPENTERS:					
P. O. basing points in the Cities of Leadville, Fort Collins, Glenwood Springs, Grand Junction, Gunnison and Montrose					
Zone I (0-30 miles from nearest basing point)	6.87	.45	.45	.30	.04
Zone II (30-60 miles from nearest basing point)	7.12	.45	.45	.30	.04
Zone III (60 miles and over from nearest basing point)	7.37	.45	.45	.30	.04
CEMENT MASONS:					
Cement masons	6.43	.37	.80	.60	.06
Working with composition materials and color; Working on scaffold, swing stage or temporary platform over 25'; Power troweling and floor grinding machine	6.68	.37	.80	.60	.06
ELECTRICIANS:					
Electricians	8.15	.32	1%		3/10%
Cable splicers	8.40	.32	1%		3/10%
ELEVATOR CONSTRUCTORS	7.76	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	8.04				
IRONWORKERS;					
Structural; Ornamental & Reinforcing	7.75	.55	.60		.06
MILLWRIGHTS	7.24	.45	.40	.40	.04
PAINTERS:					
Brush and roller	$ 7.41	.40	.15		.01
Drywall finisher; Paperhangers	7.61	.40	.15		.01
Spray; Swing stage	7.89	.40	.15		.01
PLUMBERS	7.55	.50	.45	1.00	.10
ROOFERS	7.58				
SHEET METAL WORKERS	8.47	.30	.65		.07
SOFT FLOOR LAYERS	7.10	.35	.45	.30	.05
SPRINKLER FITTERS	8.85	.40	.60		.05

FOOTNOTE:

a. Employer contributes 5% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays; A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Line Construction - Colorado	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
Cable Splicer	$ 8.98	.35	1%		3/4%	
Lineman Cableman	8.43	.35	1%		3/4%	
Journeyman Lineman	8.37	.35	1%		3/4%	
Line Equipment Operator	7.12	.35	1%		3/4%	
Line Equipment Maintenance Man	7.12	.35	1%		3/4%	
Groundmen	5.87	.35	1%		3/4%	

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
General laborers	$ 4.75	.37	.40		.05
Underpinning and shoring 0' to 8' below working surface	4.75	.37	.40		.05
Underpinning and shoring 8' below working surface to any depth below working surface; Power tool operators or all mechanical, air, gas and electrical tools, incl. self-propelled buggies and cement finisher tenders; Pipelayers; Gunnite nozzlemen and sandblasters	5.03	.37	.40		.05
Laborers, preparing and placing of stone or any other aggregate in a sand bed to be used as exposed face of tiltup panels	5.05	.37	.40		.05
Jackhammer operator; Underpinning and shoring over 12' below working surface; Bellers and stemmers on caisson work	5.30	.37	.40		.05
Mason tenders, brick and plaster	5.35	.37	.40		.05
HEAVY AND HIGHWAY CONSTRUCTION					
CARPENTERS	$ 6.57	.45	.45	.30	.04
UNDERGROUND CARPENTERS	6.72	.45	.45	.30	.04
Working on creosoted material; High work 40' above ground or floor on exposed scaffold or boatswains chair; Piledriving; Sawmen continuously assigned to 1 1/2 HP saws at jobsite	6.82	.45	.45	.30	.04
CEMENT MASONS: (Construction - outside Denver Metropolitan Area)	5.98	.37	.80	.30	.06
CEMENT MASONS: (Construction (Denver Metropolitan Area)	6.13	.37	.80	.30	.06

CO-1-TD-1-2-3-e (1-2)

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS; Helpers; Scalemen; Checkers; Spotters; Dumpmen	$ 5.30	.35	.25	.10	
DUMP TRUCKS, to and incl. 6 cu. yds.; Sweeper; Flatrack, single axle; Liquid and bulk tankers, single axle; Warehousemen; Washers; Greasemen; Servicemen; Ambulance drivers. if used	5.40	.35	.25	.10	
DUMP TRUCKS, over 6 cu. yds. to & incl. 12 cu. yds.; Flatrack tandem axle; Battery men; Mechanic helpers; Material checkers; Cardex men; Expeditors; Man haul shuttle truck or bus	5.50	.35	.25	.10	
STRADDLE TRUCK; Lumber carrier; Liquid and bulk tankers, tandem axle	5.55	.35	.25	.10	
FORK LIFT, Fuel truck; Grease truck; Combination fuel and grease; Tiremen	5.60	.35	.25	.10	
DUMP TRUCKS, over 12 cu. yds., to & incl. 19 cu. yds.; Distributor; Cement mixer; Agitator truck to & incl. 10 cu. yds.; Liquid and bulk tankers, semi or combination	5.65	.35	.25	.10	
MULTI-PURPOSE TRUCK - Specialty and Hoisting	5.70	.35	.25	.10	
HIGH BOY; Lowboy; Floats; Semi; Cab operated distributor-semi; Liquid and bulk tankers, euclid, electric or similar; Dumptor, Youngbuggy, Jumbo and similar type equipment	5.75	.35	.25	.10	
MECHANICS	5.80	.35	.25	.10	

CO-1-TD-1-2-3-e (2-2)

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DUMP TRUCKS, over 19 cu. yds. to & incl. 29 cu. yds.; Truck driver snow plow	$ 5.85	.35	.25	.10	
CEMENT MIXER, Agitator over 10 cu. yds. to and incl. 15 cu. yds.	5.90	.35	.25	.10	
DUMP TRUCKS, over 29 cu. yds. to & incl. 39 cu. yds.; Heavy duty diesel mechanics; Body men; Welders or combination men	6.00	.35	.25	.10	
CEMENT MIXER, Agitator over 15 cu. yds.	6.15	.35	.25	.10	
DUMP TRUCKS, over 39 cu. yds. to & incl. 54 cu. yds.	6.20	.35	.25	.10	
DUMP TRUCKS, over 54 cu. yds. to & incl. 79 cu. yds.	6.40	.35	.25	.10	
DUMP TRUCKS, over 79 cu. yds. to & incl. 104 cu. yds.	6.60	.35	.25	.10	
DUMP TRUCKS over 104 cu. yds.	6.80	.35	.25	.10	

LABORERS-(Heavy Construction)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$4.55	.37	.40		.05
GROUP 2:	4.60	.37	.40		.05
GROUP 3:	5.68	.37	.40		.05
GROUP 4:	4.70	.37	.40		.05
GROUP 5:	4.72	.37	.40		.05
GROUP 6:	4.83	.37	.40		.05
GROUP 7:	4.93	.37	.40		.05
GROUP 8:	5.00	.37	.40		.05
GROUP 9:	5.13	.37	.40		.05
GROUP 10:	5.18	.37	.40		.05
(Pipelines)					
All mainline sewers; Water mains; Gas, oil or any product pipeline; Pen Stocks; Siphones or drainage lines; Pipe plants and yards not in connection with highway construction.					
GROUP 1:	4.55	.37	.40		.05
GROUP 2:	5.60	.37	.40		.05
GROUP 3:	4.77	.37	.40		.05
GROUP 4:	4.79	.37	.40		.05
GROUP 5:	4.88	.37	.40		.05
GROUP 5-A:	4.93	.37	.40		.05
GROUP 6:	5.00	.37	.40		.05

LABORERS (TUNNELS)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Group 1:	$ 4.55	.37	.40		.05	
Group 2:	5.15	.37	.40		.05	
Group 3:	5.25	.37	.40		.05	
Group 4:	5.33	.37	.40		.05	
Group 5:	5.40	.37	.40		.05	
Group 6:	5.55	.37	.40		.05	
(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)						
Group 1:	5.25	.37	.40		.05	
Group 2:	5.40	.37	.40		.05	
Group 3:	5.50	.37	.40		.05	
Group 4:	5.68	.37	.40		.05	
Group 5:	5.78	.37	.40		.05	
Group 6:	5.83	.37	.40		.05	

POWER EQUIPMENT OPERATORS (Other than for work in Tunnels, Shafts and Raises)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Group 1:	$ 5.60	.37	.45	.20	.03	
Group 2:	5.95	.37	.45	.20	.03	
Group 3:	6.30	.37	.45	.20	.03	
Group 4:	6.45	.37	.45	.20	.03	
Group 5:	6.60	.37	.45	.20	.03	
Group 6:	6.75	.37	.45	.20	.03	
(For work in Tunnels, Shafts, and Raises)						
Brakeman	5.75	.37	.45	.20	.03	
Motorman	6.10	.37	.45	.20	.03	
Compressor (900 CFM & Over), serving tunnels, shafts and raises	6.20	.37	.45	.20	.03	
Air Tractors; Grout machine; Gunnite machine; Jumbo form; Mechanic; Welder	6.45	.37	.45	.20	.03	
Concrete Placement Pumps 8" and Over Discharge; Mechanic-welder (heavy duty); Mucking machine and frontend loaders underground; Slusher	6.60	.37	.45	.20	.03	
Mole	7.00	.37	.45	.20	.03	

LABORERS - (Heavy Construction)

GROUP 1: Minimum laborer, including caissons to 8', carrying reinforcing rods; Work on cross culverts, connections and side drains in connection with highway work, whether corrugated metal or concrete pipe; Fence erectors; Metal Mesh; Dowel bars; Tie bars and chairs in concrete paving; Nursery man incl. seeding; mulching and planting of trees, shrubs and flowers; Stake chaser; Gabion baskets and Teno mattresses

GROUP 2: Chuck tenders; Nippers, core and diamond drill helpers; Powderman helpers

GROUP 3: Hot asphalt laborer; Rakers; Box-tenders; Asphalt curb machines; Potmen (not mechanical)

GROUP 4: Multi-plate culvert pipe; Air, gas and electric tools operators; Barco hammers; Spaders; Electric hammers; Air tampers; Cutting torches on demolition work; Caissons 8' to 12'; Cofferdams; Power operated concrete buggies; Operators of concrete saws on pavement (other than gang saws); Timber and chain saws; Stresser or stretcherman on post tension or pre-stressed concrete on or off jobsite; Tool room man and checkers; Cement finisher helper; Sandblaster helper; Concrete processing material monitor; Spotters; Signalmen; Dumpmen; Transverse concrete conveyor operator, mechanical grouters; Boring machines (air hydraulic); Automatic concrete power curbing machine; Jackhammer; Vibrators; Paving breakers; Frostproofing

GROUP 5: Any laborers performing bridge work over 40' above the ground or above a floor and working from a bos'n chair, swinging stage, life belt or block and tackle

GROUP 6: Gunniting and shotcrete helpers; Caissons over 12'; Cofferdams; Timbermen; Underpinning and shoring; Form setters and/or stringman on roads, highways, streets and airport runways; Distributor; Placing and hooking of landing mats; Bull float (hand operated) and center expansion machines; Sandblasters; Grade checkers if required by employer

GROUP 7: Powdermen and blasters; Gunnite nozzlemen; Shotcrete operator

GROUP 8: Pipelayer on truck pipe lines in connection with highway work

GROUP 9: Wagon drills and air tracks; Jackhammer operators in caissons over 12'; Bellers and stemmen; Licensed powdermen; Diamond and core drills powered by air

GROUP 10: Any work, other than on bridges, performed by laborers working from a bos'n chair, swinging stage, life belt or block and tackle as a safety requirement

LABORERS(Pipelines)

All mainline sewers; Water mains; Gas, oil or any product pipelines; Penstocks; Siphons or drainage lines; Pipe plants and yards not in connection with highway construction.

GROUP 1: Pipe plants and yards; Stringing of pipe or skids; Handling and signaling on line work

GROUP 2: Potman (not mechanical); Pipewrapper, Dopers, Jeep Holiday Detector Men, Bandage makers, Powdermen helpers

GROUP 3: Laborers working in trenches on all pipelines; Sewer, water, gas, oil, telephone conduit, pen stock, siphons, drainage lines, caulkers, yarners, fine graders, air, gas, electric and hydraulic tools, boring machines, hydraulic jacks, drills, tampers, etc.

GROUP 4: Sandblaster, powdermen and blasters, wiping of joint concrete pipe, inside and out; Labor, applicable to pipe coating or wrapping, plants and yards; Enamelers of pipe, inside and out

GROUP 5: (Relining Pipe)
Relining Pipe

GROUP 5-A: Mixer man

GROUP 6: Pipelayer

LABORERS (TUNNELS):

Group 1: Outside laborers

Group 2: Minimum tunnel labor, dry house man

Group 3: Cable or hose tenders, chuck tenders, concrete laborers, dumpman, whirley pumps operators

Group 4: Helpers on shotcrete, gunniting and sandblasting; Helpers, core and diamond drills; Pot tender

Group 5: Cement finisher helper, applying of concrete processing materials

Group 6: Callapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required) and all cutting and welding that is incidental to the miner's work; Tunnel liner plate setters; Vibrator men, internal and external; Unloading, stopping and starting of Moran Agitator Cars; Diamond and core drills; Cement finisher (underground); Shotcrete operator; Gunnite nozzlemen; Sandblaster; Pump concrete placement men

(SHAFTS, RAISES, MISSILE SILOS AND ALL UNDERGROUND WORK OTHER THAN TUNNELS)

Group 1: Laborers, Topmen, Bottommen, and Cagers

Group 2: Chucktenders, Concrete laborers, Whirley pumps operators

Group 3: Helpers on shotcrete, gunniting and sandblasting; Helpers on core and diamond drills; Pot tenders; Cement finisher helpers; Applying of concrete processing material

Group 4: Collapsible form movers and setters, miners, machinemen and bit grinders, nippers, powdermen and blasters, reinforcing steel setters, timbermen (steel or wood tunnel support, incl. the placement of sheeting when required); All cutting and welding that is incidental to the miner's work; Liner plate setters; Vibrator men, internal and external

Group 5: Diamond and core drill; Cement finisher (underground); Gunnite nozzlemen; Shotcrete operators; Sandblasters and pump concrete placement men

Group 6: Any employee performing work under ground from a bos'n chair, swinging stage, life belt or block and tackle

POWER EQUIPMENT OPERATORS
(Other than for work in Tunnels, Shafts and Raises)

Group 1: Asphalt screed; Brakeman; Drill operator, smaller than William MF and similar; Helper to heavy duty mechanic and/or Welder; Tractor operator (under 70 HP), with or without attachments; Oiler

Group 2: Air compressor; Ditch witch trenching machine and similar; Equipment lubricating and service engineer; Fork lift; Haulage motorman; Operators of five or more light plants, welding machines, compressors 360 C.F.M. or less, pumps, generators; Pugmill operator; Pugmill; Pumps; Portable screening plant with or without a spray bar; Screening plants - with classifier; Self-propelled rollers - 5 tons & under; Vacuum well point system

Group 3: Asphalt plant; Backfiller; Bituminous spreader or laydown machine; Cableway signalman; Caissons drill; (William MF, similar and larger; C.M.I. and similar; Concrete finish machine; Concrete gang saws on concrete paving; Concrete mixer (less than 1 yd.); Concrete placement pumps (under 8 in.); Conveyor (handling building materials); Distributors, bituminous surfaces; Drill, (diamond or core); Drills rigs (rotary, churn or cable tool); Elevating graders; Engineer fireman; Fireman or tank heater, Road; Grout machine; Gunnite machine; Hoists (1 drum); Loader (Barber Greene, etc.); Loader (up to and including 6 cu. yds.); Machine doctor mechanic; Motor grader (blade); Road stabilization machine; Roller-self-propelled-all types over 5 tons; Sandblasting machine; Single unit portable crusher-with or without washer; Tile tamper, Wheel mounted; Tractor (70 h.p. & over) (with or without attachments); Trenching machine; Welder; Winch op., on truck; Concrete batching plants

Group 4: Concrete mixer (over 1 cu. yd.); Concrete paver 34 E or similar; Concrete placement pumps (8 in. and over); Crane (50 tons and under); Hoists (2 drums); Loader - over 6 cu. yds.; Mechanic-Welder (heavy duty); Mixer-mobile; Multiple unit portable crusher - with or without washer; Pile driver; Fireman; Cable-operated crane, truck mounted, 25 tons and over; Cable operated power shovels, dragline; Clamshell, and backhoes (5 cu. yds. and under); Hydraulic backhoes, 1 1/2 cu. yds. and over); Special utility operator; Self-propelled hydrocrane; Tractor with side boom; Truck mounted hydrocrane; Scraper-single bowl under 40 cu. yds.

Group 5: Crane operator - over 50 tons; Derrick; Electric rail type tower crane; Hoist (3 drum or more); Cable-operated power shovels, draglines, clamshells and backhoes (over 5 cu. yds.); Quad nine and similar push unit; Scraper-all tandem bowls; Scraper-single bowl including pups 40 cu. yd. and over

Group 6: Cableway; Crawler or truck mounted tower crane; Wheel excavator; Climbing tower crane

STATE: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania and Rhode Island
DECISION NO.: AQ-2,116 DATE: Date of Publication
Supersedes Decision No. AP-803, dated April 27, 1973, in 38 FR 10580.
DESCRIPTION OF WORK: All dredging on the Atlantic Coast from the Canadian Border to the Southerly Border of the State of Maryland and tributary waters emptying into the C and D Canal, Baltimore City and Baltimore County, Maryland, but excluding Boston Harbor and the Chesapeake Bay.

Dredge-1-Atlantic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Dipper and Clamshell Dredges					
Operators	$7.86	.25	.15	a+5%	
Engineer	7.79	.25	.15	a+5%	
Cranemen	7.56	.25	.15	a+5%	
Maintenance engineers	7.40	.25	.15	a+5%	
Welders	7.24	.25	.15	a+5%	
Tug engineer	6.79	.25	.15	a+5%	
Mates	6.72	.25	.15	a+5%	
Firemen; oilers; welders' helpers	5.93	.25	.15	a+5%	
Deckhands; tug deckhand	5.69	.25	.15	a+5%	
Rodmen; Scowmen	5.59	.25	.15	a+5%	
Hydraulic Dredges					
Levermen	7.67	.25	.15	a+5%	
Engineer; derrick operators	7.56	.25	.15	a+5%	
Maintenance engineer	7.40	.25	.15	a+5%	
Dredge carpenter; electricians, dredge blacksmith; dredge welders; boilermen	7.24	.25	.15	a+5%	
Tug engineer	6.79	.25	.15	a+5%	
Mates	6.72	.25	.15	a+5%	
Blacksmith helper; carpenter's helpers; firemen; oilers and welder's helper	5.93	.25	.15	a+5%	
Tug deckhand	5.69	.25	.15	a+5%	
Deckhands; rodmen; shoremen	5.59	.25	.15	a+5%	
Drill Boats					
Blaster	7.2575	.25	.15	b	
Driller; Machinist; welder	7.1587	.25	.15	b	
Engineer	7.1575	.25	.15	b	
Firemen	6.88	.25	.15	b	
Drill helper	6.7387	.25	.15	b	
Oiler	6.7387	.25	.15	b	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veteran's Day.

b. Holidays: A through F; Washington's Birthday and Verteran's Day ($6\frac{1}{2}$) days of vacation with pay for 104 days of servicel one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.

