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EXECUTIVE ORDER 11768

Placing Certain Positions in Levels IV and V of the Executive Schedule

By virtue of the authority vested in me by section 5317 of title 5 of the United States Code, as amended, it is ordered as follows:

SECTION 1. The following offices and positions are placed in level IV of the Executive Schedule:

(1) Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare.

(2) Director, National Institutes of Health, Department of Health, Education, and Welfare.

(3) Administrator, Health Services and Mental Health Administration, Department of Health, Education, and Welfare.

(4) Director, United States Secret Service, Department of the Treasury.

(5) Associate Directors, (4) Office of Management and Budget, Executive Office of the President.

(6) Deputy Under Secretary for Legislative Affairs, Department of Labor.

(7) Director of Program Analysis and Evaluation, Department of Defense.

(8) Principal Deputy Director of Defense Research and Engineering, Department of Defense.

(9) Deputy Under Secretary for International Labor Affairs, Department of Labor.

(10) Counselor to the Secretary of Labor, Department of Labor.

(11) Deputy Under Secretary, Department of Transportation.

(12) Deputy Under Secretary for Legislative Affairs, Department of Commerce.

(13) Special Prosecutor, Department of Justice.

(14) Associate Attorney General, Department of Justice.

(15) Commissioner General of the International Exposition on the Environment, Department of Commerce.

(16) Assistant Secretary for Oceans and International Environmental and Scientific Affairs, Department of State.

SEC. 2. The following offices and positions are placed in level V of the Executive Schedule:

(1) Principal Deputy Assistant Secretary of Defense (Comptroller), Department of Defense.

(2) Deputy Assistant Secretary of Defense for Reserve Affairs, Department of Defense.

(3) Assistant Secretary, Comptroller, Department of Health, Education, and Welfare.

(4) Deputy Commissioner of Social Security, Department of Health, Education, and Welfare.

(5) Commissioner on Aging, Department of Health, Education, and Welfare.

(6) Deputy Director, United States Secret Service, Department of the Treasury.

(7) Assistant to the Secretary and Director, Office of Revenue Sharing, Department of the Treasury.

(8) Commissioner, Automated Data and Telecommunications Service, General Services Administration.

(9) Associate Administrator for Federal Management Policy, General Services Administration.

SEC. 3. Nothing in this order shall be deemed to terminate or otherwise affect the appointment, or to require the reappointment, of any occupant of any position listed in section 1 or section 2 of this order who was the occupant of that position immediately before the issuance of this order.

SEC. 4. Executive Order No. 11708 of March 23, 1973, as amended, is hereby superseded.

THE WHITE HOUSE,
February 20, 1974.

[FR Doc.74-4337 Filed 2-20-74;2:39 pm]

Rules and Regulations

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

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

Title 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 73—SCABIES IN CATTLE

Areas Quarantined

This amendment quarantines a portion of Lamb, portions of Parmer, a portion of Hockley and a portion of Lubbock Counties in Texas because of the existence of cattle scabies. The restrictions pertaining to the interestate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, 9 CFR Part 73, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, in paragraph (a) relating to Texas, new paragraphs (a) (3), (4), (5), (6), and (7) are added to read:

§ 73.1a Notice of quarantine.

(a) * * *

* * * * *

(3) That portion of Lamb County comprised of sec. 40, block 2, (W. E. Haisell Subdivision, Highway 303 on West Side).

(4) That portion of Parmer County comprised of sec. 26, T. 10 S., R. 2 E.

(5) That portion of Parmer County comprised of sec. 32, T. 11 S., R. 3 E. (Highway 145 on South Side).

(6) That portion of Hockley County comprised of sec. 109, Block A (E. M. Thompson Survey).

(7) That portion of Lubbock County comprised of sec. 7, Block 20 (Abstract #391, H.E. and W.T. Railway Survey).

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on February 19, 1974.

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

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

Done at Washington, D.C., this 19th day of February 1974.

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

[FR Doc.74-4259 Filed 2-21-74;8:45 am]

PART 73—SCABIES IN CATTLE

Areas Quarantined

This amendment quarantines portions of Otoe County in Nebraska and a portion of Wichita County in Kansas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the areas quarantined.

Accordingly, 9 CFR Part 73, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (b) relating to Nebraska is amended and a new paragraph (d) relating to Kansas is added to read:

§ 73.1a Notice of quarantine.

* * * * *

(b) Notice is hereby given that cattle in certain portions of the State of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) The premises of Norman Grothe Feedlot in Lincoln Precinct of Antelope County, located in the NE¼ of sec. 8, T. 23 N., R. 8 W.

(2) That portion of Otoe County comprised of sec. 10 in Belmont Precinct.

(3) That portion of Otoe County comprised of sec. 36 in Berlin Precinct.

(4) The premises of Hammond Farms in Otoe Precinct of Otoe County, sec. 20.

* * * * *

(d) Notice is hereby given that cattle in certain portions of the State of Kansas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Wichita County comprised of sec. 11, T. 17 S., R. 37 W.

* * * * *

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on February 19, 1974.

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

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Done at Washington, D.C., this 19th day of February, 1974.