SUPERSEDEAS DECISION

STATE: Iowa COUNTY: Scott
DECISION NO.: AQ-107 DATE: Date of Publication
Supersedes Decision No. AQ-3, dated July 20, 1973, in 38 FR 19641.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.05	.25	.25		.10
BOILERMAKERS	8.25	.30	1.00		.02
BRICKLAYERS - STONEMASONS	7.91	.35	.30		.02
CARPENTERS:					
Carpenters	7.46	.35	.35		.02
Piledrivermen	7.71	.35	.35		.02
Millwrights	7.97	6%	7%		6%
CEMENT MASONS	7.72	.40			
ELECTRICIANS:					
Electricians	8.30	.32	5.5%		.03
Cable splicers	8.55	.32	5.5%		.03
ELEVATOR CONSTRUCTORS	7.70	.345	.23	2%+a	.005
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	.005
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.1048	.40	.65		
IRONWORKERS:					
Ornamental; Reinforcing; Structural	8.75	.40	.375		.07
LABORERS:					
Carpenter tenders; Common laborers; Mason tenders	6.25	.20	.20		.035
Concrete saw; Pipesetters; Plumber laborer; Power tools (Barco-Vibrator-Mortar mixers-Dynamite handlers-Burner, on dismantling work to be junked); Prime movers; Sand points	6.45	.20	.20		.035
Caissons, after 6' in depth	6.75	.20	.20		.035
Dynamite men	6.75	.20	.20		.035
Tunnel miners	6.75	.20	.20		.035
PAINTERS:					
Brush; Rollers	6.97	.35	.30		.08
Spray; Structural steel	7.22	.35	.30		.08
PLASTERERS	8.18				
PLUMBERS - STEAMFITTERS	8.25	.40	.35		.10
ROOFERS	8.80		.20		
SHEET METAL WORKERS	7.33	.17			.01
SOFT FLOOR LAYERS	7.46	.35	.35		.02
SPRINKLER FITTERS	8.85	.40	.60		.07
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. AQ-107

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
FOOTNOTE:					
a - Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.					
PAID HOLIDAYS:					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
BUILDING, HEAVY & HIGHWAY CONSTRUCTION					
POWER EQUIPMENT OPERATORS:					
Group 1	$8.70	.40	.50		.08
Group 2	8.43	.40	.50		.08
Group 3	8.33	.40	.50		.08
Group 4	7.30	.40	.50		.08
Group 5	6.98	.40	.50		.08
Group 6	6.28	.40	.50		.08
TRUCK DRIVERS:					
Group 1	6.35	.35	10.00p/w		
Group 2	6.55	.35	10.00p/w		
Group 3	6.75	.35	10.00p/w		
Group 4	6.95	.35	10.00p/w		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - All hoists or steel erecting equipment

GROUP 2 - Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (two drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists

GROUP 3 - Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver), Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneau-pull and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors

GROUP 4 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines

GROUP 5 - Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled curing machine

GROUP 6 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

TRUCK DRIVERS

GROUP 1 - Drivers on 4-wheel trucks, dumpcretes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors & welding machines, including those pulled by separate units, batch trucks, wet or dry, 2 - 34E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, fireman, drivers on dumpsters or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, and small pallet type fork lift operator & driver on pilot trucks

TRUCK DRIVERS CONTINUED

GROUP 2 - Drivers on 4-wheel trucks over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, Koehring or similar dumpsters, track trucks, euclids, tournapulls, hug-bottom dumps, tournatrailers, tournarockers or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons, tandems & semitrailer service trucks, mixer trucks over 3 cu. yds. & including 6½ cu. yds. fork lift, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks wet or dry - over 2 up to & including 4 - 34E batches

GROUP 3 - Drivers on heavy equipment 9 cu. yds. or 13½ tons and/or trucks licensed for 50,000 lbs. gross up to & including 16 cu. yds. or 24 ton, such as Koehring or similar dumpsters, track trucks, semitrailer water trucks euclids, hug-bottom dumps, tournapulls, tournatrilers, tournarockers, tractortrailers, tandem A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixers over 6½ cu. yds., batch trucks wet or dry over 4-34E batches, single axle lowboy trailers, 6-wheel pole trailers & two-man oil distributors

GROUP 4 - Drivers on heavy equipment over 16 cu. yds. or 24 tons, such as Koehring or similar dumpsters, track trucks, euclids, hug-bottom dumps, tournapulls, tournarockers or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation pole trailers over 6-wheels, water pulls, lowboy trailers, tandem axles or more no weight limitation, diesel and/or heavy equipment mechanics

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS	$6.95	.35	.30		.02
CEMENT MASONS	7.72	.40			
LABORERS:					
Carpenter tender; Common laborer	6.25	.20	.20		.035
Air spade; Asphalt kettleman; Backup man or joint man with pipelayer; Barco; Cement dumper; Center strip; Concrete saw; Form setter helper; Gas distribution men; Jackhammer; Laborer in ditch or tunnel on sewer & water main & telephone conduit; Laying & jointing of telephone conduit; Mastic asphalt mixer man, or other preparations used on joints; Mechanical tamper; Mortar mixer; Pipesetter on laterals, drain tiles, culvert pipe & storm sewer connections to catch basins, manholes or main line; Power tools; Power & hand saw (when clearing timber); Prime mover, or any mechanical device taking the place of concrete buggy or wheelbarrow; Puddlers; Reinforcing in concrete, Sand point setter; Sheeting hammer drivers, 2 men; Vibrator; Wagon & hand drill; Wire mesh	6.45	.20	.20		.035

DECISION NO. AQ-107

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (CONT'D):					
Asphalt raker; Dynamite man; Head form setter; string or wireline, one man; Tunnel miner or pipelayer on sewer & water main	6.75	.20	.20		.035

SUPERSEDEAS DECISION

STATE: Iowa

COUNTY: Clinton (City of Clinton & abutting municipalities)

DECISION NO.: AQ-108

DATE: Date of Publication

Supersedes Decision No. AQ-12, dated August 3, 1973, in 38 FR 21059.

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.05	.25	.25		.10
BOILERMAKERS	8.25	.30	1.00		.02
BRICKLAYERS - STONEMASONS	7.60		.40		
CARPENTERS:					
Carpenters; Soft floor layers	6.84	.35	.25		
Piledrivermen	7.24	.35	.25		
Millwrights	7.97	6%	7%		6%
CEMENT MASONS	7.10		.40		
ELECTRICIANS:					
Electricians	8.30	.32	5.5%		.03
Cable splicers	8.55	.32	5.5%		.03
GLAZIERS	7.1048	.40	.65		
IRONWORKERS	8.75	.40	.375		.07
LABORERS:					
Common laborers	5.62	.30	.15		
Operator on air or power tools; mortar mixer man; any work thirty-five feet high or over; cement dumper, puddlers or vibrator man and men working with concrete pump hose; ditch work eight feet below ground level; any man working with creosote materials	5.87	.30	.15		
Cutting torch burner; caisson and cofferdam workers	5.92	.30	.15		
Bricklayer tenders	5.77	.30	.15		
PAINTERS:					
Brush	6.97	.35	.30		.08
Spray; Structural steel	7.22	.35	.30		.08
PLASTERERS	7.60		.40		
PLUMBERS - STEAMFITTERS	8.25	.40	.35		.10
ROOFERS	8.80		.20		
SHEET METAL WORKERS	7.33	.17			.01
SPRINKLER FITTERS	8.85	.40	.60		.07
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. AQ-108

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$8.70	.40	.50		.08
Group 2	8.43	.40	.50		.08
Group 3	8.33	.40	.50		.08
Group 4	7.30	.40	.50		.08
Group 5	6.98	.40	.50		.08
Group 6	6.28	.40	.40		.08

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - All hoists or steel erecting equipment

GROUP 2 - Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Craneman, Dual Purpose Truck (boom or winch), Leverman or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 HP), Building Hoist (2 drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Autograder or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists

GROUP 3 - Athey, Barber-Green, Euclid or Haiss Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver); Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, LeTourneaupull and similar machines, DW-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachments, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bending Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Seaman Pulvi-Mixer or similar machines, Blastholer Self-propelled Rotary Drill or similar Machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-Propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apsco Spreader or similar machine, Slusher, Forklift (over 6000 lb. cap. or working at heights above 28 ft.), Concrete Conveyors

GROUP 4 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 16E), Power Operated Bull Float, Tractor without Power attachments, Dope Pot (agitating motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well point pump), Portable Crusher Operator, Trench Machine (under 40 HP), Power Subgrader (on forms) or similar machines, Forklift (6000 or less cap.), Gypsum Pump, Conveyor over 20 HP, Fuller Kenyon Cement Pump or similar machines

POWER EQUIPMENT OPERATORS CONTINUED

GROUP 5 - Air Compressor (275 cfm or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batching Machine (Cement Auger or Conveyor), Boiler (Engineer or Fireman), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-tired Tractors (not including backhoes or endloaders), Self-propelled Curing Machine

GROUP 6 - Oiler, Mechanic's Helper, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boat, Engine Driven Welding Machine

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN	$5.91	.25			
CEMENT MASONS	5.65				
LABORERS:					
Group 1	5.50	.30	.10		
Group 2	5.25	.30	.10		
Group 3	5.00	.30	.10		
Group 4	4.85	.30	.10		
Group 5	4.75	.30	.10		

CLASSIFICATION DEFINITIONS

LABORERS

GROUP 1 - Sandblasters; Powderman and Blaster; Pipe Layer, sewer, water, telephone conduits, etc.; Sewer utility man; Gunnite nozzleman; Diamond and core drills, powered by air, all work performed by Laborers working from a bos'n chair, swinging stage, life belt, tag line, or block and tackle; Drill operators of air tracs, wagon drills and similar drills

GROUP 2 - Tree climber; Form setters; Rakers; Boxtenders; Asphalt Curb machines; Potmen, not mechanical; Bull float, hand operated; Scalers; Timberman; Underpinning and shoring; Caissons over 12'; Grade checker and cutting torches on demolition work

GROUP 3 - Power buggyman; Concrete and paving sawman; Form liner, expansion joint assembler; Bottom man; Caulker and jointer and painter; Timber and chain saw man; Mechanical grouters; Boring machines; Automatic concrete power curbing machines; Stresser or stretcherman on post-tension or prestressed concrete on or off the job; Powderman helpers

GROUP 4 - Form tamper; Air, gas and electric tool operators, vibrators, barco hammer, paving breakers, spaders, tampers, electric drills, hammers, and jack hammers; Tree groundmen; Chuck tenders; Drill helpers, tool room men and checkers; Sand blaster helper; Concrete processing material and monitors; Cement finishers helpers

GROUP 5 - Pence erectors; Handling and placing of metal mesh, dowel bars, reinforcing bars and chairs; Dumpmen and spotters; Carrying reinforcing rods; Corrugated culvert pipe; Concrete drainage pipe; Stake chaser, seeding, mulching and planting of trees, shrubs and flowers; Water boy; Common laborer; Rodmen; Tending to carpenters; Hot asphalt labor; Stringman on paving work

DECISION NO. AQ-108

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$6.40	.30	.30		.01
Group 2	6.25	.30	.30		.01
Group 3	6.00	.30	.30		.01
Group 4	5.80	.30	.30		.01
Group 5	5.60	.30	.30		.01
Group 6	5.30	.30	.30		.01

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Power shovel and crane type equipment (1/2 cu. yd. and over); Central mix plant operator, concrete 5 cu. yd. and over; Dredge engineer; Dredge leverman; Concrete mixer, paver operator; Hoisting engineer, steel erection; Tractor operating scrapers in tandem; Motor patrol operator on finishing work; Master mechanic, when four or more mechanics are employed; Tow or push boat operator; Piledriver machine operator

GROUP 2 - Asphalt plant operator; Asphalt pugmill; Power shovel, crane type equipment (under 1/2 cu. yd.); Front end loader operator, all types 40 HP or over; Mechanics and welders; Tournapull operators, DW 10 and all similar equipment, over 10 cu. yd. struck capacity; All self-loading scrapers; Tractor operator, bulldozer, push cat or pulling scraper or rooter; Sideboom tractor; Churn or rotary drill operators; Trenching machine operator, Cleveland 80 or similar capacity; Self-propelled sheepsfoot roller, 100,000 pounds and over; Central mix plant operator, concrete, under 5 cu. yd.; Asphalt spreader operator; Group equipment greaser; Automatic subgrade machines, slip form paving operator

GROUP 3 - Motor patrol operator, other than finish; Asphalt roller operator, high type surfacing; Concrete curb breaking machine operator; Concrete widening machine operator; Elevating grader and Athey loader operator; Tournapull operator, DW 10 and all similar equipment, under 10 cu. yd.struck capacity; Paving breaker operator, drop or pneumatic; Spreader box operator, self-propelled or tractor-pushed; Subgrade stab. (P&H and similar sizes); Boiler operator, two or one boiler and dryer; Subgrading machine operator; Asphalt paver, back hoe under 3/8 cu. yd.

GROUP 4 - Self-propelled roller operator, other than high type asphalt; Distributor operator; Screening and washing plant operator; Spreader operator, concrete; Tank car heater, combination boiler and booster; Self-propelled vibrating compactor; Trenching machine operator; (Other) pumps on well points and deep wells for dewatering; Mechanical broom operator; Steel placing machine operator; Boat operator; Compressor operator; Concrete mixer operator, side loader; Conveyor operator; Crusher feeder operator; Finishing machine operator on concrete; Flexplane operator; Bull float operator; Form grade operator; Motor crane combination driver and oiler; Concrete curing machine operator

GROUP 5 - Boiler operator, single; Apprentice engineer or oil or mechanics helper or group greaser helper; Self-propelled tractor (pulling disc harrow or sheepsfoot roller); Welding machine operator; Pump operator, other than dredge; Boom and winch truck

GROUP 6 - Batching plant operator, dry; Front end loader, rubber tired, with backhoe attachment, under 3/8 cu. yd.; Farm tractor pulling pneumatic roller

DECISION NO. AQ-108

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Group 1	$4.65	.25			
Group 2	4.75	.25			

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS

GROUP 1 - Truck drivers, not otherwise specified; Warehousemen; Drivers on: four-wheel service trucks, bus hauling men, carry-all and winch trucks, dump cretes and scoop-mobiles

GROUP 2 - Truck drivers for semi and tandem; Ready mix; Dumpster operator; Drivers on: tandem service trucks, Korking and similar dumpsters, track trucks, euclids, hug bottom drums, tournapulls or similar equipment used for transportation, pavement breakers, pole trailers, air compressors and welding machines, including those pulled by separate units

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Barnstable
DECISION NO.: AQ-3171
DATE: Date of Publication
Supersedeas Decision No. AQ3038, dated November 23, 1973 in 38 FR 32352
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and marine construction.

1-MASS-1-2-3-a (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS:						
Barnstable, Bourne, Falmouth, Mashpee, & Sandwich	$8.80	.505	.45		.005	
Remainder of County	8.955	.55	.50		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement masons; Cement finishers; Plasterers; Stonemasons	8.25	.60	.60		.02	
CARPENTERS; Soft floor layers	8.10	.45	.50		.02	
ELECTRICIANS:						
Electrical contracts under $12,000.00	7.25	.25	1%+.25		a	
Electrical contracts over $12,000.00	8.63	.25	1%+.25		a	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS	7.95	.50	1.40		.03	
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.80	.40	.40		.05	
Helper	6.92	.40	.40		.05	
Bottom man	7.55	.40	.40		.05	
Driller	7.67	.40	.40		.05	
LATHERS	7.50	.45	.50		.01	
LEADBURNERS	8.75	.30		d	.01	
LINE CONSTRUCTION:						
Linemen	9.50	.30	1%	e		
Truck driver - groundman	7.04	.30	1%	e		
Groundmen	5.92	.30	1%	e		
Equipment operators	8.91	.30	1%	e		
MARBLE SETTERS; Terrazzo workers	8.25	.60	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.50	.50	.50		.03	

1-MASS-1-2-3-a (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Brush	$7.25	.30	.20			
Structural steel - 1' to 50'	7.75	.30	.20			
Spray	8.25	.30	.20			
PILEDRIVERMEN	8.95	.50	.50			
PLUMBERS:						
Bourne, & Sandwich	8.95	.35	.50		.05	
Remainder of County	8.15	.51	.66		.15	
ROOFERS:						
Roofers, kettlemen & Waterproofers	7.85	.25	.05			
Roofers' helpers, Class A	7.15	.25	.05			
SHEET METAL WORKERS	8.60	.45	.45			
SPRINKLER FITTERS	9.08	.40	.60		.07	
STEAMFITTERS	8.15	.51	.66		.15	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.25	.60	.50			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day.

FOOTNOTES:

a. Employer contributes $1.00 per journeyman Electrician per week.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years' service as Vacation pay credit.

c. 6 paid holidays: A through F.

d. 9 paid holidays: A through F, Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 days during the 120 calendar days prior to the holiday & the regular scheduled work days immediately preceding and following the holiday.

e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 10 working days prior to the holiday.

MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

TRUCK DRIVERS: BUILDING AND AQ-3176 P. 5 MASS - 1 - TD - 1-2-3 D
HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS 1-LAB-2-3 K

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
CLASS I					
Carpenter tender, cement finisher ternder, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II					
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III					
Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV					
Blasters, powdermen	7.55	.40	.40		.05

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37-MASS-4-p (1-2)

MARINE CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02	
Booms over 150' including jib - additional $.35 per hour Booms over 185' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Swinger engines	9.16	.55	.60	a	.02	
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02	

37-MASS-4-p (2-2)

MARINE CONSTRUCTION

EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	
Oilers on scows	7.525	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

STATE: Massachusetts
COUNTY: Bristol
DECISION NO.: AQ-3172
DATE: Date of Publication
Supersedes Decisions Nos.: AQ-3039 dated November 23, 1973 in 38 FR 32356 and AQ-3071 dated December 14, 1973 in 38 FR 34566
DESCRIPTION OF WORK: Building Construction (Including Residential), Heavy and Highway Construction and Marine Construction.