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

[FR Doc.74-4260 Filed 2-21-74;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

SUBCHAPTER C—MANDATORY POULTRY PRODUCTS INSPECTION

PART 381—POULTRY PRODUCTS INSPECTION REGULATIONS

Xanthan Gum in Various Products

In the amendment published in the FEDERAL REGISTER of February 4, 1974 (39 FR 4466, FR Doc. 74-2738), concerning xanthan gum in various products,

the effective date should read "March 7, 1974," instead of "March 6, 1974."

Done at Washington, D.C., on: February 15, 1974.

G. H. WISE,
Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-4263 Filed 2-21-74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 74-78]

PART 571—STATEMENTS OF POLICY

Corporate Opportunity in Insured Institutions

FEBRUARY 6, 1974.

The Federal Home Loan Bank Board considers it desirable to amend Part 571 of the rules and regulations for Insurance of Accounts (12 CFR Part 571) for the purpose of adding a statement of the Board's policy regarding corporate opportunity in insured institutions.

Part 571 is amended by adding a new § 571.9 (12 CFR 571.9), for the purpose of apprising the officers, directors and controlling persons of insured institutions as to the fiduciary duties which they owe under existing law to the institution and its accountholders or shareholders. The policy statement is not intended to impose new legal duties on such persons, but merely to codify existing common law fiduciary principles. The Board expects officers, directors and controlling persons to be cognizant of their fiduciary duties, and to take appropriate action to ensure that they do not appropriate business opportunities belonging to their insured institution or its service corporation.

Accordingly, the Federal Home Loan Bank Board hereby amends Part 571 by adding new § 571.9 to read as set forth below.

§ 571.9 Corporate opportunity in insured institutions.

Directors and officers of an insured institution, and other persons having the power to direct the management of the institution, stand in a fiduciary relationship to the institution and its accountholders or shareholders. Out of this relationship arises, among other things, the duty of protecting the interests of the institutions. It is a breach of this duty for such a person to take advantage of a business opportunity for his own or another person's personal profit or benefit when the opportunity is within the corporate powers of the institution or a service corporation of the institution and when the opportunity is of present or potential practical advantage to the institution. If such a person so appropriates such an opportunity, the institution or service corporation may claim the benefit of the transaction or business and such person exposes himself to liability in this regard. In determining whether an opportunity is of present or potential practical advantage to an institution, the Corporation will consider, among other things, the financial, managerial, and technical resources of the institution and its service corporation, and the reasonable ability of the institution directly or through a service corporation to acquire such resources.

(Sec. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended; 12 U.S.C. 1725, 1726, 1730. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.74-4236 Filed 2-21-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-EA-89]

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

Alteration of Control Zone

Correction

In FR Doc. 74-3813 appearing at page 6057 in the issue for Tuesday, February 19, 1974, in the fourth paragraph the date reading "February 19, 1973", should read, "February 19, 1974".

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C-2486]

PART 13—PROHIBITED TRADE PRACTICES

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

In FR Doc. 74-3231 appearing at page 4874 of the issue for Friday, February 8, 1974, in the second column, the following line should be inserted after the 11th line of paragraph 3.c.: "after referred to as 'Blue Ribbon') for".

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

"Backhaul" Allowances Advisory Opinion Affirmed

Correction

In FR Doc. 74-520 appearing on page 1260 of the issue for Monday, January 7, 1974, in the second line of § 15.483(b)(4), "properly" should read "probably".

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

PART 51—PASSPORTS

Revocation or Restriction of Passports

Subpart E of 22 CFR Part 51, is amended to reduce the categories of passports which may be revoked, restricted or limited. Section 51.71 is amended by deleting paragraph (c).

Effective date. Having determined that paragraph (c) of § 51.71 has never been invoked and serves no useful purpose, and that its deletion would relieve a restriction as defined by 5 USC 553(d)(1), it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 USC 553 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective on February 14, 1974.

(Sec. 1, 44 Stat. 887, Sec. 4, 63 Stat. 111, as amended; 22 USC 211a, 2658; EO 11295, 36 FR 10603; 3 CFR 1966-70 Comp. page 507)

For the Secretary of State.

Dated: January 10, 1974.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

[FR Doc.74-4155 Filed 2-21-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION

PART 772—NOISE PROCEDURES AND STANDARDS

Interim Regulations

Interim regulations are hereby promulgated providing guidelines for the submission and approval of noise abatement projects on previously constructed highways. Section 114 of the Federal-Aid Highway Act of 1973, PL 93-87, August 13, 1973, revised 23 U.S.C. 109(i) to permit the Federal Highway Administration to develop and promulgate "standards" for the control of traffic noise on previously constructed highways on any of the Federal-aid systems. It further provides that noise abatement projects may be programmed as highway projects, and that the Federal share on such projects shall be the same as that for the Federal-aid system on which the project is located.

It is presently contemplated that when final standards are issued, they will be largely structured around and be an extension of 23 CFR 772.1 through 772.7. It is anticipated that the standards will be promulgated by mid-1974. There are several complex issues involved in the standards that will take time to resolve. In addition, it is important that these standards be developed in close consultation with State highway departments, other interested Federal and local government agencies, and the public. This will require additional time to accomplish.