3-MASS-1-2-3-Z (1-3)

BUILDING, HEAVY & HGIHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers:					
Easton	$8.955	.55	.50		.01
Remainder of County	8.80	.505	.45		.005
Boilermakers	8.705	.50	10%		.01
Bricklayers: Cement masons: Plasterers; & Stonemasons:					
Easton, N. Easton, & S. Easton	8.45	.55	.45		.02
Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Somerset, Swansea, S. Dartmouth, & Westport	8.25	.60	.60		.02
Remainder of County	8.60	.75	.60		.04
Carpenters; Soft floor layers:					
Easton, N. Easton, & S. Easton	8.10	.45	.50		.02
Attleboro, N. Attleboro, & S. Attleboro	8.85	.50	.50		.03
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth, & S. Dartmouth	8.10	.45	.50		.02
Fall River, Freetown, Seekonk, Somerset, Swansea, & Westport	8.10	.45	.50		.02
Remainder of County	8.10	.45	.50		.02
Electricians:					
Attleboro, N. Attleboro, & Seekonk	8.65	.38	1%+.25		.02
Residential	5.25	.38	1%		.02
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth, & S. Dartmouth	8.63	.25	1%+.25		a
Residential	5.00	.25	1%+.25		a
Easton:					
Electrical contracts less than $20,000.00	7.55	4%	5%		1%
Electrical contracts $20,000.00 or more	9.15	4%	5%		1%
Residential	7.55	4%	4%+1%		1%
Fall River, Freetown, Somerset, Swansea, & Westport	8.10	4%	1%+.25	4%	1%
Remainder of County	8.90	.50	1%		1/20%
Residential	6.00	.50	1%		.05%
Elevator constructors	9.125	.345	.23	2%+b+c	.015
Elevator constructors' helpers	70%JR	.345	.23	2%+b+c	.015
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	8.55	.25	.36		.02
Ironworkers:					
Easton, Mansfield, & N. Easton	8.39	.50	1.40		.06
Remainder of County	7.95	.50	1.40		.03
Laborers (Building):					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05
Blasters; Powdermen	7.55	.40	.40		.05
Open air caisson; Cylindrical work & boring crew:					
Laborer; Top man	6.80	.40	.40		.05
Helper	6.92	.40	.40		.05
Bottom men	7.55	.40	.40		.05
Driller	7.67	.40	.40		.05
Lathers:					
Attleboro, N. Attleboro	7.40	.45	.55		.01
Mansfield, N. Easton, Norton, Raynham & Taunton	7.15	.45	.55		.01
Remainder of County	7.50	.45	.55		.01
Leadburners	8.75	.30		d	.01
Line Construction:					
Lineman	9.50	.30	1%	e	
Equipment operators	8.91	.30	1%	e	
Driver groundman	7.04	.30	1%	e	
Marble setters; Terrazzo workers	8.25	.60	.50		
Marble setters' helpers	6.50	.20	.10		
Millwirghts	8.50	.50	.50		.03
Painters:					
Acushnet, Dartmouth, Fairhaven, New Bedford, N. Dartmouth, & S. Dartmouth:					
Brush; Roller	7.25	.30	.20		
Steel (1' to 50')	7.75	.30	.20		
Spray	8.25	.30	.20		
Remainder of County:					
Brush; Taper	7.23	.62	.20		.04
Steel	9.235	.62	.20		.04
Spray; Sandblasting	8.23	.62	.20		.04
Piledrivermen (Fall River, Freetown, Seekonk, Somerset, Swansea & Westport)	8.65	.50	.30		
Piledrivermen (Acushnet, Dartmouth, Fairhaven, New Bedford, & S. Dartmouth)	8.10	.45	.50		.02
Piledrivermen (Remainder of County)	8.95	.50	.50		
Plasterers (Easton, N. Attleboro, N. Easton & S. Easton)	7.05	.40	.40		.05
Plumbers ; Steamfitters:					
Easton	8.95	.35	.50		.05
Acushnet, Dartmouth, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Seekonk, Somerset, S. Dartmouth, Swansea, & Westport	8.15	.51	.66		.15

3-MASS-1-2-3-Z (2-3)

3-MASS-1-2-3-Z (3 of 3)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers; Steamfitters: Cont'd					
Remainder of County	8.32	.50	.55		
Roofers:					
Attleboro, Taunton	8.00	.30	.20		
Remainder of County:					
Roofers; Kettlemen	7.85	.25	.05		
Helpers, Class "A"	7.15	.25	.05		
Sheet metal workers:					
Acushnet, Assonet, Dartmouth, Dighton, Fairhaven, Fall River, Freetown, New Bedford, N. Dartmouth, Rehoboth, Seekonk, Somerset, Swansea, & Westport	8.60	.45	.45		
Remainder of County	8.73	.46	.45		.02
Sprinkler fitters	9.08	.40	.60		.07
Terrazzo Workers' Helpers	7.40	.20	.10		
Tile Setters	8.25	.60	.50		
Tile Setters' Helpers	6.50	.20	.10		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indeperdence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contibution of 1.00 per journeyman Electrician per week.
b. Employer contribures 1% of basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. 6 paid holidays: A through F.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, providding employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee is employed 10 days prior to the listed holidays.

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, end Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS 1-LAB-2-3 K

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY & HIGHWAY CONSTRUCTION					
LABORERS:					
CLASS I					
Carpenter tender, cement finisher ternder, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II					
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III					
Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV					
Blasters, powdermen	7.55	.40	.40		.05

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

37-MASS-4-p (1-2)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02	
Booms over 150' including jib - additional $.35 per hour Booms over 185' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Swinger engines	9.16	.55	.60	a	.02	
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02	

37-MASS-4-p (2-2)

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	
Oilers on scows	7.525	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Essex
DECISION NO.: AQ-3173
DATE: Date of Publication.
Supersedes Decision No. AQ-3040, dated November 23, 1973 in 38 FR 32361
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

5-MASS-1-2-3-D (1 of 4)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$8.955	.55	.50		.01
Boilermakers	8.705	.50	10%		.01
Bricklayers; Stonemasons:					
Andover, Boxford, Danvers, Lawrence, Lynn, Lynnfield, Marblehead, Methuen, Middleton, Nahant, North Andover, Peabody, Salem, Saugus, Swamscott, & Topsfield	8.91	.39	.65		.04
Remainder of County	8.80	.55	.60		.04
Carpenters; Soft floor layers:					
Gloucester, & Rockport:					
Carpenter contracts up to $100,000.00	6.25	.30	.20		
Carpenter contracts $100,000.000 to $800,000.00	7.28	.30	.20		
Carpenter contracts over $800,000.00	8.00	.30	.20		
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Newbury, Newburyport, Rowley, Salisbury & West Newbury	8.85	.50	.50		.03
Andover, Lawrence, Methuen, North Andover, & West Andover	8.43	.50	.50		.02
Remainder of County	8.60	.30	.30		
Cement Masons; Plasterers:					
Amesbury, Andover, Boxford, Georgetown, Groveland, Haverhill, Lawrence, Merrimac, Methuen, North Andover, Salisbury, & West Newbury	8.05	.385	.30		
Danvers, Lynn, Lynnfield, Marblehead, Middleton, Nahant, Peabody, Salem, Saugus, Swampscott, & Topsfield	8.91	.39	.65		.04
Remainder of County	8.80	.55	.60		.04
Electricians:					
Andvoer, Lawrence, Methuen, & North Andover	8.92	.25	1%+.20		.02
Lynn, Lynnfield, Nahant, Saugus, & Swanpscott	9.45	.50	1%+.95		.05
Amesbury, Boxford, Georgetown, Groveland, Haverhill, Merrimac, Newbury, Newburyport, Rowley, Salisbury, & West Newbury	8.92	.25	1%+.20		.02
Remainder of County	8.85	.37	1%+.20		.02
Elevator Constructors	9.125	.345	.23	2%+a+b	.015
Elevator Constructors' helpers	70%JR	.345	.23	2%+a+b	.015
Elevator Constructors helpers (Prob.)	50%JR				

5-MASS-1-2-3-D (2 of 4)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Glaziers	$8.55	.25	.36		.02
Ironworkers	8.39	.50	1.40		.06
Laborers (Building):					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05
Jakchammer op.; Pavement breakers; Wagon drills, Asphalt rakers; Carbide core drilling machine; Chain saw ops.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Motar mixers; Ride-on motorized buggy	7.05	.40	.40		.05
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05
Blasters; Powdermen	7.55	.40	.40		.05
Open air caisson; Cylindrical work & boring crew:					
Laborer; Top man	6.80	.40	.40		.05
Helper	6.92	.40	.40		.05
Bottom men	7.55	.40	.40		.05
Driller	7.67	.40	.40		.05
Lathers:					
Beverly, Danvers, Gloucester, Hamilton, Ipswich, Lynn, Lynnfield, Salem, Saugus, Swampscott, Topsfield, and Wenham	7.15	.45	.55		.01
Remainder of County	7.50	.45	.55		.01
Leadburners	8.75	.30		c	.01
Line Construction:					
Linemen	9.50	.30	1%	d	
Equipment operators	8.91	.30	1%	d	
Driver groundman	7.04	.30	1%	d	
Groundman	5.92	.30	1%	d	
Marble Setters; Terrazzo workers-	8.25	.60	.50		
Marble Setters' Helpers	6.50	.20	.10		
Millwrights	9.13	.50	.50		.03

5-MASS-1-2-3-d (3 of 4)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters:					
Essex, Gloucester, Manchester, & Rockport					
Brush	$6.20	.30			
Srpay	6.65	.30			
Roller	6.50	.30			
Amesbury, Andover, Beverly, Boxford, Danvers, Georgetown, Groveland, Hamilton, Haverhill, Ipswich, Lawrence, Lynn, Lynnfield, Marblehead, Merrimac, Methuen, Middleton, Newbury, Newburyport, N. Andover, Peabody, Rowley, Salem, Salisbury, Saugus, Swampscott, Topsfield, Wenham, West Newbury,					
New Construction:					
Brush; Tapers	8.08	.62	.50		.04
Sandblasters; Spray	9.08	.62	.50		.04
Steel	8.08+f	.62	.50		.04
Piledrivermen	8.95	.50	.50		
Plasterers' Tenders:					
Lynn, Lynnfield, Nahant, Saugus and Swampscott	7.05	.40	.40		.05
Plumbers; Steamfitters:					
Andover, Georgetown, Groveland, Lawrence, Methuen and North Andover	8.99	.38	.35		.05
Lynn, Lynnfield, Nahant, Saugus and Swampscott					
Plumbers	9.85	.50	.60		.03
Steamfitters	9.76	.51	.65		.05
Remainder of County	8.97	.45	.40		.05
Roofers: Haverhill and Lawrence	6.35			e	
Remainder of County	8.00	.30	.20		
Sheet Metal Workers	8.73	.46	.45		.02
Sprinkler fitters	9.08	.40	.60		.07
Terrazzo Workers' Helpers	7.40	.20	.10		
Tile Setters	8.25	.60	.50		
Residential	6.62				
Tile Setters' Helpers	6.50	.20	.10		
Residential	5.05				

5-MASS-1-2-3-d (4 of 4)

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 Paid Holidays: A through F

c. 9 Paid Holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked 45 full days during the 120 calendar days prior to the holiday & the regular scheudled work days immediately preceding and following the holiday.

d. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to any 1 of the listed holidays.

e. 9 Paid Holidays: A through F, Washington's Birthday, Columbus Day and Veterans' Day.

f. Employer pays $5.00 per day extra above the brush rate.

AQ-3173 r. 5

MASS 1-LAB-2-3 K

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
CLASS I					
Carpenter tender, cement finisher ternder, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II					
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III					
Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV					
Blasters, powdermen	7.55	.40	.40		.05

MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks; low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

AQ-3173 r. 6

MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02	
Booms over 150' including jib - additional $.35 per hour Booms over 185' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Swinger engines	9.16	.55	.60	a	.02	
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02	

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MARINE CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	
Oilers on scows	7.525	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Hampden
DECISION NO.: AQ-3174
DATE: Date of Publication
Supersedes Decision No. AQ-3031, dated November 2, 1973 in 38 FR 30357
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 7-MASS-1-2-3-x (1-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.60	.34	.15		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement masons; Marble masons; Plasterers; Stone masons; Terrazzo workers; & Tile setters	9.10	.45	.40		.02	
CARPENTERS; Soft floor layers:						
Holyoke	8.63	.35	.50		.02	
Remainder of County	8.63	.35	.50		.02	
ELECTRICIANS:						
Chester, Holyoke, & that portion of Chicopee Township north of the following line: McKinstry Avenue from the Connecticut River to Gratten Street; South on Gratten to Lafayette Street; east on Lafayette to York Street; north on York to McKinstry; east on McKinstry to Grady Road & projected to the Westover Air Force fence & that area north of Westover Field	9.06	.35	1%+.20		.01	
Remainder of County	8.47	.30	1%+.15	.43	a	
ELEVATOR CONSTRUCTORS	8.09	.345	.23	½%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	½%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.05	.37	.45		.005	
IRONWORKERS:						
Ornamental; Reinforcing; Structural	7.81	.45	1.30		.09	
LABORERS (BUILDING):						
Fairview, Holyoke, & Williamsett north of McKinstry Avenue:						
Laborers; Wreckers	6.20	.30	.30		.05	
Mason tenders	6.45	.30	.30		.05	
Pneumatic, electric & gasoline tool op.; Diamond head & carbide core drilling machine; Mechanical tamper; Concrete saw; Paving breaker; Chipping hammer; Jackhammer	6.45	.30	.30		.05	
Blasters	7.20	.30	.30		.05	
Open air caisson; Cylindrical work & test boring crew:						
Bottom man; Top man	7.00	.30	.30		.05	
Leader	7.50	.30	.30		.05	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION AQ-3174 - p. 2 7-MASS-1-2-3-x (2-2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (BUILDING) CONT'D:						
Remainder of County:						
Laborers; Wrecking laborers & pipelayers	6.20	.30	.25		.05	
Mason tenders; Mortar mixers; Plasterers' tenders; Cement finishers' tenders; Scaffold builders	6.45	.30	.25		.05	
Pneumatic, electric or gasoline powered tools	6.45	.30	.25		.05	
Blasters	7.20	.30	.25		.05	
Open air caisson; Cylindrical work & test boring crew:						
Bottom man; Top man	7.00	.30	.25		.05	
LATHERS	7.60	.45	.25			
LEADBURNERS	8.75	.30		d	.01	
LINE CONSTRUCTION:						
Linemen	9.41	.35	1%	e	3/8 of 1%	
Groundmen, truck driver	6.78	.35	1%	e	3/8 of 1%	
Digger operator; Tractor operator	8.78	.35	1%	e	3/8 of 1%	
MILLWRIGHTS	8.90	.50	.50		.03	
PAINTERS:						
Brush	7.70	.50	.35		.03	
Spray	9.867	.666	.466		.04	
Swing stage under 40' & steel	7.887	.50	.35		.03	
Swing stage over 40' & steel	8.20	.50	.35		.03	
PILEDRIVERMEN	8.95	.50	.50			
PLUMBERS	8.86	.45	.60	g	.01	
ROOFERS:						
Composition, damp & waterproofing	8.175	.51	.51			
Slate, tile, precast concrete	8.83	.51	.51			
SHEET METAL WORKERS	8.41	.75	.40+.42		.02	
SPRINKLER FITTERS	9.08	.40	.60		.05	
STEAMFITTERS	8.70	.57	.70	f		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. $.30 per man per week
b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. 6 paid holidays: A through F.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. 9 paid holidays: A through F, provided the employee has been employed for at least days prior to the holiday and is available for work the day before and after the holiday, plus one floating holiday, Washington's Birthday, and Patriots Day.
f. 1 paid holiday: Fourth of July
g. 1 paid holiday: Independense Day provided the employee has been employed 7 days prior to the holiday for the same employer.

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.10	.45	.60	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck Load)-self propelled or tractor drawn, Tireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-under 10 ton.	7.60	.45	.60	a	.05	

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$6.93	.45	.60	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	6.74	.45	.60	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.12	.45	.60	a	.05	

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, Veterans' Day and Columbus Day.

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HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
CLASS I					
Carpenter tender, cement finisher ternder, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II					
Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III					
Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV					
Blasters, powdermen	7.55	.40	.40		.05

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Crawler and Truck Cranes, Derricks, Backhoes, Trenching Machines, Elevating Graders, Belt-type Loaders, Gradalls, Pile Drivers, Concrete Pavers, on site Processing Plant (Engineer in charge), Dragline, Clam Shell, Cableways, Shaft Hoists, Mucking Machines, Front End Loader-5½ yards and over, Tower Cranes, Self-propelled Hydraulic Cranes-10 tons and over, Dual Pavers, Automatic Grader-Excavator (C.M.I. or equal), Scrapers towing pan or wagon, Tandem Dozers or Push Cats (2 units in tandem), Welder using semi automatic Welding Machine, Shotcrete Machine, Tunnel Boring Machine.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted Compressor), Compressor House (3 to 6 Compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Grader, Front End Loaders-4 yards to 5½ yards, Scraper-21 yards and over (struck load), Forklifts-7 ft. lift and over or 3 ton capacity and over, Sonic Hammer Console.	8.10	.45	.60	a	.05	
Bulldozer, Push Cats, Scrapers-up to 21 yards (struck load) self-propelled or Tractor Drawn, Self-powered Asphalt Paver, Front End Loaders-up to 4 yards, Mechanics, Welders, Well Driller, Pumpcrete Machine, Engineer or Fireman on High Pressure Boiler (on job), Self-loading Batch Plant (on job), Well Point Operators, Electric Pumps used in Well Point system, Tireman, Pumps-16 inches or over total discharge, Compressors (1 or 2) 900 cu. ft. and over, Powered Grease Truck, Asphalt Roller-10 ton and over, Tunnel Locomotives and Dinkys, Grout Pumps, Hydraulic Jacks (jacking pipe, slip forms, etc.), Boom Truck, Self-Propelled Hydraulic Cranes-up to 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-up to 10 ton.	7.60	.45	.60	a	.05	

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HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Hoists, Conveyors, Self-powered Rollers and Compactors, Power Pavement Breaker Self-propelled Material Spreader, Self-powered Concrete Finishing Machine, Two Bag Mixer with skip, McCarthy and similar Drills, Batch Plant (not self-loading), Bulk Cement Plant.	$6.93	.45	.60	a	.05	
Compressor (315 cu. ft. to 900 cu. ft., 1 or 2), Pumps 4" to 16" total discharge, Tractor without blade drawing sheeps-foot roller, Rubber tired roller or other type of compactors including machines for pulverizing and aerating soil.	6.74	.45	.60	a	.05	
Compressor (up to 315 cu. Ft.), Small Mixers with skip, Oiler, Pumps up to 4", Grease Truck, Helper on powered Grease Truck, Power Heaters, Welding Machines						
A-Frame Trucks, Forklifts-up to 7 ft. lift and up to 3 ton capacity, Hydro Broom, Parts Man (in repair shop), Power Safety Boat.	6.12	.45	.60	a	.05	

Footnotes:

a. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Veterans' Day; Thanksgiving and Christmas Day.

STATE: Massachusetts
DECISION NO.: AQ-3175
COUNTY: Middlesex
DATE: Date of Publication
Supersedes Decision No.: AQ-3041, dated November 23, 1973 in 38 FR 32366 and
Decision No.: AQ-3042, dated November 23, 1973 in 38 FR 32372
DESCRIPTION OF WORK: Building Construction, (including Residential), heavy and highway construction and marine construction.