Many communities and State highway agencies are pressed with existing noise problems which they feel should be given attention during this interim period. Because of the current need for guidance with respect to the implementation of section 114 of the 1973 Federal-Aid Highway Act, it is found impractical to issue these interim regulations subject to the effective date limitation of 5 U.S.C.

553(d). Therefore the following additions to 23 CFR Part 772 are promulgated as of this date: February 13, 1974.

§ 772.30 Noise abatement projects on existing highways.

(a) Regional Federal Highway Administrators may approve noise abatement projects for previously constructed highways on any Federal-aid system when:

(1) A noise analysis has been performed using the general guidelines outlined in Section 772.7 of this part.

(2) A determination has been made by the State highway agency that the noise abatement project is clearly of high priority.

(3) The noise abatement project will achieve a significant noise reduction.

(4) The noise abatement benefits are judged to outweigh the overall economic and environmental costs of the project.

(5) The noise abatement measures are for noise-sensitive developed activities which were in existence on January 1, 1973.

(b) The Federal share of noise abatement projects will be the same proportion as that normally used on the system on which the noise abatement project is located.

(c) Regional Federal Highway Administrators may delegate the authority in paragraph (a) of this section to Federal Highway Administration Division Engineers.

Issued on: February 13, 1974.

NORBERT TIEMANN,
Federal Highway Administrator.

[FR Doc.74-4161 Filed 2-21-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION

[Docket No. R-74-254]

PART 2200—FEDERAL DISASTER ASSISTANCE

PART 2201—REIMBURSEMENT OF OTHER FEDERAL AGENCIES UNDER PUBLIC LAW 91-606

Executive Order 11725, 38 FR 17175 (June 29, 1973) and certain powers from the President and the Office of Emergency Preparedness (OEP) to the Secretary of Housing and Urban Development. Regulations implementing these powers were published at 32 CFR Parts 1709 and 1710. In view of this transfer, regulations already promulgated by OEP as 32 CFR Parts 1709 and 1710, would be more appropriately published in Title 24 are therefore being recodified as 24 CFR Parts 2200 and 2201.

Because this publication merely renumbers existing regulations, notice and public procedure are unnecessary. Inasmuch as these regulations are already in effect and their redesignation will facilitate the integration of disaster powers into the Department of Housing and Urban Development, good cause exists for making this redesignation effective February 22, 1974.

Accordingly, new Parts 2200 and 2201 are added to Title 24 of the Code of Federal Regulations, as follows:

Subpart A—General

Sec.
2200.1 Purpose.
2200.2 Definitions.
2200.3 Policy.

Subpart B—Major Disaster

2200.4 Requests for Federal assistance.
2200.5 Processing the request of a Governor for a declaration of a "major disaster."
2200.6 Initiation of Federal assistance.
2200.7 Federal-State Disaster Assistance Agreements.
2200.8 Project applications.
2200.9 Debris and wreckage clearance.
2200.10 Protective work.
2200.11 Repair and replacement of public facilities.
2200.12 Emergency shelter.
2200.13 Temporary housing.
2200.14 Lease and mortgage payments.
2200.15 Grants for removing timber from privately owned land.
2200.16 Assistance to unemployed individuals.
2200.17 Federal assistance for projects under construction.
2200.18 Emergency support teams.
2200.19 Use of local firms and individuals.
2200.20 Relief agencies.
2200.21 Duplication of benefits.
2200.22 Nondiscrimination.
2200.23 Emergency communications.
2200.24 Emergency public transportation.
2200.25 Legal services.
2200.26 State action.
2200.27 Assistance by Federal agencies.
2200.28 Surplus property.
2200.29 The American National Red Cross.
2200.30 Private relief organizations.
2200.31 Minimum State and local expenditures.
2200.32 Time limits.
2200.33 Grants to local governments suffering loss of property tax revenue.
2200.34 Retroactive provisions.

Subpart C—Disaster Planning

2200.35 Grants for developing, improving, maintaining, and updating State disaster plans.

Subpart D—Reduction of Threat of Major Disasters

2200.36 Predisaster assistance.
2200.37 Fire suppression.

AUTHORITY: Sec. 7(d), 79 Stat. 670 (42 U.S.C. 3535(d)); Pub. L. 91-606, 84 Stat. 1744; E.O. 11749, Pub. L. 92-209, 85 Stat. 742, 38 FR 17175, June 27, 1973.

Subpart A—General

§ 2200.1 Purpose.

The purpose of this part is to prescribe the standards and procedures to be followed in implementing those sections of Public Law 91-606 assigned to the Secretary by the Act or by Executive Order 11749, and delegated to the Administrator at 38 FR 17869, July 5, 1973.

§ 2200.2 Definitions.

As used in this part:

(a) "Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance under Pub. L. 91-606 and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe;

(b) "United States" means the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(c) "State" means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands;

(d) "Governor" means the chief executive of any State;

(e) "Local government" means any county, city, village, town, district, or other political subdivision of any State, and includes any rural community or unincorporated town or village for which an application for assistance is made by a State or political subdivision thereof;

(f) "Federal agency" means any department, independent establishment, Government corporation, or other agency of the executive branch of the Federal Government, except the American National Red Cross;

(g) "Administrator" means the Administrator, Federal Disaster Assistance Administration, Department of Housing and Urban Development.