9-MASS-1-2-3-e (1-6)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$8.955	.55	.50		.01
Boilermkaers	8.705	.50	10%		.01
Bricklayers; Stonemasons; Ashland, Framingham, Holliston Hopkinton, Hudson, Marblboro, Maynard, Natick, Sherborn, & Stow	8.70	.60	.65		.04
Acton, Ashby, Ayer, Bedford, Billerica, Booboro, Carlisle, Chelmsford, Dracut, Dunstable, Ft. Devens, Groton, Littleton, Lowell, N. Acton, Pepperell, Shirley, S. Acton, Tewksbury, Townsend, Tyngsboro, W. Acton, Westford, & Wilmington	8.75	.60	.60		.04
Newton	8.60	.60	.75		.04
Belmont, Burlington, Concord, Lexington, Lincoln, Stoneham, Sudbury, Waltham, Watertown, Wayland, Weston, Winchester, & Woburn	8.95	.50	.50		.04
Arlington, Cambridge, Everett, Malden, Medford, Melrose, & Somerville	8.65	.60	.70		.04
Reading, N. Reading, & Wakefield	8.91	.39	.65		.04
Carpenters; Soft floor layers: Ashland, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Sherborn, & Stow	8.50	.50	.30		.07
Arlington, Burlington, Lexington, Melrose, N. Reading, Reading, Stoneham, Wakefield, Wilmington, Winchester, & Woburn	8.85	.50	.50		.03
Bedford, Concord, Lincoln, Natick, Newton, Sudbury, Waltham, Watertown Wayland, Weston, & vicinity	8.85	.50	.50		.03
Ashby, Ayer, & the entire boundaries of Ft. Devens which are the townships of Lunenburg, Shirley, Lancaster, & Harvard; Groton, Pepperell, Shirley, the entire boundaries of Shirley Industrial School, Townsend, W. Groton, & W. Townsend	8.85	.50	.50		.03
Acton, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Littleton, Lowell, Tewksbury, Tyngsboro, Westford	8.85	.50	.50		.03
Belmont, Cambridge, Everett, Malden, Medford, & Somerville,	8.85	.50	.50		.03

9-MASS-1-2-3-E (2 of 6)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cement masons: Bedford, Burlington, Lowell, Tyngsboro, & Westford	$8.60	.55			
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Wilmington, Winchester & Woburn	9.15	.50	.30		.05
Reading, N. Reading	8.05	.385	.30		
Billerica, Carlisle, Chelmsford, Dracut, Dunstable, Tewksbury, Acton, Ashby, Ayer, Boxboro, Groton, Littleton, N. Acton, Pepperell, Shirley, S. Acton, Townsend, W. Acton	8.75	.60	.60		.04
Ashalnd, Framingham, Holliston, Hopkington, Hudson, Marlboro, Maynard, Natick, Sherborn, & Stow	8.70	.60	.65		.04
Newton	8.60	.60	.75		.04
Belmont, Concord, Lexington, Lincoln, Sudbury, Waltham, Watertown, Wayland, & Weston	8.95	.50	.50		.04
Electricians: Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington	9.09	.25	1%+.20		.02
Ashby, Ayer, Ft. Devens, Groton, Pepperell, Shirley, & Townsend	8.80	.45	1%+.25		.02
Ashland, Hopkinton, Hudson, Marlboro, Stow	9.33	5%	1%+.24		.01
N. Reading	8.92	.25	1%+.20		.02
Remainder of County	9.45	.50	1%+.95		.05
Residential	5.25	.35	1%+.95		.05
Elevator constructors	9.125	.345	.23	2%+a+b	.015
Elevator constructors' helpers	70%JR	.345	.23	2%+a+b	.015
Elevator constructors' helpers (Prob.)	50%JR				
Glaziers	8.55	.25	.36		.02
Ironworkers	8.39	.50	1.40		.06
Laborers (Building): Laborers; Carpenter tender; Cement finisher tender; Wrecking laborers	6.80	.40	.40		.05
Jackhammer operator; Pavement breakers, Wagon drills, asphalt rakers, Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ridge-on motroized buggy	7.05	.40	.40		.05
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05

9-MASS-1-2-3-E (3 of 6)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers (Building); Cont'd					
Blasters; Powdermen	7.55	.40	.40		.05
Open air caisson, Cylindrical work & boring crew:					
Laborer; Top man	6.80	.40	.40		.05
Helper	6.92	.40	.40		.05
Bottom men	7.55	.40	.40		.05
Driller	7.67	.40	.40		.05
Lathers:					
Acton, Ashby, Ayer, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, Lowell, Pepperell, Tewksbury, Townsend, Tynsboro, W. Acton, Westford, & Wilmington	7.50	.55			.01
Ashland, Bedford, Belmont, Concord, Framingham, Holliston, Hudson, Lexington, Lincoln, Maynard, Natick, Newton, Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, & Weston	7.15	.45	.55		.01
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Stoneham, Winchester, & Woburn	7.15	.45	.55		.01
Marlboro	7.82	.40	.10		.01
North Reading	7.50	.45	.55		.01
Leadburners	8.75	.30		c	.01
Line Construction:					
Linemen	9.50	.30	1%	d	
Equipment operator	8.91	.30	1%	d	
Groundman	5.92	.30	1%	d	
Marble setters: Terrazzo workers	8.25	.60	.50		
Marble setters' helpers	6.50	.20	.10		
Millwirghts	9.13	.50	.50		.03
Painters:					
Arlington, Belmont, Cambridge, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, Woburn, Reading, N. Reading					
New Construction					
Brush; Taper	8.21	.62	.50		.04
Sandblasting; spray	9.21	.62	.50		.04
Steel	8.21+e	.62	.50		.04
Repaint Alterations:					
Brush	7.56	.62	.50		.04
Sandblasting, spray	8.56	.62	.60		.04
Steel	7.56+e	.62	.60		.04

9-MASS-1-2-3-E (4 of 6)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painters (Cont'd)					
Residential:					
Brush; Tapes	7.56	.62	.60		.04
Spray	8.56	.62	.60		.04
Steel	7.56+e	.62	.60		.04
Ashby, Ayer, Groton, Pepperell, Shirley, & Townsend					
Brush	8.33	.50	.25		.02
Sandblasting; Spray	9.33	.50	.25		.02
Steel	8.955	.50	.25		.02
Bedford, Billerica, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington					
Brush; Taping	8.00	.33	.20		
Spray	8.75	.33	.20		
Paperhangers	8.00	.33	.20		
Steel	8.80	.33	.20		
All the Newtons, Acton, Ashland, Boxboro, Concord, Framingham, Holliston, Hopkinton, Hudson, Lexington, Lincoln, Marlboro, Maynard, Natick Sherborn, Stow, Sudbury, Waltham, Watertown, Wayland, Westboro, & Weston					
Brush	7.85	.35	.35		.06
Sandblasters; Spray	8.80	.35	.35		.06
Steel	8.10	.35	.35		.06
Piledrivermen	8.95	.50	.50		
Plasterers:					
Arlington, Cambridge, Everett, Malden, Medfrod, Somverville, Stoneham, Wakefeild, Winchester, & Woburn	8.10	.45	1.15		.02
Ashalnd, Framingham, Holliston, Hopkinton, Hudson, Marlboro, Maynard, Natick, Sherborn, Stow	8.70	.60	.65		.04
Acton, Ashby, Ayer, Billerica, Boxboro, Carlisle, Chelmsford, Dracut, Dunstable, Groton, Littleton, N. Acton, Pepperell, Shriley, S. Acton, Tewsbury, Townsend, W. Acton	8.75	.60	.60		.04
Newton	8.60	.60	.75		.04
Belmont, Concrod, Lexington, Lincoln, Sudburym Waltham, Watertown, Wayland, & Weston	8.95	.50	.50		.04
Bedford, Burlington, Lowell, Tyngsboro. & Westford	8.60	.55			
N. Reading, Reading	8.05	.385	.30		
Plasterers' Tenders	7.05	.40	.40		.05

9-MASS-1-2-3-D (5 of 6)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers:					
Acton, Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carisle, Chelmsford, Dracut, Dunstable, Graniteville Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	9.17	.50	.50		.02
Ashby, Ayer (portion lying West of the Greenville Branch of the Boston & Main RR), Ft. Devens, Groton, Shirley & Townsend	8.75	.30	.40	4%	.02
Ashalnd, Belmont, Concord, Framingham, Holliston, Hopkinton, Lexington, Lincoln, Marlboro, Maynard, Natick, Sherborn, Stow, Sudbury, Waltham, Wayland, & Weston	9.175	.53	.55		.025
Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, N. Reading Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	9.85	.50	.60		.03
Roofers	8.00	.30	.20		
Sheet Metal Workers	8.73	.46	.45		.02
Sprinkler sitters	9.08	.40	.60		.07
Steamfitters:					
Acton, Arlington, Cambridge, Everett, Malden, Medford, Melrose, Newton, N. Reading, Reading, Somerville, Stoneham, Wakefield, Watertown, Winchester, & Woburn	$9.76	.51	.65		.05
Ayer (except portion lying west of the Greenville Branch of the Boston & Main RR), Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Graniteville, Hudson, Littleton, Lowell, Pepperell, Tewksbury, Tyngsboro, Westford, & Wilmington	8.59	.40	.40		.02
Ashby, Ayer (portion lying west of the Greenville Branch of the Boston & Main RR), Ft. Devens, Shirley, & Townsend	8.75	.30	.40	4%	.02
Remainder of County	8.675	.53	.55		.025
Terrazzo workers' helpers	7.40	.20	.10		
Tile setters (except cities & towns of Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, N. Acton, N. Pepperell, Pepperell, Shirley, S. Acton, Townsend & W. Acton)	8.25	.60	.50		

9-MASS-1-2-3-D (6 of 6)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Tile Setters (Acton, Ashby, Ayer, Boxboro, Dunstable, E. Pepperell, Ft. Devens, Groton, Littleton, N. Acton, N. Pepperell, Pepperell, Shirley, S. Acton, Townsend, & W. Acton)	8.75	.60	.60		.04
Tile Setters' helpers	6.50	.20	.10		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 paid holidays: A through F

c. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prepr to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has been employed 5 working days prior to any one of the listed holidays.

e. Employer pays $5.00 per day extra above the brush rate.

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MASS - 1 - TD - 1-4-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS 1-LAB-2-3 K

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
CLASS I Carpenter tender, cement finisher tender, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV Blasters, powdermen	7.55	.40	.40		.05

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MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02	
Booms over 150' including jib - additional $.35 per hour Booms over 185' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Swinger engines	9.16	.55	.60	a	.02	
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02	

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37-MASS-4-p (2-2)

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	
Oilers on scows	7.525	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

STATE: Massachusetts COUNTY: Norfolk
DEICSION NO.: AQ-3176 DATE: Date of Publication
Supersedes Decision No. AQ-3043 dated November 23, 1973 in 38 FR 32376 and
Decision No. AQ-3044 dated November 23, 1973 in 38 FR 32380
DESCRIPTION OF WORK: Building Construction, (including Residential), heavy and highway construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 11-Mass-1-2-3-V (1-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS:						
Bellingham, Franklin, Plainville, & Wrentham	$8.80	.505	.45		.005	
Remainder of County	8.955	.55	.50		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement masons; Plasterers; & Stonemasons:						
Dover, Needham, & Wellesley	8.60	.60	.75		.04	
Medfield, Medway, & Millis	8.70	.60	.65		.04	
Avon, Holbrook, Randolph, & Stoughton	8.45	.55	.45		.02	
Bellingham, Canton, Dedham, Foxboro, Franklin, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood, & Wrentham	8.60	.75	.60		.04	
Braintree, Cohasset, N. Weymouth, Quincy, S. Weymouth, & Weymouth	8.70	.65	.60		.04	
BRICKLAYERS; Stonemasons:						
Brookline, & Milton	8.45	.50	.50		.04	
CARPENTERS; Soft floor layers:						
Quincy	8.85	.50	.50		.03	
Brookline, Dedham, & Milton	8.85	.50	.50		.03	
Avon, Holbrook, Randolph, & Stoughton	8.10	.45	.50		.02	
Bellingham, Franklin, Medfield, Medway & Millis	8.48	.30	.30		.025	
Dover, Needham, & Wellesley	8.85	.50	.50		.03	
Canton, Foxboro, Norfolk, Norwood, Plainville, Sharon, Walpole, Westwood & Wrentham	8.85	.50	.50		.03	
Braintree, Cohasset, N. Weymouth, S. Weymouth, & Weymouth	8.35	.50	.50			
CEMENT MASONS: Brookline & Milton	9.15	.50	.30		.05	
ELECTRICIANS:						
Avon, Holbrook, Randolph, & Stoughton						
Elec. contracts under $20,000.	7.55	4%	5%		1%	
Elec. contracts $20,000. or over	9.15	4%	5%		1%	
Residential	7.55	4%	5%		1%	
Plainville	8.65	.38	1%+.25		.02	
Residential	5.25	.38	1% +.05		.02	
Remainder of County	9.45	.35	1%+.95		.05	
Residential	5.25	.35	1%+.95		.05	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS:						
Plainville	7.95	.50	1.40		.03	
Remainder of County	8.39	.50	1.40		.06	

11-MASS-1-2-3 -v (2-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (BUILDING)						
Laborers, carpenter tenders, cement finisher tender, wrecking laborers	$6.80	.40	.40		.05	
Jackhammer op., pavement breaker, wagon drills, asphalt rakers, carbide core drilling mach., chain saw op., pipelayer, barco type jumping tamper, laser beam, concrete pump, mason tender, mortar mixer, ride-on buggy	7.05	.40	.40		.05	
Air track, block paver, rammer, curb setter	7.30	.40	.40		.05	
Blasters, powdermen	7.55	.40	.40		.05	
Open air caisson, cylindrical work & boring crew:						
Laborer, top man	6.80	.40	.40		.05	
Helper	6.92	.40	.40		.05	
Bottom men	7.55	.40	.40		.05	
Driller	7.67	.40	.40		.05	
LATHERS	7.15	.45	.55		.01	
LEADBURNERS	8.75	.30		c	.01	
LINE CONSTRUCTION:						
Linemen	9.50	.30	1%	d		
Equipment operator	8.91	.30	1%	d		
Driver groundman	7.04	.30	1%	d		
MARBLE SETTERS, TERRAZZO WORKERS	8.25	.60	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	9.13	.50	.50		.03	
PAINTERS:						
Bellingham:						
Brush	7.65	.50	.50			
Steel	7.90	.50	.50			
Spray	8.65	.50	.50			
Residential						
Brush	7.45	.45	.45			
Steel	7.70	.45	.45			
Spray	8.45	.45	.45			
Dover, Medfield, Medway, Millis, Needham, & Wellesley						
Brush	7.85	.35	.35			
Steel	8.10	.35	.35			
Spray	8.80	.35	.35			
Residential						
Brush	7.00	.35	.25			
Steel	7.25	.35	.25			
Spray	7.95	.35	.25			
Remainder of County:						
New construction						
Brush, taper	8.21	.62	.50		.04	
Steel	8.21e	.62	.50		.04	
Spray	9.21	.62	.50		.04	
Repaint, Alterations & Residential						
Brush	7.56	.62	.50		.04	
Steel	7.56e	.62	.50		.04	
Spray	8.56	.62	.50		.04	
PILEDRIVERMEN	8.95	.50	.50			

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11-MASS-1-2-3-V (3-3)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS:						
Brookline, & Milton	$8.10	.45	1.15		.02	
PLASTERERS' TENDERS:						
Avon, Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Dover, Foxboro, Franklin, Holbrook, Medfield, Medway, Millis, Milton, Needham, Norfolk, Norwood, Plainville, Quincy, Randolph, Sharon, S. Bellingham, Stoughton, Walpole, Wellesley, Westwood, Weymouth, & Wrentham	7.05	.40	.40		.05	
PLUMBERS; Steamfitters:						
Avon, Holbrook, Randolph, & Stoughton	8.95	.35	.50		.05	
Dover, Medfield, Medway, & Wellesley	9.175	.53	.55		.025	
PLUMBERS; Gasfitters:						
Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham, Foxboro, Franklin, Millis, Milton, Needham, Norfolk, N. Weymouth, Norwood, Plainville, Quincy, Sharon, S. Weymouth, Walpole, Westwood, Weymouth, & Wrentham	9.85	.50	.60		.03	
ROOFERS	8.00	.30	.20			
SHEET METAL WORKERS	8.73	.46	.45		.02	
SPRINKLER FITTERS	9.08	.40	.60		.07	
STEAMFITTERS:						
Bellingham, Brookline, Canton, Dedham, Foxboro, Franklin, Medway, Milton, Needham, Norfolk, Norwood, Plainville Quincy, Sharon, Walpole, Westwood, & Wrentham	9.76	.51	.65		.05	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.25	.60	.50			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay credit.
b. 6 Paid Holidays: A through F.
c. 9 Paid Holidays: A through F, Washington s Birthday, Good Friday, & Christmas Eve, provided the employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding the following holiday.
d. 7 Paid Holidays: A through F, & Bunker Hill Day provided the employee has been employed 10 working days prior to the listed holidays.
e. Employer pays $5.00 per day extra above the trush rate.

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MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

MASS 1-LAB-2-3 K

HEAVY & HIGHWAY CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I Carpenter tender, cement finisher tender, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV Blasters, powdermen	7.55	.40	.40		.05

MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: Massachusetts
COUNTY: Plymouth
DECISION NO.: AQ3177
DATE: Date of Publication
Supersedes Decision No. AQ-3083, dated February 1, 1974 in 39 FR 4323 and Decision No. AQ-3084, dated February 1, 1974 in 39 FR 4327
DECSRIPTION OF WORK: Building Construction, (including Residential), heavy and highway construction

Building, Heavy & Highway

12-MASS-1-2-3-Y (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS:						
Lakeville, Mattapoisett, Middleboro, Rochester, & Wareham	$8.80	.505	.45		.005	
Remainder of County	8.955	.55	.50		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement masons; & Stonemasons:						
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Norwell, Pembroke, Plymouth, Plympton, Rockland, W. Bridgewater, & Whitman	8.45	.55	.45		.02	
BRICKLAYERS; Cement masons; Plasterers; & Stonemasons:						
Hingham, Hull, Scituate, & the Islands of Quincy Bay	8.70	.65	.60		.04	
Lakeville	8.60	.75	.60		.04	
Marion, Mattapoisett, Rochester, & Wareham	8.25	.60	.60		.02	
CARPENTERS; Soft floor layers:						
Duxbury, Hanover, Hingham, Hull, Marshfield, Norwell, Pembroke, Rockland, & Scituate	8.85	.50	.50		.03	
Abington, Bridgewater, Brockton, Carver, E. Bridgewater, Halifax, Hanson, Kingston, Plymouth, Plympton, W. Bridgewater, & Whitman	8.10	.45	.50		.02	
Lakeville, & Middleboro	8.10	.45	.50		.02	
Marion, Mattapoisett, Rochester, & Wareham	8.10	.45	.50		.02	
ELECTRICIANS:						
Hingham, Hull	9.45	.50	1%+.95		.05	
Residential	5.25	.35	1%+.95		.05	
Mattapoisett, Rochester & Wareham:						
Electrical contracts over $12,000.	8.63	.25	1%+.25		a	
Electrical contracts under $12,000.	7.25	.25	1%+.25		a	
Lakeville & Middleboro	8.90	.50	1%		.5%	
Residential	6.00	.50	1%		.05	
Remainder of County:						
Electrical contracts $20,000. or more	9.15	4%	5%		1%	
Electrical contracts under $20,000.	7.55	4%	5%		1%	
Residential	7.55	4%	5%		1%	
ELEVATOR CONSTRUCTORS	9.125	.345	.23	2%+b&c	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+b&c	.015	
ELEVATOR CONSTRUCTORS' HELPERS, PROB.	50%JR					

12-MASS-1-2-3-y (2-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GLAZIERS	$8.55	.25	.36		.02	
IRONWORKERS:						
Bridgewater, Brockton, Hanover, Hanson, Marshfield, Norwell, Pembroke, Rockland, Scituate, W. Bridgewater, & Whitman	8.39	.50	1.40		.06	
Lakeville, Marion, Mattapoisett, Middleboro, Rochester, & Wareham	7.95	.50	1.40		.03	
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.80	.40	.40		.05	
Helper	6.92	.40	.40		.05	
Bottom men	7.55	.40	.40		.05	
Driller	7.67	.40	.40		.05	
LATHERS:						
Abington, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, W. Bridgewater, Whitman, & part of Middleboro	7.15	.45	.55		.01	
Hingham, & Hull	7.15	.45	.55		.01	
LEADBURNERS	8.75	.30		d	.01	
LINE CONSTRUCTION:						
Hingham:						
Linemen	9.50	.30	1%	e		
Equipment operators	8.91	.30	1%	e		
Groundman	5.92	.30	1%	e		
MARBLE SETTERS; Terrazzo workers	8.25	.60	.50			
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	8.50	.50	.50		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, W. Bridgewater, & Whitman:						
Brush; Taper (New construction)	$8.21	.62	.60		.04	
Steel (New construction)	8.21+f	.62	.60		.04	
Spray (New construction)	9.21	.62	.60		.04	
Brush (repaint, alterations, resid.)	7.56	.62	.60		.04	
Steel (repaint, alterations, resid.)	7.56+f	.62	.60		.04	
Spray (repaint, alterations, resid)	8.56	.62	.60		.04	
Marion, Mattapoisett, Rochester, & Wareham:						
Brush; Rollers; Taping	7.25	.30	.20			
Steel 1' to 50'	7.75	.30	.20			
Spray	8.25	.30	.20			
PILEDRIVERMEN:						
Marion, Mattapoisett, Rochester, & Wareham	7.85	.30	.50			
Remainder of County	8.95	.50	.50			
PLASTERERS:						
Norwell	8.10	.45	1.15		.02	
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Middleboro, Pembroke, Plymouth, Plympton, Rockland, W. Bridgewater, & Whitman	8.45	.55	.45		.02	
PLASTERERS' TENDERS:						
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, Scituate, W. Bridgewater, & Whitman	7.05	.40	.40		.05	
PLUMBERS:						
Marion, Mattapoisett, Rochester, & Wareham	8.15	.51	.66		.15	
Abington, Bridgewater, Brockton, Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Kingston, Marshfield, Norwell, Pembroke, Plymouth, Plympton, Rockland, W. Bridgewater, & Whitman	8.95	.35	.50		.05	
PLUMBERS; Gasfitters:						
Hingham, Hull, & Scituate	9.85	.50	.60		.03	
PLUMBERS; Steamfitters:						
Lakeville, & Middleboro	8.02	.40	.40			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS:						
Abington, Bridgewater, E. Bridgewater, Halifax, Hanover, Hanson, Marshfield, Norwell, Pembroke, Plymouth, Plympton Rockland, Scituate, & W. Bridgewater	$8.00	.30	.20			
Brockton	7.40					
Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester, & Wareham:						
Roofers; Kettlemen	7.85	.25	.05			
Helpers, Class "A"	7.15	.25	.05			
SHEET METAL WORKERS:						
Marion, Mattapoisett, Rochester, & Wareham	8.60	.45	.45			
Remainder of County	8.73	.46	.45		.02	
SPRINKLER FITTERS	9.08	.40	.60		.07	
STEAMFITTERS:						
Marshfield	9.76	.51	.65		.05	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS	8.25	.60	.50			
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contribution of $1.00 per journeyman electrician per week.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. 6 paid holidays: A through F.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. 7 paid holidays: A through F, and Bunker Hill Day, provided the employee has been employed 5 working days prior to any one of the listed holidays.
f. Employer pays $5.00 per day extra above the brush rate.

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MASS - 1 - TD - 1-2-3 D

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

AQ-3177 P. 6

MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

MASS 1-LAB-2-3 K

HEAVY & HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I Carpenter tender, cement finisher ternder, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV Blasters, powdermen	7.55	.40	.40		.05

SUPERSEDEAS DECISION

AQ-3178 P. 2

STATE: Massachusetts
COUNTY: Suffolk
DECISION No.: AQ-3178
DATE: Date of Publication
Supersedes Decision No. AQ-3045 dated November 23, 1973 in 38 FR 32383 and Decision No. AQ-3072 dated January 4, 1974 in 39 FR 1195.
DESCRIPTION OF WORK: Building Construction, (Including Residential), heavy and highway construction, marine construction and dredging.

13-MASS-1-2-3-H (1 of 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$9.26	.60	.65		.01
Boilermakers	8.705	.50	10%		.01
Bricklayers; Stonemasons	8.65	.60	.70		.04
Carpenters; Soft floor layers	8.85	.50	.50		.03
Cement masons	9.15	.50	.30		.05
Electricians	9.45	.50	1%+.95		.05
Residential	5.25	.35	1%+.95		.05
Elevator constructors	9.125	.345	.23	2%+a+b	.015
Elevator constructors' helpers	70%JR	.345	.23	2%+a+b	.015
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	8.55	.25	.36		.02
Ironworkers:					
Ornamental; Reinforcing; Structural	8.39	.50	1.40		.06
Laborers (Building):					
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ridge-on motorized buggy	7.05	.40	.40		.05
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05
Blasters; Powdermen	7.55	.40	.40		.05
Open air caisson; Cylindrical work & boring crew:					
Laborer; Top man	6.80	.40	.40		.05
Helper	6.92	.40	.40		.05
Bottom men	7.55	.40	.40		.05
Driller	7.67	.40	.40		.05
Lathers	7.15	.45	.55		.01
Leadburners	8.75	.30		c	.01
Line Construction:					
Linemen	9.50	.30	1%	d	
Equipment operators	8.91	.30	1%	d	
Groundman-truck driver	7.04	.30	1%	d	
Marble Setters; Terrazzo workers	8.75	.60	.50		
Marble setters' helpers	6.50	.20	.10		
Millwrights	9.13	.50	.50		.03
Painters:					
Brush; New Construction	8.21	.62	.60		.04
Strucutral steel	8.21+e	.62	.60		.04
Spray	9.21	.62	.60		.04
Repaint alterations:					
Brush	7.56	.62	.60		.04
Structural steel	7.56+e	.62	.60		.04
Spray	8.56	.62	.60		.04

13-MASS-1-2-3-H (2 of 2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Painter; (Cont'd)					
Residential:					
Remaining portion of D. C. same as above rates for repaint alterations.					
Fall River Area:					
Brush	7.23	.62	.20		.04
Steel	9.235	.62	.20		.04
Piledrivermen	8.95	.50	.50		
Plasterers	8.10	.45	1.15		.02
Plasterers' tenders	7.05	.40	.40		.05
Plumbers	9.85	.50	.60		.03
Roofers; Waterproofers	8.85	.55	.45		.03
Sheet Metal workers	9.23	.61	.55		.04
Sprinkerl fitters	9.98	.40	.60		.02
Steamfitters	9.76	.51	.65		.05
Terrazzo workers' helpers	7.40	.20	.10		
Tile setters	8.75	.60	.50		
Tile setters helpers	6.50	.20	.10		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

b. 6 paid holidays; A through F.

c. 9 paid holidays; A through F, Washington's Birthday, Good Friday, & Christmas Eve provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

d. 7 paid holidays: A through F, and Bunker Hill Day, provided the employee has been employed 10 working days prior to any one of the listed holidays.

e. Employer pays $5.00 per day extra above the brush rate.

TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION — AQ-3178 P. 3 — MASS - 1 - TD - 1-2-3 D

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

MASS 1-LAB-2-3 K

HEAVY & HIGHWAY CONSTRUCTION

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
CLASS I Carpenter tender, cement finisher ternder, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV Blasters, powdermen	7.55	.40	.40		.05

AQ-3178 P. 4 — MA-DREDGE-1-ATL-C

DREDGING	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
Dredge operator	$5.935	.225	.25	c+d		
Mates	4.05	.742	.197	c+d		
Scowmen	3.31	.742	.161	c+d		
Deckhand	3.36	.742	.163	c+d		
Tug engineer	4.10	.742	.197	c+d		
Hydraulic Dredges						
Leverman	5.47	.25	.15	a+5%		
Engineer and derrick operators	5.40	.25	.15	a+5%		
Maintenance engineer	5.29	.25	.15	a+5%		
Dredge carpenter, electricians, blacksmith, welders & boilerman	5.17	.25	.15	a+5%		
Mates	4.80	.25	.15	a+5%		
Oiler, Fireman, carpenter's helper, welder's helper & blacksmith helper	4.24	.25	.15	a+5%		
Deckhands and shoreman	4.00	.25	.15	a+5%		
Tug engineer	4.86	.25	.15	a+5%		
Tug deckhand	4.06	.25	.15	a+5%		
Drill Boats						
Engineer	6.3475	.25	.15	b		
Blaster	6.4375	.25	.15	b		
Driller; Welder Machinist	6.3487	.25	.15	b		
Firemen	6.0975	.25	.15	b		
Oiler; Drill helper	5.97	.25	.15	b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday and Veterans Day.
b. Holidays: A through F; Washington's Birthday and Veterans Day (6⅔) days of vacation with pay for 104 days of service one additional day of vacation with pay for each additional 21-2/3 days of service, all in one calendar year. Employees not qualifying for vacation to receive 1 day's vacation with pay for each full 24 days of service in one calendar year.
c. Paid Holidays: New Year's Day; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Veterans Day; Thanksgiving Day; Christmas Day.
d. One week's vacation after one year of employment.

AQ-3178 P. 5

MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

AQ-3178 P. 6

MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, cherry pickers, derricks, pile drivers, two or more drum machines, lighters, derrick boats, trenching machines, mechanical hoist pavement breakers, cement concrete pavers, draglines, hoisting engines, pumpcrete machines, elevating graders, shovel dozers, front end loaders, backhoes, gradalls, cable ways, boring machines, rotary drills, post hole hammers, post hole diggers, fork lifts, timber jacks, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant, (on site), paving concrete mixers	$9.11	.55	.60	a	.02	
Booms over 150' including jib - additional $.35 per hour Booms over 185' including jib - additional $.70 per hour Booms over 210' including jib - additional $1.00 per hour Booms over 250' including jib - additional $1.50 per hour Booms over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Swinger engines	9.16	.55	.60	a	.02	
Portable steam boilers, portable steam generators, sonic or vibratory hammers, graders, scrapers, tandem scrapers, concrete pumps, bulldozers, tractors, york rakes, mulching machines, rollers, spreaders, tampers self-propelled or tractor drawn, asphalt pavers, concrete mixers with side loaders, mechanics - maintenance	8.99	.55	.60	a	.02	

MARINE CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps, compressors, welding machines, heaters (power driven), valves controlling permanent plan air or steam, wellpoint systems, augers - powered by independent engines & attached to pile drivers, hydraulic saws, generators, lighting plants, syphons-pulsometers, concrete mixers, conveyors	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	
Oilers on scows	7.525	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Patriots' Day; Columbus Day; & Veterans' Day.

SUPERSEDEAS DECISION

STATE: Massachusetts
DECISION NO.: AQ-3179
COUNTY: Worcester
DATE: Date of Publication
Supersedes Decision No. AQ-3160 dated April 5, 1974 in 39 FR 12645
DESCRIPTION OF WORK: Building Construction (including residential), Heavy and Highway Construction.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION 14-MASS-1-2-3-b (1-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$8.62	.47	.20		.01	
BOILERMAKERS	8.705	.50	10%		.01	
BRICKLAYERS; Cement masons; Plasterers; & Stonemasons:						
Warren	9.10	.45	.40		.02	
Hopedale, Milford, & Southboro	8.70	.60	.65		.04	
Ashburnham, Athol, E. Templeton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Princeton, Royalston, Sterling, Templeton, Westminster, & Winchendon	8.75	.60	.60		.04	
Remainder of County	8.50	.55	.55		.02	
CARPENTERS; Soft floor layers:						
Ashburnham, Athol, E. Gardner, E. Templeton, Fitchburg, Gardner, Harvard, Leominster, Lunenburg, N. Leominster, Petersham, Phillipston, Royalston, S. Ashburnham, S. Royalston, Templeton, Westminster, & Winchendon	8.85	.50	.50		.03	
Berlin, Bolton, Clinton, Northboro, Southboro, & Westboro	8.50	.50	.30		.07	
Blackstone, Millville	7.79	.50	.35			
Hopedale, Mendon, Milford, Upton, & W. Upton	8.48	.30	.30		.025	
Hardwick, Warren, & W. Brookfield	8.63	.35	.50		.02	
Remainder of County	8.95	.40	.50		.03	
ELECTRICIANS:						
Warren	8.47	.30	1%+.15	.43	a	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Phillipston, Princeton, Royalston, Templeton, Westminster, & Winchendon	8.80	.45	1%+.35		.02	
Remainder of County	9.33	5%	1%+.24		.01	
ELEVATOR CONSTRUCTORS	8.13	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+b+c	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	8.55	.25	.36		.02	
IRONWORKERS:						
Blackstone	7.95	.50	1.40		.03	
Remainder of County	8.39	.50	1.40		.06	

14-MASS-1-2-3-b (2-4)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (BUILDING):						
Laborers; Carpenter tenders; Cement finisher tenders; Wrecking laborers	6.80	.40	.40		.05	
Jackhammer op.; Pavement breakers; Wagon drills; Asphalt rakers; Carbide core drilling machine; Chain saw op.; Pipelayer; Barco type jumping tampers; Laser beam; Concrete pump; Mason tenders; Mortar mixers; Ride-on motorized buggy	7.05	.40	.40		.05	
Air track; Block pavers; Rammers; Curb setters	7.30	.40	.40		.05	
Blasters; Powdermen	7.55	.40	.40		.05	
Open air caisson; Cylindrical work & boring crew:						
Laborer; Top man	6.55	.40	.40		.05	
Helper	6.67	.40	.40		.05	
Bottom men	7.30	.40	.40		.05	
Driller	7.42	.40	.40		.05	
LATHERS:						
Sturbridge, & Warren	7.60	.45	.25			
Clinton, Harvard, Lancaster, Leominster, Southboro, & Uxbridge	8.12	1.25	.25		.01	
LEADBURNERS	8.75	.30		d	.01	
LINE CONSTRUCTION:						
Lineman	8.08	.25	1%	e		
Equipment operator	7.17	.25	1%	e		
Driver groundman	5.41	.25	1%	e		
Groundman	5.16	.25	1%	e		
MARBLE SETTERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, Westminster	8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
MARBLE SETTERS' HELPERS	6.50	.20	.10			
MILLWRIGHTS	9.13	.50	.50		.03	

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PAINTERS:						
Warren:						
Brush	$5.525	.30	.25			
Spray	7.366	.40	.3334			
Swing stage under 40 & steel	5.712	.30	.25			
Swing stage over 40 & steel	6.025	.30	.25			
Hopedale, Mendon, Milford, Southboro, Upton, & Westboro:						
Brush (New construction)	7.85	.35	.35		.06	
Brush (Repaint)	7.30	.35	.35		.06	
Steel (New construction)	8.10	.35	.35		.06	
Steel (Repaint)	7.55	.35	.35		.06	
Spray (New construction)	8.80	.35	.35		.06	
Spray (Repaint)	8.25	.35	.35		.06	
Remainder of County:						
Brush	8.33	.50	.25		.02	
Steel	8.955	.50	.25		.02	
Sandblasting; Spray	9.33	.50	.25		.02	
PILEDRIVERMEN	8.95	.50	.50			
PIPEFITTERS:						
Hopedale, & Southboro	9.175	.53	.55		.025	
Remainder of County	9.725	.35	.25		.05	
PLASTERERS' TENDERS:						
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, E. Brookfield, Grafton, Hardwick, Holden, Hopedale, Leicester, Mendon, Milford, Millbury, New Braintree, Northboro, Northbridge, N. Brookfield, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southboro, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Upton, Uxbridge, Warren, Webster, Westboro, W. Boylston, W. Brookfield, Whitinsville, & Worcester	7.05	.40	.40		.05	
PLUMBERS:						
Hopedale, & Southboro	9.175	.53	.55		.025	
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster, & Winchendon	8.75	.30	.40	4%	.02	
Remainder of County	9.225	.65	.45			
ROOFERS	9.23	.27				
SHEET METAL WORKERS	9.50	.55	.25		.05	
SPRINKLER FITTERS	9.08	.40	.60		.07	
STEAMFITTERS:						
Ashburnham, Athol, Bolton, Fitchburg, Gardner, Harvard, Hubbardston, Lancaster, Leominster, Lunenburg, Petersham, Phillipston, Royalston, Templeton, Westminster & Winchendon	8.75	.30	.40	4%	.02	
Remainder of County	9.225	.65	.45			

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TERRAZZO WORKERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster	$8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
TERRAZZO WORKERS' HELPERS	7.40	.20	.10			
TILE SETTERS:						
Ashburnham, Fitchburg, Harvard, Lancaster, Leominster, Lunenburg, Princeton, Sterling, & Westminster	8.25	.60	.50			
Auburn, Barre, Berlin, Blackstone, Bolton, Boylston, Brookfield, Charlton, Clinton, Douglas, Dudley, Grafton, Hardwick, Holden, Leicester, Mendon, Millbury, Millville, New Braintree, Northboro, Northbridge, Oakham, Oxford, Paxton, Rutland, Shrewsbury, Southbridge, Spencer, Sturbridge, Sutton, Upton, Uxbridge, Webster, W. Boylston, Westboro, & Worcester	8.50	.50	.45		.02	
Warren	9.10	.45	.40		.02	
TILE SETTERS' HELPERS	6.50	.20	.10			

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; & F-Christmas Day.

FOOTNOTES:
a. $.30 per man per week
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. 6 paid holidays: A through F.
d. 9 paid holidays: A through F, Washington's Birthday, Good Friday, & Christmas Eve, provided the employee has worked at least 45 full days during the 120 calendar days immediately prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
e. 7 paid holidays: A through F, & Bunker Hill Day, provided the employee has worked 10 days prior to the listed holidays.