(h) "Public facility" includes any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-Federal-aid street, road, or highway, and any other public building, structure, or system, other than one used exclusively for recreation purposes;

(i) "Regional Director" means a director of a regional office of the Federal Disaster Assistance Administration.

(j) "Federal Coordinating Officer" is the person appointed by the Administrator to operate under the Regional Director to coordinate Federal assistance in a major disaster;

(k) "State Coordinating Officer" is the person appointed by the Governor in the Federal-State Disaster Assistance Agreement as his authorized representative to act in cooperation with the Federal Coordinating Officer appointed under section 201 of the Act;

(l) "Contractor" is any individual, partnership, corporation, agency, or other entity, public or private (other than an organization engaged in the business of insurance) performing work for a State or local agency;

(m) "Damages" include suffering and hardship and physical destruction or deterioration;

(n) "Federal assistance" includes aid to disaster victims or State or local governments under provisions of the Act by Federal agencies;

(o) "Termination" as used in this part, means completion of eligible work to be accomplished and therefore the end of the need for Federal assistance;

(p) "Projects under construction" are those projects on which work has physically been initiated but not yet completed to the extent that the project has been accepted by the applicant;

(q) "Changed conditions" means changed physical conditions as differentiated from financial or administrative conditions;

(r) "Applicant" is the State or local government submitting a project application under the Act.

(s) "Medical care facility" includes, without limitation, any hospital, diagnostic or treatment center (outpatient facility), or rehabilitation facility as such terms are defined in section 645 of the Public Health Service Act, and any similar facility offering diagnosis or treatment of mental or physical injury or disease, including the administrative and support facilities essential to the operating of such medical care facilities although not contiguous thereto. As used throughout this regulation, the term "medical care facility" refers to a private, nonprofit facility, owned by a tax exempt organization.

(t) "Tax exempt organization" means an organization or entity which has applied for, and currently has in effect from the U.S. Internal Revenue Service, a ruling letter granting tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(u) "Disaster proofing" consists of those minimum alterations or modifications to damaged facilities which could be expected to prevent or substantially reduce future damages to the repaired or reconstructed facility; i.e., to make the facility disaster resistant. The cost of disaster proofing measures is limited to a small percentage of otherwise eligible costs.

(v) "Secretary" means the Secretary of Housing and Urban Development.

§ 2200.3 Policy.

(a) It is the policy of the Federal Disaster Assistance Administration to provide an orderly and continuing means of supplemental assistance by the Federal Government to States and local governments in carrying out their responsibilities to alleviate suffering, hardship and damage resulting from major disasters.

(b) It is also the policy of FDAA to foster the development of State and local government organizations and plans for coping with major disasters, and to provide advice and guidance to Federal agencies and States and local governments on organization and preparedness in order to meet the effects of major disasters.

(c) It is further a policy of FDAA to insure that the individual disaster victims are apprised of Federal assistance available and to assist the individual victim in obtaining the Federal assistance to which he is entitled.

Subpart B—Major Disasters

§ 2200.4 Requests for Federal assistance.

(a) Upon the occurrence or threat of a catastrophe within a State which, in the opinion of its Governor constitutes, or threatens, a major disaster requiring supplementary Federal assistance, the Governor may present to the Administrator, through the Regional Director, a request for Federal assistance. The request shall include the Governor's verification of the need for Federal assistance and his assurance of reasonable State and local government expenditures to prevent or alleviate damage from such disaster. In certain circumstances, the Governor may request a major disaster declaration for limited types of assistance. The request shall include the following:

(1) The Governor's certification as prescribed in § 2200.31.

(2) An estimate of the amount and severity of damage broken down by type, such as private (nonagricultural), agricultural, and public.

(3) A statement of actions pending or taken by the State legislative or local legislative and governing authorities with regard to the disaster.

(4) An estimate of the extent and nature of Federal assistance needed by each county and the State broken down by category of public or individual assistance, including an estimate of the Federal funds necessary to supplement the efforts and available resources of the State in alleviating the damage.

(5) As appropriate, other justification in support of the request.

§ 2200.5 Processing the request of a Governor for a declaration of a "major disaster".

(a) The Regional Director shall acknowledge and forward the Governor's request, together with his report and recommendations, to the Administrator.

(b) The Administrator shall forward the Governor's request, together with his report and recommendations to the Secretary.

(c) The Secretary shall forward the Governor's request to the President, together with his recommendation regarding Presidential action thereon.

§ 2200.6 Initiation of Federal assistance.