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BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, Cranes, Hydraulic Cranes 10 ton capacity or over, Draglines, Derricks, Elevators with Chicago Boom, Backhoes, Gradalls, Elevating Graders, Pile Driving Rigs, Concrete Road Pavers, three drum Hoisting and Trenching Machines, Belt-type Loaders, Front End Loaders-5½ yards or over, Dual Drum Paver, Automatic Grader (i. e. C.M.I.) Combination Back Hoe-Loader-3/4 yard hoe or over.	$8.30	.45	.60	a	.05	
Rotary Drill (with mounted compressor), Compressor house (3 to 6 compressors), Rock and Earth Boring Machines (excluding McCarthy and similar drills), Graders, Front End Loaders-4 yards to 5½ yards, two Drum Hoists, High Fork Lifts with capacity of 15 feet and over, Scrapers-21 yards and over (struck load), Sonic Hammer Console.	8.10	.45	.60	a	.05	
Combination Backhoe-Loader-up to 3/4 yard hoe, Bulldozers, Push Cats, Scrapers-up to 21 yards (struck load)-self propelled or tractor drawn, Fireman, Front End Loaders-up to 4 yards, Asphalt Paver, Asphalt Roller-10 ton or over, Well Drillers, Mechanics, Welders, Pumpcrete Machines, Concrete Pumps, and similar type pumps, Engineer or Fireman on High Pressure Boiler (on job), Self-Loading Batch Plant, Well Point, Electric Pumps used in Well Point System, Pumps-12 inches and over (total discharge), Compressor (one or two) 900 cu. ft. and over, Powered Grease Truck, Automatic Elevators, (manually or remote controls), Grout Pumps, Boom Truck, Hydraulic Cranes-under 10 ton.	7.90	.45	.60	a	.05	
Asphalt Roller-under 10 ton.	7.60	.45	.60	a	.05	

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MASS-2-PEO-1-T 2 of 2

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS (cont'd.)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Single Drum Hoist, Self-Propelled Roller, Self-Propelled Compactors, Power Pavement Breakers, Concrete Pavement Finishing Machines, Two Bag Mixers with Skip, McCarthy and similar drills, Batch Plants (not self-loading) Bulk Cement Plants, Self-Propelled Material Spreaders, A Frame Trucks, Fork Lifts-up to 15 feet.	$6.93	.45	.60	a	.05	
Compressors (one or two) 315 cu. ft. to 900 cu. ft., Pumps-4 inches to 12 inches (total discharge), Tractor (without blade or bucket) Drawing Rollers, Rubber Tire Roller, Compactors or other machines used for pulverizing, Grading or Seeding.	6.74	.45	.60	a	.05	
Compressors (up to 315 cu. ft.), Small Mixers, Pumps (up to 4 inches), Power Heaters, Welding Machines, Conveyors, Oiler, Helpers on Grease Truck and Grease Trucks with hand greasing equipment.	6.12	.45	.60	a	.05	

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, Veterans' Day and Columbus Day.

MASS-1-PEO-1-2-3-c (1-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Shovels, cranes, truck cranes, draglines, trench hoes, backhoes, three drum machines, derricks, pile drivers, elevator towers, hoists, gradalls, shovel dozers, front end loaders, fork lifts, augers, cherry pickers, boring machines, rotary drills, post hole hammers, post hole diggers, pumpcrete machines, pavement breakers, mechanical hoist, cement concrete pavers, shaft hoists, steam engines, cableways, paving concrete mixers, trenching machines, hoisting engines, uke loaders, asphalt plant (on site), concrete batching &/or mixing plant (on site), crusher plant (on site), Timber jacks	$9.11	.55	.60	a	.02	
Boom over 150' including jib - additional $.35 per hour Boom over 185' including jib - additional $.70 per hour Boom over 210' including jib - additional $1.00 per hour Boom over 250' including jib - additional $1.50 per hour Boom over 295' including jib - additional $2.00 per hour						
Master mechanic	9.86	.55	.60	a	.02	
Sonic or vibratory hammers, graders, scrapers, tractors, concrete pumps, tandem scrapers, bulldozers, mulching machines, york rakes, portable steam boilers, rollers, spreaders, tampers, self-propelled or tractor drawn, asphalt pavers, mechanics maintenance, group pumps, locomotive or machines used in place thereof, portable steam generators, paving screed machines, stationary steam boilers, paving concrete finishing machines	8.99	.55	.60	a	.02	

MASS-1-PEO-1-2-3-c (2-2)

BUILDING, HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pumps (1-3 grouped), compressors, welding machines (1-3 grouped), generators, concrete vibrators, lighting plants, heaters (power driven 1-5), wellpoint systems (operating and installing), syphons-pulsometers, concrete mixers, valves controlling permanent plant air or steam, conveyors, Jackson type tamper, single diaphragm pump	$7.625	.55	.60	a	.02	
Assistant engineers (firemen)	8.31	.55	.60	a	.02	
Oilers and apprentices (other than truck cranes and gradalls)	6.75	.55	.60	a	.02	
Oilers and apprentices on truck cranes and gradalls	7.13	.55	.60	a	.02	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:
a. 10 paid holidays: A through F; Washington's Birthday; Columbus Day; Veterans' Day; & Patriots' Day.

MASS 1-LAB-2-3 K

HEAVY & HIGHWAY CONSTRUCTION LABORERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I Carpenter tender, cement finisher tender, laborer, wrecking laborer	$6.80	.40	.40		.05
CLASS II Asphalt rakers, fence and guard rail erectors, laser beam op., mason tender, pipelayer, pneumatic drill op., pneumatic tool op., wagon drill op.	7.05	.40	.40		.05
CLASS III Air track Op., block pavers, rammers, curb setters	7.30	.40	.40		.05
CLASS IV Blasters, powdermen	7.55	.40	.40		.05

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TRUCK DRIVERS: BUILDING AND HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Station wagons, panel trucks and pick-up trucks	$6.80	.485	.575	a+b		
Two axle equipment; helpers on low bed when assigned at the discretion of the employer, warehousemen, forklift opers.	6.95	.485	.575	a+b		
Three axle equipment and tiremen	7.00	.485	.575	a+b		
Four and five axle equipment	7.10	.485	.575	a+b		
Specialized earth moving equipment under 35 tons other than conventional type trucks, low bed, vachaul, mechanics, paving restoration equipment, Mechanics	7.20	.485	.575	a+b		
Specialized earth moving equipment over 35 tons	7.45	.485	.575	a+b		
Trailers for earth moving equipment, (double hookup)	7.70	.485	.575	a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. One half day's pay each month in which an employee has worked 15 days provided he has been employed for 4 months.
b. Holidays: A through F, Washington's Birthday, Columbus Day, Veteran's Day, and Patriots' Day, provided an employee works two days of the calendar week in which the holiday falls.

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: UNION

DECISION NO.: AQ-2,119 DATE: Date of Publication
Supersedes Decision No. AP-846 dated June 8, 1973 in 38 FR 15333
DESCRIPTION OF WORK: Building construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

20-NJ-1-2-3-X 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$ 9.202	.5803	.4974	11%	.02	
Boilermakers	8.35	8%	9½ + 3%	10%	.01	
Boilermakers' helpers	7.82	8%	9½ +3%	10%	.01	
Bricklayers, cement masons, plasterers & stone masons:						
Hill side Twp.	8.95	.50	.45	.50	.02	
Elizabeth, Linden, Roselle, Roselle Park & Winfield	9.45	.45	.40		.02	
Summit, Springfield, Union, New Providence, Murray Hill & Berkeley Heights	9.30	.50	.50		.02	
Remainder of County	9.45	.45	.40		.02	
Carpenters and Insulators	9.29	6%	6%		.02	
Dock builders & piledrivermen	9.36	.90	1.53	.56	.02	
Electricians:						
Plainfield	10.11	.40	.30+1%		3/4%	
Mountainside, Summit, New Providence	10.03	.40	.38+2%		f	
Remainder of County	9.49	.42	.31+1%	.95	.02	
Elevator constructors	9.10	.395	.26 + a	b+c	.015	
Elevator constructors' helpers	6.83	.395	.26+a	b+c	.015	
Elevator constructors' helpers (prob.)	4.55					
Elevator constructors modernization	8.33	.395	.26+a	b+c	.015	
Elevator constructors modernization helpers	6.25	.395	.26+a	b+c	.015	
Elevator constructors repair	7.48	.395	.26+a	b+c	.015	
Elevator constructors repair helpers	5.61	.395	.26+a	b+c	.015	
Glaziers	8.70	.70	.65	d	.02	
Ironworkers:						
Structural, ornamental, reinforcing	9.15	.64	2.11	.90	.09	
Laborers, Building:						
Springfield and Union Twps.	6.65	.50	.55			
Remainder of County:						
Laborers, air tool op., masons tenders mortar mixers, plasters' tenders	6.65	.55	.50			
Lathers:						
Scotch Plains, Westfield, New Providence N. Plainfield, Garwood Mountainside, Murray Hill, Berkeley Heights & Fanwood	6.65	.25	.25		.01	
Remainder of County	6.65	.25	.25		.01	
Lead burners	8.75	.30		e	.01	
Marble setters	7.80	.63+.15	.66+.28			
Marble setters' helpers	7.33	.59+.15	.66+.25			
Millwrights	9.54	6%	6%			

20-NJ-1-2-3-X 2 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters:						
Commercial	$ 7.80	.45	.50	.10		
Exterior work exceeding 3 stories in height, open structural steel under 3 stories	7.95	.45	.50	.10		
Bridges, television & radio towers, structural steel & tank over 30'	8.40	.45	.50	.10		
Spray	8.27	.45	.50	.10		
Plumbers:						
Fanwood, Netherwood, Plainfield and Plainfield Twp.	9.46	.40	.90	.85	.11	
Ashbrook, Berkeley Heights, Great Island Murray Hill, Springfield, Springfield Twp., Unionbury, Unionville, Vauxhall, Warners, Summit, Summit Twp., New Providence Twp., Chatham	9.57	.40	.90		.10	
Remainder of County	8.85	.62	.70	1.06	1%	
Roofers:						
Scotch Plains, Plainfield, Clark & Rahway:						
Composition, damp & waterproofing	9.45	.50	.325			
Slate and tile	8.625	.50	.325			
Slate and tile helper	7.55	.50	.325			
Remainder of County:						
Composition, damp & waterproof	6.82	.25	.20			
Slate, tile and asbestos	8.05	.30	.20			
Slate, tile and asbestos helpers	7.05	.30	.20			
Sheet metal workers	9.30	5%	4%		.05	
Soft floor layers	8.53	6%	5%	4%		
Sprinkler fitters	10.12	.40	.60		.07	
Steam fitters:						
Ashbrook, Berkeley Heights, Great Island Murray Hill, Springfield, Springfield Twp., Unionbury, Unionville, Chatham, Vauxhall, Warners, Summit, Summit Twp., New Providence & New Providence Twp.	9.57	.40	.90	.75	.10	
Remainder of County	8.45	5%	6%	10%		
Terrazzo workers	8.70	.78+.45	1.26			
Terrazzo workers' helpers	7.43	.475+.45	.475			
Terrazzo machine operator	7.68	.475+.45	.475			
Tile setters	8.10	.60	1.50			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day to Annuity Fund.

b. Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, and Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week's vacation after one year's work; two weeks' vacation after 4 years' work; 3 weeks vacation after 15 years' work.

e. Holidays: A through F, Washington's Birthday, and Good Friday providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

f. Employer contributes 100 dollars per year to an Apprentice Training Fund.

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	
Laborers:						
Blasters	$7.60	.41	.64	a		
Finisher, rammer, paver, gunite nozzle man and stone cutter	7.45	.41	.64	a		
Timberman	7.20	.41	.64	a		
Form setter	7.15	.41	.64	a		
Sewer pipe, laser men, conduit and duct line layers	6.95	.41	.64	a		
Wagon drill op. and drill master	7.05	.41	.64	a		
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	6.70	.41	.64	a		
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.05	.41	.64	a		
Signal man	6.75	.41	.64	a		
Wrapping and coating of all pipe	6.55	.41	.64	a		
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.50	.41	.64	a		
Rakers and tampers on cold patch work	6.50	.41	.64	a		
FREE AIR TUNNEL WORK	Daily Rates					
Blasters	$63.77	.41	.59	a		
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	60.57	.41	.59	a		
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	59.28	.41	.59	a		
All others (including powder watchmen, change house attendants, top laborers)	55.22	.41	.59	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

LABORERS, ASPHALT	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Streets:						
Head rakers	$6.50	.51	.54	a		
Rakers	6.25	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.10	.51	.54	a		
Plant:						
Scale mixer and burner men	6.35	.51	.54	a		
Feeders and dust men	6.10	.51	.54	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), econo-mobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), rollers (backtop), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, auto-grade tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with hob site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, grader (finish only), graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement,

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic.

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifiertransformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operations: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base)

GROUP XIV: Helicopters (pilot/engineer)

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS						
GROUP I	$10.73	7%	10%+5%	a	3%	
GROUP II	9.85	7%	10%+5%	a	3%	
GROUP III	9.65	7%	10%+5%	a	3%	
GROUP IV	8.96	7%	10%+5%	a	3%	
GROUP V	8.81	7%	10%+5%	a	3%	
GROUP VI	8.76	7%	10%+5%	a	3%	
GROUP VII	8.05	7%	10%+5%	a	3%	
GROUP VIII	8.41	7%	10%+5%	a	3%	
GROUP IX	7.60	7%	10%+5%	a	3%	
GROUP X	8.91	7%	10%+5%	a	3%	
GROUP XI	7.50	7%	10%+5%	a	3%	
GROUP XII	9.95	7%	10%+5%	a	3%	
GROUP XIII	8.41	7%	10%+5%	a	3%	
GROUP XIV	12.33	7%	10%+5%	a	3%	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday and Presidential Election Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn., subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), rollers (blacktop), scrapers (letourneau, dw's, ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, asphalt spreaders, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, bridge deck finisher, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrators, skimmer machines (boom type), generators, giraffe grinders, grader (finish only), graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading, welder and and repair mechanic

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION CONT'D. :

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment, operation & maintenance of grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I	$10.73	7%	5% + 10%	a	3%	
GROUP II	9.85	7%	5% + 10%	a	3%	
GROUP III	8.96	7%	5% + 10%	a	3%	
GROUP IV	8.76	7%	5% + 10%	a	3%	
GROUP V	8.05	7%	5% + 10%	a	3%	
GROUP VI	8.61	7%	5% + 10%	a	3%	
GROUP VII	12.33	7%	5% + 10%	a	3%	
GROUP VIII	9.95	7%	5% + 10%	a	3%	
GROUP IX	8.41	7%	5% + 10%	a	3%	
GROUP X	8.91	7%	5% + 10%	a	3%	
GROUP XI	8.66	7%	5% + 10%	a	3%	
GROUP XII	7.90	7%	5% + 10%	a	3%	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday and Presidential Election Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

STEEL ERECTION

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Power Equipment Operators:						
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$11.53	7%	15%	a	3%	
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.33	7%	15%	a	3%	
A-frames, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms	10.88	7%	15%	a	3%	
Air compressors (2 or 3 in battery), welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.31	7%	15%	a	3%	
Air compressors single, welding machines (gasoline electric converter of any type, single)	8.50	7%	15%	a	3%	
Firemen	8.83	7%	15%	a	3%	
Oilers	8.00	7%	15%	a	3%	
Water Operations:						
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:						
Captain, tugmaster	9.25	7%	15%	a	3%	
Deckhand	7.95	7%	15%	a	3%	

Paid Holidays:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnote:
a. Holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

South of the inclusive line formed by Scotch Plains, Cranford and Roselle BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Winch Trailers	$6.28	a		b		
Euclid, International Haversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	6.18	a		b		
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	6.18	a		b		
Straight three-axle materials: Trucks and floats	6.08	a		b		
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch truck, side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader, nipper, fuel trucks (driver on fuel truck including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), beltcrete trucks, pumpcrete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, littleford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	6.03	a		b		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS (Cont'd):						
Teamster mechanic	$6.03	a		b		
Mechanic helper	5.80	a		b		

FOOTNOTES:

a. Employer contributes $.89 per hour to a combined Health, Welfare and Pension fund.

b. Employees worked or received pay: 80 days within a year receive one week's vacation, 125 days within a year receive two weeks' vacation, 145 days within a year receive 15 days' vacation, 15 years seniority and 145 days within a year receive four weeks' vacation.

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Northern portion BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Winch Trailers	$6.14	a	.51	b+c		
Euclids, international harvesters, wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom, rear and side dump, carry-alls and scrapers (not self-loading - loading over the fop), water sprinkler trailers, water pulls and similar types of vehicles	6.04	a	.51	b+c		
Tractor and trailer type vehicles, flat floats, I-Beams, low beds, water sprinkler, bituminous, transit mix, road oil, fuel, bottom dump hopper, rear dump, office, shanty, epoxy, asphalt, agitator mixer, mulching stringer, seeding, fertilizing pole, spread bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer	6.04	a	.51	b+c		
Straight three axle materials: Trucks and floats	5.94	a	.51	b+c		
Straight dumps, flats, floats, pickups, container haulers, fuel, water sprinkler, road oil, stringer, bead, hot pass, bus, dumpcrete transit mixers, agitator mixer, half track, winch truck, side-o-matic, dynamite, powder, x-ray, welding, skid, jeep, station wagon, stringer A-Frame, all dual purpose trucks, trucks with mechanical tail gates, asphalt distributor, batch trucks, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor and spreader, nipper, fuel trucks (drivers on fuel trucks including handling of hose and nozzle - entire unit), team drivers, vacuum or vac-all trucks (entire unit) concrete mobile trucks (entire unit), expediter, beltcrete trucks, line truck reel truck, wreakers or tow trucks, utility trucks, tack trucks	5.89	a	.51	b+c		

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: (Cont'd) Helper, when required on broyhill coal tar epoxy truck, asphalt, bituminous distributor truck	$5.89	a	.51	b+c		
Drivers on broyhill coal tar epoxy trucks, littleford bituminous distributor, slurry seal truck or vehicle, thiokol trackmaster pickup (swamp cat pickup), bucket loader dump truck or any rubber tired tractor used in pulling and towing farm wagons and trailers of any description	5.89	a	.51	b+c		
Teamster mechanic	5.89	a	.51	b+c		
Mechanic helper	5.66	a	.51	b+c		

FOOTNOTES:

a. Employer contributes $67.00 per month to a Health & Welfare Fund.

b. Employees worked or received: 85 days within a year receive 1 full week's vacation, 130 days - 2 full weeks' vacation, 150 ddys - 15 days vacation, and 15 years of service or more and has worked 150 days receive 4 weeks' vacation.

c. Paid Holidays: New Year's Day, Washington's Birthday, Good Friday, Memorial Day, Independence Day, Labor Day, Election Day, Columbus Day, Veterans' Day, Thanksgiving Day, Christmas Day and any new holiday proclaimed by the State of New Jersey or Federal Government except days of mourning.

STATE: Oklahoma

COUNTIES: Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie

DECISION NO.: AQ-96

DATE: Date of Publication

Supersedes Decision No. AQ-22 dated August 31, 1973 in 38 FR 23735.

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	$7.75	.30	.50		.02
Boilermakers	7.00	.30	.76		.02
Bricklayers-Stonemasons:					
Oklahoma, Cleveland, & Canadian Cos.	7.67	.40	.35		.05
Lincoln & Pottawatomie Counties	7.40				
Carpenters:					
Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99:					
Carpenters	5.90				
Power Daw Operator	6.15				
Millwrights	6.35				
Piledrivermen	6.35				
Pottawatomie County and part of Lincoln County South of Turner Turnpike; the city limits of Moore in Cleveland County; all of Oklahoma County and that portion of Canadian County Lying east of a line of Highway #4 (called Piedmont Road):					
Carpenters	7.40	.20			.02
Power Saw Operator	7.65	.20			.02
Millwrights	7.65	.20			.02
Piledrivermen	7.65	.20			.02
Cleveland County (except that area covered by the city limits of Moore):					
Carpenters	6.55	.20	.25		.02
Power Saw Operator	6.80	.20	.25		.02
Millwrights	6.80	.20	.25		.02
Piledrivermen	6.80	.20	.25		.02
Canadian County West of Highway #4 (called Piedmont Road):					
Carpenters	5.50	.20			.02
Power Saw Operator	5.625	.20			.02
Millwrights	5.825	.20			.02
Piledrivermen	5.825	.20			.02
Cement Masons (Lincoln, Oklahoma, Cleveland, and Canadian Counties)	7.13	.25			
Electricians:					
ZONE 1 - the area within the ten mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City					
ZONE II - the area between the ten mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area					
ZONE III - the area outside zones 1 and 2 and within the local union area					
Electricians:					
Zone 1	8.20	.30	1%+.20		1%
Zone II	8.45	.30	1%+.20		1%
Zone III	8.70	.30	1%+.20		1%
Cable Splicers:					
Zone I	8.45	.30	1%+.20		1%
Zone II	8.70	.30	1%+.20		1%
Zone III	8.95	.30	1%+.20		1%
Elevetor Constructors	6.67	.17	.185	2%+a+b	
Elevator Constructors" Helpers	4.67	.17	.185	2%+a+b	
Elevator Constructors' Helpers (prob)	3.335				
Glaziers	6.46				
Ironworkers	7.74	.30	.35		.05
Laborers (Oklahoma, Canadian, Lincoln and Cleveland Counties):					
Unskilled Laborers	4.50				
Air tool operator (jackhammer, vibrator) mason tenders; mortar mixers; pipelayers (concrete and clay);					
plasterers' tenders	4.65				
Laborers (Pottawatomie County):					
Unskilled laborers	4.05				
Air tool operator (jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete and clay);					
plasterers' tenders	4.17				
Lathers	8.00				.01
Marble masons	6.55		.20		
Painters:					
Brush	6.05	.35	.25	.15	.02
Spray under 30 feet	6.55	.35	.25	.15	.02
Spray over 30 feet	7.05	.35	.25	.15	.02
Paperhangers	7.05	.35	.25	.15	.02
Sandblaster	6.55	.35	.25	.15	.02
Smoke stacks, towers, swing stage, chair work and window jack	6.55	.35	.25	.15	.02
Plasterers (Pottawatomie County)	7.475				.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plasterers (Canadian, Cleveland, Oklahoma, and Lincoln Counties)	8.00				.01
Plumbers-Steamfitters	7.70	.45	.40		.01
Roofers	6.75		.25		.04
Sheet Metal Workers	7.85	.40	.20		.05
Soft Floor Layers:					
Resilient Floor Layers	6.05	.30			
Carpet Layers	6.05	.30			
Sprinkler Fitters	8.50	.40	.60		.07
Terrazzo Workers	6.55		.20		
Terrazzo Workers' Helpers	4.80				
Terrazzo Floor Machine Man	5.00				
Terrazzo Base Machine Man	5.30				
Tile Setters	6.55		.20		
Tile and Marble Helpers:					
Experienced helpers	4.30				
Truck Drivers:					
Truck drivers for heavy equipment such as lowboys, heavy winch, and floats	5.32				
Heavy earth moving equipment such as Euclids, Mississippi wagons, 10 yards, and tail dumps	5.52				
Truck drivers and swampers, such as dump truck, flats beds, stake bodies, and 3/4 & 1/2 ton pick-up trucks	5.22				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b. Paid Holidays A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
All Crane Type equipment with 100' of boom or over (including jib), all Tower Cranes and all Cranes type equipment of 3 cu. yd. or more	$7.65	.35	.25		.07
Heavy Duty Mechanic; Welder; Crane-Hook & Overhead Monorail; Whirley; Derrick; Piledriver Engineer; Dragline; Shovel; Clamshell; Backhoe; Sideboom; Gradall; Hydro Crane; Hoists while operating 2 or more drums; Cherry picker	7.40	.35	.25		.07
Motor Patrol (Blade); (Engine H.P. 65 or more); Scraper type equipment; Tournapull; DW 10, 15, 16, 20, 21 & similar rubber-tired equipment; Euclid, TS-24 and similar; Loader Operator or Hi-Lift (Engine H.P. 65 or over); Asphalt Lay Machine; Tail Boom; Conveyor-Multiple, Panel Board Control; Power Driver Hole Digger; Trenching Machine; Fordson Tractor or like equipment with hoe or loader equipment or ditcher	7.15	.35	.25		.07
Locomotive Engineer; Boring Machine; Tug Boat; Mixer, 18 cu. ft. and over; sand Barge; Dredging Machine; Tugger; Hoist-when operating one drum; Welding machine, 3 to 6; Air Compressor, 3 to 6, 500 cu. ft. and under; Air Compressor, over 500 cu. ft. (1); pumps, Battery, 3 to 6; Forklift and similar equipment; Generator Plant Engineers, Diesel Elec; Winch Truck with A-Frame; Pumps, Battery, 3 to 6; Batch Plant Operator (Portable); Roller, all types; Elevator, building type or personnel hoist; Concrete Buster or Tamper; Heaters under jurisdiction of Op. Engrs.; Fireman; Boiler Operator; Crushing Plants; Oiler Distributor; Pulvimixer; Farm Tractor - with or without attachments; Conveyor Operator dual, continous or Belt-Bulk Handling; screed Operator; Concrete Pump; Form Grader Screening Plant; Well Point Pump Operator; Signal Man on Large Whirleys when & if required	6.90	.35	.25		.07

77-Oklahoma-1-H

POWER EQUIPMENT OPERATORS CONT'D	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Operator for rotary drilling machines when operated from console or machine	$6.90	.35	.25		.07
Concrete mixer, with hopper less than 13 cu. ft.; Air Compressor, 500 cu. ft. & under (1 or 2); Welding Machine (1 or 2); Pump (1 or 2); Fuelman; Conveyor Operator - Single - Continous Belt Bulk Handling	6.40	.35	.25		.07
Greaser; Tilt Top Trailer Operator	6.50	.35	.25		.07
Asphalt Lay Machine Back End Man; Helpers	6.20	.35	.25		.07
Track crane oiler or Truck crane driver	6.10	.35	.25		.07

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.

Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above all the above listed rates.

OKLAHOMA LINE CONSTRUCTION

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Linemen	$7.25		1%		1/2%
Cable splicers	7.65		1%		1/2%
Hole digger operator	6.58		1%		1/2%
Heavy equipment operator (or pole cats equivalent)	6.58		1%		1/2%
Line truck driver (winch op.)	5.95		1%		1/2%
Jackhammer man	5.43		1%		1/2%
Powdermen	6.58		1%		1/2%
Truck driver (flat bed, ton and half and under)	5.12		1%		1/2%
Groundmen	4.84		1%		1/2%

SUPERSEDEAS DECISION

STATE: Oregon
COUNTIES: Statewide
DECISION NUMBER: AQ-1102
DATE: Date of Publication
Supersedes Decision No. AQ-1079, dated February 8, 1974, in 39 FR 5152
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.85	.35	.60		.06
BOILERMAKERS	7.70	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (north of the City of Maupin), Washington, N-½ of Yamhill Counties	8.25	.40	.40		.03
Marion, Polk, S-½ of Yamhill Cos.	8.25	.40	.40		
Baker, Union, Umatilla, Wallowa, N-½ of Malheur Counties	8.20	.40	.50		
Benton, Crook, Coos, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco (incl. the City of Maupin and South thereof), and S-½ of Malheur Counties	7.55	.45	.45		.03
CARPENTERS:					
Acoustical Applicator; Automatic Nailing Machine; Carpenters; Form Strippers; Manhole Builders	7.29	.55	.40	.35	.03
Piledrivermen; Bridge, Dock and Wharf Builders	7.39	.55	.40	.35	.03
Floor Layers and Finishers; Stationary Power Saw Operators	7.44	.55	.40	.35	.03
Boom Men	7.49	.55	.40	.35	.03
Millwrights and Machine Erectors	7.54	.55	.40	.35	.03
Drywall Applicators	7.24	.55	.40	.35	.03
CEMENT MASONS:					
Cement Masons	7.14	.35	.35	.20	.03
Mastic Worker; Composition Worker; Gunnite Man; Power Machinery Operator	7.29	.35	.35	.20	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Malheur County					
Electricians	$7.95	.30	1%		1%
Cable Splicers	8.745	.30	1%		1%
Baker, Gilliam, Grant, Morrow, Umatilla, Union, Wallowa, Wheeler Counties					
Electricians	8.05	.35	1%+.40		.02
Cable Splicers	8.855	.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	8.55	.45	1%		.04
Cable Splicers	9.41	.45	1%		.04
Benton, Crook, Deschutes, Jefferson, Lane (except coast portion), Linn, Marion, Polk, S-½ of Yamhill Counties					
Electricians	8.85	.45	1%		.04
Cable Splicers	9.40	.45	1%		.04
Clackamas, Clatsop, Columbia, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington, N-½ of Yamhill Counties					
Electricians	8.40	.45	1%+.40		.02
Cable Splicers	9.15	.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	8.75	.45	1%		.04
Cable Splicers	9.40	.45	1%		.04
ELEVATOR CONSTRUCTORS	7.12	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.20	.26	.30	6.5%	.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
Structural; Reinforcing; Ornamental; Riggers; Fence Erectors; Signal Men	$7.70	.48	.80	.25	.05
LATHERS:					
Clackamas, Clatsop, Columbia, Gilliam, Harney, Hood River, Morrow, Multnomah, Sherman, Tillamook, Wasco, Washington, Yamhill Counties	6.60	.15			.01
MARBLE SETTERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Morrow, Sherman, Tillamook, Wasco (North of the City of Maupin), Washington, N-½ of Yamhill Counties	8.25	.40	.40		.03
Baker, Union, Umatilla, Wallowa, N-½ of Malheur, Counties	8.20	.40	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Jefferson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, S-½ of Malheur, Wasco (incl. the City of Maupin and south thereof), Wheeler Counties	7.00	.45	.45		.02
MASON TENDERS:					
(Including tenders to plasterers, bricklayers, tile setters, marble setters and terrazzo work; topping for cement finishers and mortar mixer)	6.55	.45	.50		.07
PAINTERS:					
All Counties except Malheur and Wallowa Counties					
Brush	7.46	.30	.20		.03
Spray	7.71	.30	.20		.03
High Work over 100'	7.96	.30	.20		.03
High Towers, ground to 100'	7.71	.30	.20		.03
High Towers, ground to 300'	7.96	.30	.20		.03
High Towers, ground to over 300'	8.46	.30	.20		.03
Drywall Tapers	7.14	.40	.15	.50	.06

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (cont'd)					
Malheur County					
Brush; Paperhangers	$6.56	.25	.10		.02
Steel	6.66	.25	.10		.02
Sign	6.68	.25	.10		.02
Application of toxic materials; Sandblasting; Spray	7.03	.25	.10		.02
Drywall Tapers	6.56	.25	.10		.02
PLASTERERS	7.35	.50	.60		.01
PLUMBERS; Steamfitters:					
Baker; Harney (except NW portion); Malheur Counties	7.39	.37	.40		.05
Grant (except SW corner); Morrow, Umatilla, Wallowa, Union Cos.	7.96	.33	.85	.49	.08
N-½ of Benton, Lincoln, and Linn Counties; S-½ of Tillamook and Yamhill Counties; Marion and Polk Counties	6.95	.51	.63	1.00	.08
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Jefferson, Multnomah, Sherman, Wasco, Wheeler, Washington, N-½ of Yamhill County, N-½ of Tillamook	7.68	.65	.75		.07
Coos, Curry, West coast portion of Douglas, Lane (City of Florence)	7.14	.41	.52	1.00	.0175
Lane (except for City of Florence); Douglas (except coast portion), Crook, Deschutes, NW portion of Harney, Northern portions of Klamath and Lake Counties, S-½ of Lincoln, Linn, Benton and Jefferson Counties, SW corner of Grant County	7.73	.41	.62		.05
Remainder of Klamath and Lake Counties	7.26	.45	.60	.90	.075
Jackson and Josephine Counties	7.05	.44	.84	.85	.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Clackamas, Clatsop, Columbia, Gilliam, Hood River, Multnomah, Sherman, Tillamook, Wasco, Washington and Wheeler Counties					
Roofers	$7.30	.45	.55		
Handling of irritating material (coal, tar or epoxy) in unconfined area	7.80	.45	.55		
Handling of irritating material (coal, tar or epoxy) in a confined area	8.05	.45	.55		
Wallowa County	7.45				
Coos, Crook, Curry, Deschutes, Douglas, Harney, Jackson, Josephine, Klamath, Lake, Lane, and Malheur Counties					
Roofers	7.10	.30	.10		
Spray and/or application of irritating materials in a confined area	7.60	.30	.10		
Marion, Yamhill, Polk, Lincoln, Benton, and Linn Counties	6.33	.22	.15		
SHEET METAL WORKERS:					
Benton, Clackamas, Clatsop, Columbia, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Lincoln, Linn, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington, Wheeler and Yamhill Counties	6.94	.33	.24	.28	.02
Malheur County	7.06	.27	.20		.02
Baker, Umatilla, Union, Wallowa Counties	8.05	.32	.78	.50	
Coos, Curry, Douglas, Klamath, Lake and Lane Counties	8.19	.37	.34		.005
Jackson and Josephine Counties	6.73	.22	.30		
SOFT FLOOR LAYERS:					
All Counties except Malheur	7.485	.45	.45	b	.05
SPRINKLER FITTERS	8.85	.40	.60		.07

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS:					
Baker, Umatilla, Union, Wallowa, and N-½ of Malheur Counties	$7.53	.40	.50		
TILE SETTERS:					
Clatsop, Clackamas, Columbia, Gilliam, Hood River, Morrow, Multnomah, Sherman, Wasco (north of the City of Maupin), Washington, Tillamook, and N-½ of Yamhill County	7.84	.35	.35	.25	
Baker, Umatilla, Union, Wallowa Counties and N-½ of Malheur Cos.	7.53	.40	.50		
Benton, Coos, Crook, Curry, Deschutes, Douglas, Grant, Harney, Jackson, Josephine, Klamath, Lake, Lane, Lincoln, Linn, Wheeler, Wasco, (Incl. the City of Maupin and south thereof) and S-½ of Malheur Counties	7.15	.45	.45		
TILE SETTERS' HELPERS	6.04	.25			
WELDERS; RIGGERS: Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service; 2% basic hourly rate for 6 month to 5 years' service to Vacation Plan. Six Paid Holidays: A through F.

b. 4% of all gross wages to be placed to the credit of employees with less than one year of service. 6% of employees with more than one year of service.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	½%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	½%
Tree Trimmer	7.88	.35	1%	.10	½%
Line Equipment Man	7.52	.35	1%	.10	½%
Head Groundman (Chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	½%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	½%
Hole Digger	5.91	.35	1%	.10	½%
DREDGING:					
Dipper Leverman:					
(a) 5 yards and under	7.89	.45	.60	.25	
(b) Over 5 yards	8.44	.45	.60	.25	
Leverman, Hydraulic	7.50	.45	.60	.25	
Assistant Engineer (Electric Generator Operator for Primary Pump; Power Barge or Dredge)	7.18	.45	.60	.25	
Assistant Engineer (Electric, Diesel, Steam, or Booster Pump); Mates and Boatmen	7.08	.45	.60	.25	
Engineer Welder; Craneman	7.13	.45	.60	.25	
Fireman; Oiler	6.74	.45	.60	.25	
Assistant Mate (Deckhand)	6.64	.45	.60	.25	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Group 1	$6.10	.45	.50	.25	.07
Group 2	6.25	.45	.50	.25	.07
Group 3	6.40	.45	.50	.25	.07
Group 4	6.55	.45	.50	.25	.07
POWER EQUIPMENT OPERATORS:					
Group 1	6.55	.55	.85	.35	.05
Group 2	6.69	.55	.85	.35	.05
Group 3	6.79	.55	.85	.35	.05
Group 4	6.95	.55	.85	.35	.05
Group 5	6.97	.55	.85	.35	.05
Group 6	7.05	.55	.85	.35	.05
Group 7	7.11	.55	.85	.35	.05
Group 8	7.21	.55	.85	.35	.05
Group 9	7.27	.55	.85	.35	.05
Group 10	7.33	.55	.85	.35	.05
Group 11	7.35	.55	.85	.35	.05
Group 12	7.41	.55	.85	.35	.05
Group 13	7.49	.55	.85	.35	.05
Group 14	7.65	.55	.85	.35	.05
Group 15	7.81	.55	.85	.35	.05
Group 16	7.99	.55	.85	.35	.05
Group 17	8.13	.55	.85	.35	.05
Group 18	8.31	.55	.85	.35	.05
Group 19	8.45	.55	.85	.35	.05
TRUCK DRIVERS:					
Group 1	6.58	.40	.60	.30	.03
Group 2	6.63	.40	.60	.30	.03
Group 3	6.68	.40	.60	.30	.03
Group 4	6.73	.40	.60	.30	.03
Group 5	6.78	.40	.60	.30	.03
Group 6	6.88	.40	.60	.30	.03
Group 7	6.98	.40	.60	.30	.03
Group 8	7.08	.40	.60	.30	.03
Group 9	7.18	.40	.60	.30	.03
Group 10	7.35	.40	.60	.30	.03
Group 11	7.45	.40	.60	.30	.03
Group 12	7.55	.40	.60	.30	.03
Group 13	7.65	.40	.60	.30	.03
Group 14	7.75	.40	.60	.30	.03

LABORERS

Group 1: Asphalt plant laborers; Asphalt spreaders; Batch weighman; Broomers; Brush burner and cutters; Car and truck loaders; Carpenter tender; Change-House man or dry shack man; Choke setter; 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 (incl. Guard rail, Median rail, Reference post, Guide post, Right-of-way marker); Fine graders; Form strippers (not swinging stages); General laborers; Landscaping or planting laborers; Leverman on aggregate spreader (Flaherty and similar types); Loading spotters; Material yard man (incl. electrical); Pittsburgh chipper operator or similar types; Powderman helper; Railroad track laborers; Ribbon setters (incl. steel forms); Rip Rap man (hand placed); Road pump tender; Sewer labor; Skipmen; Signalman; Slopers; Spraymen; Stake chaser; Stake setter; Grade checker; Stockpiler; Timber faller and bucker (hand labor); Toolroom man (at job site) Tunnel bull gang (above ground); Weigh man-crusher aggregate (when used)

Group 2: Applicator (incl. pot tender for same), applying protective material by hand or nozzle on utility lines or storage tanks on project; Burners; Choker splicer; Clary power spreader 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 (incl. cement and lime); Manhole builder; Powertool operator, incls. but not limited to: Chipping Guns; Jackhamner, 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 (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 mechantable 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 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 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.