Upon a declaration of a major disaster by the President, the Administrator will immediately initiate action to provide Federal assistance in accordance with such declaration, applicable laws, and regulations. The determination of the President, with respect to the declaration of a major disaster, will be promptly transmitted to the Governor of the State concerned. Areas eligible for Federal assistance will be determined by the Administrator. The Administrator will appoint a Federal Coordinating Officer (FCO) to operate under the Regional Director in each major disaster. Such officer may be the Regional Director, a member of the regional staff or other Federal official. He shall be responsible for the coordination of Federal disaster relief and assistance. He shall establish and staff such field offices as may be necessary for the rapid and efficient administration of Federal disaster relief programs and shall otherwise assist local citizens and public officials in promptly obtaining assistance to which they are entitled. The FCO may also exercise any additional authorities as the Regional Director may prescribe.

§ 2200.7 Federal-State Disaster Assistance Agreements.

(a) Upon the declaration of a major disaster, a Federal-State Disaster Assistance Agreement will be executed by the Governor (or the Acting Governor) acting for the State and the appropriate Regional Director, acting for the Federal Government. Such Agreement shall provide for the manner in which Federal assistance is to be made available and contain the assurance of the State that a reasonable amount of the funds of the State, local governments or other agencies therein will be expended in alleviating damage caused by the disaster. The Agreement will also contain such other terms and conditions consistent with the provisions of applicable laws, executive orders, and regulations, as the Administrator may require.

(b) In the event a declaration is made only for limited assistance, the Agreement will so specify.

(c) In the event funds are to be transferred to a State for disaster relief purposes, every Federal-State Disaster Assistance Agreement, by reference to this part, shall contain, and the State and its political subdivisions will agree to, the following provision:

In the event that a State or local government violates any of the conditions imposed upon disaster relief assistance under law, this Agreement or applicable Federal regulations, the Administrator will notify the State of said violation and the necessary corrective measures, and will notify the State that additional financial assistance for the purpose of the project in connection with which the violation occurred will be withheld until such violation has been corrected: *Provided*, That if the Administrator, after such notice to the State, is not satisfied with the corrective measures taken to comply with his notification, the Administrator will notify the State that further financial assistance will be withheld for the project for which it has been determined that a violation exists, or for all or any portion of financial assistance which has or is to be made available to the State or local governments for the purpose of disaster relief assistance under the provisions of this Agreement, applicable Federal regulations and the Act.

(d) By reference to this part, the following provisions shall be included in every Federal-State Disaster Assistance Agreement:

During the performance of any contract entered into under this agreement, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, religion, sex, color, age, economic status, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, color, age, economic status or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the U.S. Equal Employment Opportunity Commission.

(5) The contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Committee for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) Contractor noncompliance with the nondiscrimination clauses of this contract or with any of the said rules, regulations, or orders, may result in action whereby the contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965. Such other sanctions may be imposed and remedial measures invoked as provided in the said Executive order or by rule, regulation, or order of the U.S. Equal Employment Opportunity Commission or as otherwise provided by law.

(7) The contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the U.S. Equal Employment Opportunity Commission issued pursuant to section 303 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

(e) By reference to this part, the following provision shall be included in every Federal-State Disaster Assistance Agreement entered into:

No member of or Delegate to Congress, or resident commissioner, shall be admitted to any share or part of this agreement, or to any benefit to arise thereupon: *Provided, however,* This provision shall not be construed to extend to any contract made with a corporation for its general benefit.

§ 2200.8 Project applications.

(a) Federal financial assistance shall be provided on the basis of project applications submitted by the State or local governments and approved by the State and Regional Director or his authorized representative, pursuant to the Federal-State Disaster Assistance Agreement and in accordance with this part. The approved project application will provide the basis of a request for an advance of funds and reimbursement for expenditure.

(b) Project applications shall be submitted within 90 days, or a lesser period if so prescribed by the Regional Director, following the date of the President's declaration of a major disaster. If the circumstances of the disaster are such as to make immediate detailed damage surveys and reports by local/State/Federal agencies impractical, the Regional Director may, if the State so requests, extend this period.

(c) Every project application shall contain a certification by the Governor, or his authorized representative, that Federal financial assistance involved will be, or has been, expended in accordance with applicable law and regulations thereunder.

(d) If a project application is approved without change, signed copies thereof evidencing such approval shall be returned to the State.

(e) If disapproved, the project application shall be returned to the State with a statement of the reasons for such disapproval.

(f) If the approval is made subject to revisions, additional conditions, or partial disapproval, signed copies thereof evidencing such approval, together with a full explanation of the revisions or additional conditions, shall be returned to the State.

(g) If the project application is disapproved in whole or in part, by the Regional Director, because of inadequacy of information, the disapproved items may be resubmitted by the State within 30 days of the date of the return to the State: *Provided, however,* That if again disapproved by the Regional Director, or if there is no additional information, the disapproved items may be resubmitted, in writing, within 30 days of such disapproval through the Regional Director, with any further justification for consideration by the Administrator. The same appeal procedures shall apply to the approval of vouchers for final payment.

(h) The local or State government, as an authorized applicant under the Act, must submit the project application on behalf of the interested private organization or entity for medical care facilities. In addition to the completed application documents specified by FDAA instructions, the following additional documents and assurances must be submitted with the application:

(1) A copy of the Internal Revenue Service ruling letter which grants the organization or entity tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954.

(2) When appropriate, the comments and recommendations of State or local government clearinghouses pursuant to the guidelines contained in OMB Circular No. A-95.

(3) A copy of the following assurances by the interested private organization or entity:

(i) In addition to owning the facility, that it has or will have a title in fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a reasonable period of time undisturbed use and possession for the purpose of the construction and operation of the facility. An assurance of such continued operation for a period of 50 years will fulfill this requirement. Any assurance for a lesser period of time must be submitted to the Administrator for approval. Such approval will be granted only when such a lesser time period is found to be in the public interest.

(ii) That it will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times; and that claims for Federal reimbursement do not duplicate funding provided from any other source;

(iii) That it will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to insure that the completed work conforms with the approved plans and specifications; and

(iv) That adequate financial support will be available for maintenance and operation when completed.

§ 2200.9 Debris and wreckage clearance.

(a) General: No authority under this section for debris clearance through the use of Federal agencies shall be exercised unless the affected State or local government shall first arrange an unconditional authorization for removal of such debris, or wreckage from public and private property, and shall agree to indemnify the Federal Government against any claim arising from such removal. All emergency debris and wreckage clearance shall be performed immediately. Other debris clearance is to be completed as rapidly as possible.

(b) Emergency debris clearance is work necessary for preservation of life and property. Priority shall be given to restoring essential public services including reopening of roads and access to

public facilities, and to removing immediate threats to life and property.

(c) Recovery work supplements the emergency work under paragraph (b) of this section. The Regional Director, whenever he determines it to be in the public interest, may:

(1) Through the use of Federal agencies, clear debris and wreckage from publicly and privately owned lands, waters, and drainage sources, and

(2) Make reimbursements to any State or local government for the removal of such debris or wreckage.

(d) Consideration in determining public interest under this section shall include:

(1) Whether removal of debris and wreckage is necessary to eliminate threats to life and property.

(2) Whether removal of debris and wreckage is necessary to eliminate a fire or flood hazard which threatens substantial destruction of undamaged public or private property.

(3) Whether removal of debris and wreckage is essential to the economic recovery of the affected community.

(e) No provision is made in the Act for reimbursing an individual or nongovernmental entity for the cost of removing debris from his own property. However, an individual may be reimbursed for the cost of debris removal from his property in those instances where applications were received by the Federal Government prior to January 1, 1971.

§ 2200.10 Protective work.

Federal financial assistance may be provided for performing on public or private lands, protective and other emergency work necessary because of the disaster, for the protection of life and property.

§ 2200.11 Repair and replacement of facilities.

(a) Repair or replacement of public facilities and medical care facilities may be eligible in two phases, as outlined in subparagraphs (1) and (2) of this paragraph, dependent on the extent of damage and the circumstances under which repairs are to be made. Emergency repair or replacement under section 203 of the Act is authorized for medical care facilities.

(1) Emergency repair or replacement may be made only to the extent of providing a usable facility, where necessary, until a facility can be repaired or replaced to predisaster condition. The first phase will include only the minimum measures to make the facility temporarily operational. Examples are detours, rental of alternate facilities, and other similar measures. If circumstances are such that restoration of the facility can be delayed until permanent repair or replacement can be performed to predisaster conditions or if no alternative is practical, eligible work will be considered only under subparagraph (2) of this paragraph.

(2) Permanent repair or replacement to predisaster condition, based on the design of the facility as it existed immediately prior to the disaster, and in conformity with applicable codes, specifications, or standards, may be approved using the following criteria:

(i) The Federal contribution shall not exceed the net eligible cost of restoring each such facility;

(ii) Such net costs shall be based on the codes, specifications, and standards currently being used by the applicant for similar facilities in the locality. The general standards prescribed by the Public Health Service and set forth in the document "General Standards of Construction and Equipment for Hospital and Medical Facilities" shall be applicable for those medical care facilities that conformed to such general standards prior to the major disaster. For other medical care facilities, any eligible replacement of damaged facilities shall conform generally to such standards as determined by the Regional Director to be consistent with their predisaster condition and utilization;

(iii) Applicable codes, specifications, and standards are those minimum codes, specifications, and standards which relate directly to the health and safety of persons using the damaged facility and which were in general use and were enforced locally at the time of the disaster. If not in writing, the applicant must identify and a Federal inspector shall verify that the codes, specifications, and standards, to be applicable, were in use at the time of the disaster. If no codes, specifications, or standards, as prescribed above, have impact on eligible restorative work, repair, or replacement will be limited to returning the facility to predisaster condition, based on then-existing design. If compliance with applicable codes, specifications, and standards in effect at the time of the disaster clearly will not result in a safe and usable restored facility, the Administrator, upon receipt of adequate justification, may authorize appropriate deviations;

(iv) If the damaged facility is economically repairable, as determined by the Regional Director, approved restorative work will be limited to the cost of eligible repairs;

(v) An applicant may, at its discretion, request a grant-in-lieu of authorized repair or replacement toward the repair or replacement of the facility to higher standards than provided for herein. Such grant-in-lieu shall not exceed the approved cost estimate of eligible work;