SUPERSEDEAS DECISION

STATE: Oregon

COUNTIES: Clackamas, Linn, Multnomah and Washington

DECISION NUMBER: AQ-1103

DATE: Date of Publication

Supersedes Decision No. AQ-1100 dated April 26, 1974, in 39 FR 14891

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.
BRICKLAYERS:					
Linn County	$7.55	.45	.45		.03
Clackamas, Multnomah and Washington Counties	7.90	.35	.35		.02
CARPENTERS:					
Carpenter	7.29	.55	.40	.35	.03
Drywall applicator	7.24	.55	.40	.35	.03
CEMENT MASONS:					
Clackamas, Multnomah and Washington Counties	7.14	.35	.35	.20	.03
ELECTRICIANS:					
Linn County	8.50	.25	1%		.04
Clackamas, Multnomah and Washington Counties	8.40	.45	1%+.40		.02
LABORERS:					
Linn County					
Laborers	5.60	.45	.50	.25	.02
Mortar Mixers	5.75	.45	.50	.25	.02
Clackamas, Multnomah and Washington Counties					
Laborers	6.10	.45	.50	.25	.02
Mortar Mixers	6.25	.45	.50	.25	.02
PAINTERS:					
Brush	7.05	.30	.20		.03
Drywall tapers	7.14	.40	.15	.50	.06
PLUMBERS:					
Linn County	6.95	.51	.63	1.00	.08
Clackamas, Multnomah and Washington Counties	7.68	.65	.75		.07
ROOFERS:					
Linn County	6.00	.22	.15		
Clackamas, Multnomah and Washington Counties	7.30	.45	.55		
SHEET METAL WORKERS	6.94	.33	.24	.28	.02
SOFT FLOOR LAYERS	7.15	.40	.45	a	.05

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS:					
Clackamas, Multnomah and Washington Counties	$7.24	.35	.35		
POWER EQUIPMENT OPERATORS:					
Clackamas, Multnomah and Washington Counties					
Asphalt roller	7.11	.55	.85	.35	.05
Blade, finish	7.49	.55	.85	.35	.05
Loader, 4 cu. yds., but less than 6 cu. yds.	7.81	.55	.85	.35	.05
Linn County					
Asphalt roller	6.96	.45	.60	.25	
Blade, finish	7.34	.45	.60	.25	
Loader, 4 cu. yds., but less than 6 cu. yds.	7.66	.45	.60	.25	

FOOTNOTE:

a. 4% of all gross wages to be placed to the credit of employees with less than one (1) year of service. 6% to employees with more than one (1) year of service.

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: AQ-98
COUNTIES: Kleberg & Nueces
DATE: Date of Publication
Supersedeas Decision No. AQ-76, dated February 1, 1974, in 39 FR 4388.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AQ-100 for Paving & Utilities Incidental to Building Construction)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$6.905	.35	.295		
BOILERMAKERS	7.00	.30	.76		.02
BRICKLAYERS	6.63	.125	.15		.02
CARPENTERS:					
Carpenters	6.00	.27	.22		.02
Millwrights	6.69				1%
CEMENT MASONS	6.15	.15			
ELECTRICIANS:					
Electricians	7.50	.35	1%		1/2%
Cable splicers	7.625	.35	1%		1/2%
GLAZIERS (Excluding Kleberg County)	5.06		.20		
IRONWORKERS:					
Structural; Ornamental	5.54	.40	.40		.04
Reinforcing	5.435	.40	.40		.04
LABORERS:					
General laborer (any work not specifically defined herein)	3.55	.15	.10		
Craft tenders: Bricklayers, plasterers, tile setters, concrete & mortar mixers, pipelayers, lathers, finish carpenters, slip form operators, scaffolding water proofers, cement finishers	3.75	.15	.10		
Power tool operators - Includes paving buster, jackhammer, chipping gun, air tamper, barie tamper, electric vibrator, air or gasoline driven vibrator or drills, sump pumps and any and all power driven equipment operated by laborers	3.75	.15	.10		
Gunnite nozzlemen	4.00	.15	.10		
Pipe wrappers & dopers	3.90	.15	.10		
Powderman or blaster	4.00	.15	.10		
LATHERS	5.70	.20	.10	1.00	.01
MARBLE SETTERS	6.03				.02
MARBLE SETTERS' HELPERS	4.02				

DECISION NO. AQ-98

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush	$5.79	.25	.25		2/10%
Spray	6.19	.25	.25		2/10%
Sign	6.04	.25	.25		2/10%
PLASTERERS	6.85				.01
PLUMBERS-STEAMFITTERS	6.50	.15	.25		.035
ROOFERS:					
Roofers	5.125		.10		
Kettlemen	5.00		.10		
Waterproofers	5.125		.10		
Deckmen	5.125		.10		
SHEET METAL WORKERS	6.35	.15	.25		.01
SOFT FLOOR LAYERS	6.00	.27	.22		.02
SPRINKLER FITTERS	8.50	.40	.60		.07
TERRAZZO WORKERS	6.03				.02
TERRAZZO WORKERS' HELPERS:					
Terrazzo helpers	4.02				
Floor machine operators	4.22				
Base machine operators	4.37				
TILE SETTERS	6.03				.02
TILE SETTERS' HELPERS	4.02				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
POWER EQUIPMENT OPERATORS:					
Group 1	6.20	.15	.45		
Group 2	5.525	.15	.45		
Group 3	4.925	.15	.45		
Group 4	5.075	.15	.45		
LINE CONSTRUCTION:					
Lineman	7.57	.28	1%		1/2%
Cable splicer	7.695	.28	1%		1/2%
Groundman	4.98	.28	1%		1/2%

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Asphalt Plant Mixer; Back Filler; Back Hoe; Batch Plant (concrete); Blade Grader; Boring Machine (foundation, horizontal or waterwell); Bull Clam; Bull Dozer; Cableway; Clamshell; Crane, power operated, all types; Crusher; Derrick, power operated, all types; Dragline; Elevating Grader; Elevator, outside the building; Euclids and similar type machines; Forklift (on construction except in warehouses); Grade-All; Hi-Lift; Hoist (2 drums or more); Locomotive and Switch Engines; Mixer (paving); Mixer (concrete); Pile Driver; Pumps (2) over 3 inches; Pumpcrete Machine; Push Cat or Pull Cat; Roller (pneumatic, flatwheel); Scraper (all types); Shovel (power); Scoopmobile; Trench Machine; Tugboat (on Construction); Turn-a-pulls and similar machines; Welding Machines (7 to 13) other than electric; Wellpoint; Winch Truck; All other equipment of similar nature coming within Heavy Equipment Class when power operated; Mechanic; Lubrication Engineer (required on grease racks and service trucks)

GROUP 2 - Air Compressor (1 or 2) 125 CFM or less, gasoline or diesel powered; Blade Grader (towed); Conveyor; Elevator, inside the building, permanent type; Fireman (required on any boiler, steam locomotive, steam crane, etc.); Flexplane; Form Grader; Generator (gas, diesel over 1500 watts); Hoist (1 drum); Mixer (less than 14 cu. ft.); Pulsometer; Pumps (1) over 3 inches; Pumps (1 or 2) 3 inches or under; Roller (towed); Tractor (wheel type); Driver-oiler (required on tractor or truck cranes on which controls of crane and those of tractor or truck are operated from different seats or stations, mobile type grade all, etc.); Wagon drill; Welding Machines (3 to 6) other than electric; All other equipment of similar nature coming within Light Equipment Class when power operated

GROUP 3 - Oiler, 1st year

GROUP 4 - Oiler, 2nd year

SUPERSEDEAS DECISION

STATE: Texas
COUNTIES: Jefferson & Orange
DECISION NO.: AQ-105
DATE: Date of Publication
Supersedes Decisions No. AQ-40, dated October 26, 1973, in 38 FR 29784 and No. AQ-41, dated October 26, 1973, in 38 FR 29786.
DESCRIPTION OF WORK: Building (including Residential) Construction

DECISION NO. AQ-105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS (JEFFERSON COUNTY)	$7.35	.60	.50		.06
ASBESTOS WORKERS (ORANGE COUNTY)	7.685	.325	.30		.04
BOILERMAKERS	7.00	.30	.76		.02
BRICKLAYERS; STONEMASONS	8.11	.275	.30		.04
CARPENTERS:					
Carpenters:					
Commercial	7.815		.30		.05
Residential	7.125		.30		
Millwrights	8.605				
Piledrivermen	7.96		.30		
CEMENT MASONS	7.49				
ELECTRICIANS	8.07	.28	1%+.285		1/2%
ELEVATOR CONSTRUCTORS	4.53	.175	.20	2%+a+b	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.175	.20	2%+a+b	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
IRONWORKERS	7.30	.55	.60		.05
LABORERS:					
Common laborer; asphalt ironer and raker	4.81	.28	.20		.02
Carpenter tender	4.86	.28	.20		.02
Cement masons tender; air tool operator (jackhammer-vibrator)	4.91	.28	.20		.02
Mortar mixers, hod carriers & mason tender; plaster and lather tender; pipelayers, non-metallic pipe, including handling and laying pumpcrete pipe	5.01	.28	.20		.02
Sandblaster, exclusive of preparation work for painters; dumper, spotter and wagon drill; powderman-blaster; well driller	4.81	.28	.20		.02
Machine man and nozzleman for gunniting 1½" and over	5.185	.28	.20		.02
LATHERS	7.645	.30			.01
PAINTERS:					
Southern half of Jefferson County and all of Orange County:					
Brush, wood and wall paperhanger and glazier:					
Commercial	$7.60				
Residential	7.45				
Brush, steel:					
Commercial	7.65				
Residential	7.50				
Spray:					
Commercial	8.10				
Residential	7.97				
Sandblaster, power cleaning:					
Commercial	7.925				
Residential	7.71				
Brush, hot paint or creosote:					
Commercial	7.925				
Residential	7.71				
Spray, hot paint or creosote:					
Commercial	8.35				
Residential	8.24				
All time spent rigging:					
Commercial	7.925				
Residential	7.71				
Twenty-five cents (25¢) per hour premium on all work from stage, chair, window jack or ledge in all classifications					
Northern half of Jefferson County:					
Brush and glazier:					
Commercial	6.925				
Residential	6.675				
Canvas and paperhangers:					
Commercial	7.175				
Residential	6.925				
Brush, steel:					
Commercial	7.10				
Spray:					
Commercial	7.35				
Residential	7.10				
PIPEFITTERS	8.11	.35	.62		.06
PLASTERERS	7.40	.31	.30		.01
PLUMBERS	8.30				.03

DECISION NO. AQ-105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Roofers	$6.69	.20	.10	.15	.03
Kettlemen	5.73	.20	.10	.15	.03
Helpers	4.48	.20	.10	.15	.03
SHEET METAL WORKERS	7.79	.25	.15		.06
SPRINKLER FITTERS	8.50	.40	.60		.07
TILE SETTERS	7.25	.275	.30		.04
TRUCK DRIVERS:					
Under 1½ ton and wash, grease, fireman, fuel pump operators when used on construction	4.40				
1½ tons thru 2½ tons, dump truck less than 7 yds., town driver	4.69				
Over 2½ tons, farm tractors (when used to transport personnel or material), fork lifts (when used in warehouses, storage yards, and when used to transport material), floats, hydraulic tail gate lifts	4.85				
Euclids (not self-loading)	4.95				
Warehousemen - material checker	4.965				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
b - Paid Holidays - A through F.

PAID HOLIDAYS:
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LINE CONSTRUCTION:					
Linemen	8.355	.28	1%		1/2%
Groundman	73%JR	.28	1%		1/2%

DECISION NO. AQ-105

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group 1	$7.915		.25		
Group 2	7.00		.25		
Group 3	6.48		.25		
Group 4	6.29		.25		

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS

GROUP 1 - Heavy Duty Mechanic; Blade Grader, Self-propelled; Bull Clam; Back Filler; Derrick - Power Operated, all types; Draglines; Push Cat Operator; Bull Dozer and all types of Cat Tractors; Cable-Way; Back-Hoe; Shovel; Crane - Power Operated, all types; Elevating Grader, Self-propelled; Hoist - motor driven, two drums or more; Mix mobile; Winch Truck; Locomotive Crane; Mixer, 14 cu. ft. or more; Paving Mixer, all sizes; Piledrivers; Scraper - heavy type, over 3 cu. yds.; Trench Machine, all sizes; Gradall; High-Lift; Foundation Boring Machines; Gasoline or Diesel driven welding machines - 7 to 12 machines; Pumperete Machine; Drill Operator - Water Well; DW-10 Euclid; Tournapulls; Asphalt Plants; Crushing Machines and Batch-plants; Scoopmobiles; Fingerlift Operator; Well Points

GROUP 2 - Air Compressor; Blade Grade - Towed; Flex Plane; Form Grader; Mixer - less than 14 cu. ft.; Pump, Pulsometer; Truck Crane Driver; Gasoline or Diesel Driven Welding Machines, 3 to 6 machines; Hoist - Single Drum; Scraper, 3 cu. yds. or less; Conveyors - power operated

GROUP 3 - Fireman

GROUP 4 - Oiler

SUPERSEDEAS DECISION

STATE: Texas COUNTIES: Galveston & Harris
Decision No.: AQ-106 DATE: Date of Publication
Supersedes Decisions No. AQ-66, dated December 28, 1973, in 38 FR 35574 and No. AQ-67, dated December 28, 1973, in 38 FR 35577.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AQ-100 for Paving & Utilities Incidental to Building Construction)

DECISION NO. AQ-106

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.35	.60	.50		.06
BOILERMAKERS	7.00	.30	.76		.02
BRICKLAYERS; STONEMASONS	7.84	.325	.30		.03
CARPENTERS:					
Carpenters	7.02	.45	.30		.05
Millwrights	7.29	.45	.30		.05
Piledrivermen	7.02	.45	.30		
CEMENT MASONS:					
Harris County	6.60	.44	.37		.05
Galveston County	6.60	.44	.37		
ELECTRICIANS:					
Harris County	8.15	.25	3%		.04
Galveston County	7.97	.28	1%+.34		.03
ELEVATOR CONSTRUCTORS	7.06	.345	.23	2%+a+b	.015
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	7.36	.275	.20		.01
IRONWORKERS	7.145	.40	.50		.075
LABORERS:					
Common	4.90	.28	.20		.02
Air tool operator (jackhammer - vibrator); Mason tenders; Pipelayers (concrete & clay); Sandblasters; Power buggy operator	5.075	.28	.20		.02
Lather tender; Mortar mixers; Plaster tenders & hod carrier	5.175	.28	.20		.02
Well driller	5.45	.28	.20		.02
Well driller helper	5.025	.28	.20		.02
Blaster, powderman	5.325	.28	.20		.02
LATHERS (Harris County only)	7.67	.20	.15		.02
MARBLE MASONS:					
Harris County	6.78	.37		.25	
Galveston County	7.35				
PAINTERS:					
East Harris County:					
All brush painting, hand rolling and all other work other than that below	7.62				
All pneumatic and electric tools and steam cleaning	7.975				
PAINTERS (CONT'D):					
East Harris County (Cont'd):					
All tape and float on drywall	$7.745				
All paper and vinyl hanging	7.87				
All spray painting, sandblasting and waterblasting	8.015				
Steeple jack work, hot materials	8.275				
Remainder of Harris County:					
All brush painting, hand roller, steam cleaning, all pneumatic tools	6.645	.275	.30	.40	.04
All spray painting, sandblasting, waterblasting	7.02	.275	.30	.40	.04
Tape, float and drywall	6.77	.275	.30	.40	.04
Steeple jack work, hot materials	7.27	.275	.30	.40	.04
Galveston County:					
Painters	6.095	.55	.45	.665	.02
Painters on swinging stage work or using materials injurious to the skin	6.345	.55	.45	.665	.02
PIPEFITTERS:					
Harris County and that part of Galveston County west of the Trinity River	7.80	.40	.55		.045
That part of Galveston County East of the Trinity River:					
Commercial work to $50,000	7.34	.275	.30		.02
Commercial work $50,000 & over	7.75	.275	.30		.02
PLASTERERS:					
Harris County	7.40	.32	.30		.01
Galveston County	6.825	.27	.30		.05
PLUMBERS:					
Harris County	7.27	.32	.47	.50	.10
Galveston County:					
Commercial work up to $50,000	7.34	.275	.30		.02
Commercial work $50,000 & over	7.75	.275	.30		.02
ROOFERS:					
Roofers	6.69	.20	.10	.15	.03
Kettlemen	5.73	.20	.10	.15	.03
Helpers	4.48	.20	.10	.15	.03
SHEET METAL WORKERS:					
Harris County	7.585	.225	.475	.20	.025
Galveston County	7.95	.15	.25		.10
SOFT FLOOR LAYERS	6.62	.25	.10		.05
SPRINKLER FITTERS	8.50	.40	.60		.07

DECISION NO. AQ-106

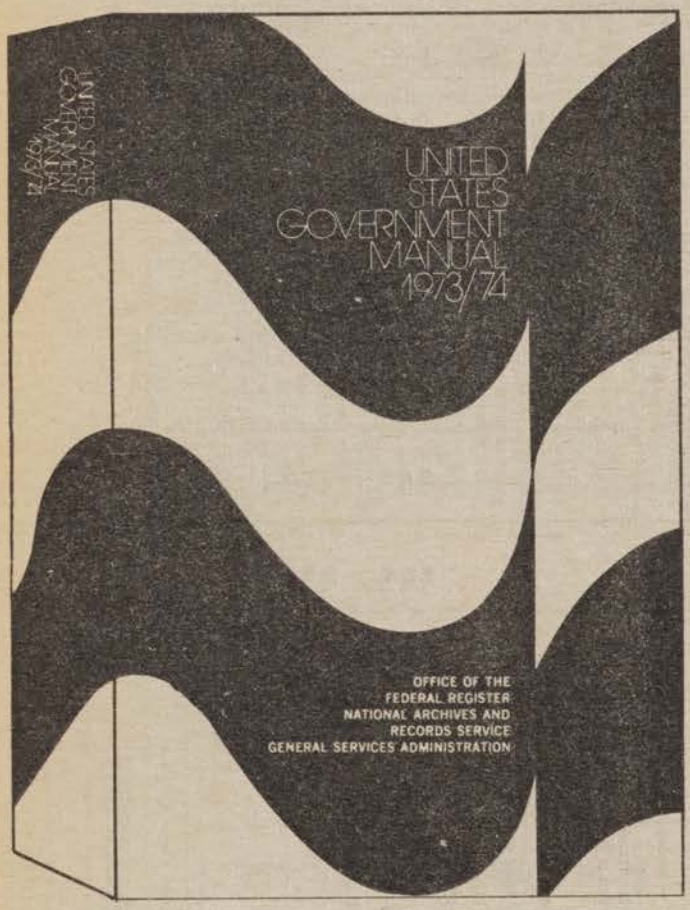
	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS:					
Harris County	6.78	.37		.25	
Galveston County	7.35				
TILE SETTERS:					
Harris County	6.78	.37		.25	
Galveston County	7.35				
TRUCK DRIVERS:					
Under 1½ tons; wash, grease, tireman, fuel pump operation when used on construction jobs	5.05				
1½ thru 2½ tons; dump truck less than 7 yds.	5.34				
Over 2½ tons; farm tractors; fork lifts, floats	5.50				
Euclids (not self-loading)	5.60				
Warehousemen	5.24				
Material checkers; pick-up drivers	6.01				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					
FOOTNOTES:					
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rates.					
b - Paid Holidays - A through F.					
PAID HOLIDAYS:					
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.					
LINE CONSTRUCTION:					
Lineman	8.305	.28	1%		1/2%
Groundmen	5.69	.28	1%		1/2%
Groundmen (1st 6 mos.)	4.15	.28	1%		1/2%
POWER EQUIPMENT OPERATORS:					
Group 1	6.95	.30	.40		.04
Group 2	6.27	.30	.40		.04
Group 3	5.83	.30	.40		.04
Group 4	5.69	.30	.40		.04

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