(vi) In every major Federal action or project involving Federal disaster assistance under the Act, the Regional Director shall determine whether or not the quality of human environment may be significantly affected thereby. In any case where affirmative determination may result, the Regional Director shall consult with the Administrator or his staff to arrange for compliance with section 102, National Environmental Policy Act, Pub. L. 91-190; and

(vii) The minimum policy objective in restoring facilities damaged by a major disaster shall be to assure consideration of the advantages or disadvantages of disaster proofing or relocation before any work or Federal expense is authorized. In restoring damaged facilities by use of Federal disaster assistance, the Regional Director may authorize minimum disaster proofing as eligible work under the Act. When the Regional Director determines that a facility may not be economically restored and disaster proofed in a hazard area, he may authorize relocation to a less hazardous site: *Provided,* That overall Federal project cost is not increased. He may decline to authorize Federal disaster assistance to restore facilities at the original site when such facilities are subject to repetitive heavy damages or destruction.

(3) The repair or replacement of medical care facilities by Federal disaster assistance must be justified on the basis of need for such facilities as determined by the Regional Director based on recommendations by the State Coordinating Officer, State and/or local health agency, and the appropriate regional health agency of the Department of Health, Education, and Welfare. No payment will be made for any work which is not the responsibility of the interested private organization or entity. The following general criteria apply for determining the eligibility of the medical care facility:

(i) It must have been in active use and providing significant medical services to the general public prior to the disaster;

(ii) It must have been recognized as an essential or integral part of the comprehensive plan for the provision of required medical facilities for the affected area or community;

(iii) It must be operated in a manner to carry out the tax exempt purposes of the owning organization; and

(iv) Damages must have occurred as the result of a major disaster and impair the capability of the medical care facility to perform essential medical services for the general public.

(b) For the purposes of this section, functional furnishings and equipment essential to the operation of the facility will be considered as part of a facility:

Provided, however, That used or surplus equipment shall be utilized to the extent practicable.

(c) Consumable supplies damaged or lost in a disaster will be considered eligible for replacement to the extent that such replacement is made within 90 days of the date of the President's declaration, but limited to a 30-day requirement of each item so replaced. The 90-day deadline may be waived by the Regional Director where appropriate.

§ 2200.12 Emergency shelter.

Emergency shelter such as mass shelter or other shelter during the emergency period during and immediately following the disaster may be furnished by the Red Cross or other private organization or by local, State, or Federal Government. If furnished by government agencies, and not reimbursable by

such private organization, eligible costs may be paid.

§ 2200.13 Temporary housing.

In providing assistance under this section for temporary housing for persons requiring such housing as a result of the disaster, the following criteria shall apply:

(a) Prior to provision of temporary housing a determination of the need for same will be made by the Regional Director based on a recommendation by the State Coordinating Officer, and after a survey of available facilities by private, local, State, and Federal agencies, as appropriate.

(b) Assistance for temporary housing with respect to a particular major disaster shall be limited to the minimum required to provide shelter within a reasonable commuting distance during such period of time, as determined by the Administrator, as would be necessary to permit the construction or repair of permanent housing in the area, or relocation of displaced persons into other adequate housing.

(c) Temporary housing accommodations may be furnished by, but not limited to:

(1) Using any unoccupied and readily usable housing owned by the United States under any program of the Federal Government.

(2) Arranging with a local public housing agency for using unoccupied and readily usable public housing units, or

(3) Acquiring existing dwellings by lease.

(4) Acquiring mobile homes, or other readily fabricated dwellings by purchase or lease.

(5) Any mobile home or readily fabricated dwelling shall be placed on a developed site, complete with necessary improvements and utilities to the location of each such dwelling as provided without charge to the Federal Government by State or local government, or by the owner or occupant of a site who was displaced by the major disaster. In such cases, the Federal responsibility shall be limited to connection costs to the furnished utilities. Failure to provide such facilities on sites proposed for use by owners or occupants, shall constitute a basis for rejection of such sites. If the Regional Director determines it is in the public interest to use more economical and accessible sites, such sites, including utilities and improvements, may be provided at Federal expense.

(d) The occupant shall be responsible for paying directly all utility use charges, or shall be responsible for paying a monthly allowance for utilities used if he occupies a mobile home or prefabricated home located in a park or other dwelling for which utilities are not metered separately.

(e) No rentals shall be established for any temporary housing for the first 12 months of occupancy. Thereafter, rentals shall be as established by the Regional Director and shall be based on the fair market value of the accommodations being furnished, adjusted to take into consideration the financial ability of the occupant: *Provided, however,* That occupants of temporary housing may be evicted on 30 days notice for reasons including, but not limited to, the following:

(1) Alternate housing, determined to be adequate by the Federal Coordinating Officer or his representative is now available.

(2) The occupants' predisaster housing is now ready for occupancy.

(3) Failure to pay rent or utility charges.

(4) Failure to utilize and maintain the housing in a manner normally expected of tenants of rental housing.

(f) Temporary housing shall not be made available to any displaced individual or family with insurance coverage which provides the full cost of alternate living arrangements. An exception may be made if adequate housing for the individual or family is not available.

(g) Any mobile home or other dwelling provided under this part shall normally be the minimum size required to accommodate the individual or family occupant.

(h) Temporary housing (including but not limited to, mobile homes or other readily fabricated dwellings) acquired by purchase as a result of the major disaster may be sold directly to individuals and families occupying Federal furnished temporary disaster housing at prices that are fair and equitable.

(i) A disaster victim is expected to accept the first adequate housing offered. If, because of personal preference he refuses such housing, his case shall be referred to the State Coordinating Officer.

(j) Temporary housing shall not be made available to any person or family for use as a vacation or other secondary residence.

(k) Temporary housing will not be provided when mass shelter or typical transient accommodations are sufficient and when the nature or duration of the housing requirement does not justify more stable arrangements as determined by the Regional Director or his representative.

§ 2200.14 Lease and mortgage payments.

The Administrator or his designee shall provide assistance on a temporary basis in the form of mortgage or rental payments to or on behalf of individuals and families who, as a result of financial hardship caused by a major disaster, have received written notice of dispossession or eviction from a residence by reason of foreclosure of any mortgage of lien, cancellation of any contract of sale, or termination of any lease entered into prior to the disaster. Such assistance shall be provided for a period of not to exceed 1 year or for the duration of the period of financial hardship, whichever is the lesser.

§ 2200.15 Grants for removing timber from privately owned lands.

Removal of timber damaged by a major disaster from privately owned lands may be eligible for Federal assistance.

(a) An action plan shall be prepared by the State to tailor the cleanup and timber salvage operation to fit the specific situation, including at least the following:

(1) Priorities in the approval of work shall be established to guide efforts to areas where fire, pest, and wildlife hazards are concentrated.

(2) An appropriate limitation shall be placed on the degree of cleanup to be approved.

(3) Approved work practices and a scale of acceptable unit costs (per acre or otherwise) shall be established, if feasible.

(b) Inspection of the areas to be cleared shall be made by State and Federal representatives to provide a valid basis for approval of work to be done. In those cases where work has already been started or completed, the inspection is to determine a reasonable basis for approving or disapproving such work. Inspection reports shall include a complete description of the land to be cleared and of the eligible work and an estimate of the salvage value as well as the estimated cost of such work.

(c) Considerations in determining public interest under this section shall include threats to life and property, and possible flood hazards.

(d) Considerations in determining eligible costs under this section shall include:

(1) Claims for reimbursement shall be verified before payment on the basis of inspections and audits of completed work.

(2) Any applicable insurance recoveries and any salvage value of all timber removed or to be removed are to be considered and deducted from the costs for approved work. If the individual property owner elects to burn or otherwise dispose of the damaged timber instead of salvaging it, an estimated net value of potential salvage shall be established by the State and Federal representatives. If they cannot agree, the Regional Director shall make the determination, and his decision will be final.

(3) Costs for construction of temporary roads approved by the Regional Director, as necessary for access to or salvage of damaged timber are eligible.

§ 2200.16 Assistance to unemployed individuals.

Based on delegation authority by the Director of the Office of Emergency Preparedness dated January 8, 1971, the Secretary of Labor will (a) under section 240 of the Act, provide assistance to individuals unemployed as a result of a major disaster, and (b) under section 226(b) of the Act, provide reemployment assistance services under other laws administered by the Department of

Labor to individuals who are unemployed as a result of a major disaster and to issue such rules and regulations as may be necessary and appropriate. Such regulations are provided in 20 CFR Chapter V, Part 625 (34 FR 19656, Dec. 13, 1969), as amended.

§ 2200.17 Federal assistance for projects under construction.

(a) Federal financial assistance may be provided for the repair, restoration, or reconstruction of any public facility or medical care facility which was damaged or destroyed as a result of a major disaster and for the additional costs resulting from a major disaster for completion of any such facility which was in the process of construction when damaged or destroyed as a result of such major disaster, based on the following criteria:

(1) Federal reimbursement shall not exceed 50 percent of the eligible costs. Eligible costs are defined to mean those costs incurred by the applicant or one of its contractors or, in the case of a medical care facility, by the interested private organization or entity or one of its contractors, and determined to be eligible by the Regional Director in:

(i) Restoring a facility to substantially the same condition as existed prior to the damage resulting from the major disaster, and

(ii) Completing construction not performed prior to the major disaster to the extent the increase of such costs over original construction costs is attributable to changed physical conditions resulting from the major disaster.

(b) Eligible costs shall not include any interest cost on project funding or any cost for which reimbursement is received pursuant to insurance contracts or otherwise by the party incurring the economic burden of such costs, including reimbursements which might be received from any other Federal agency.

(c) No reimbursement will be made to any applicant for damages caused by its own negligence, or by the negligence of any interested private organization or entity, or by any contractor.

§ 2200.18 Emergency support teams.

The Administrator or Regional Director is authorized to form emergency support teams of Federal personnel to be deployed in a major disaster area. Such emergency support teams shall assist the Federal Coordinating Officer in carrying out his responsibilities pursuant to section 201(b) of Pub. L. 91-606 or these regulations. Upon request of the Administrator, the head of any Federal department or agency is authorized to detail to temporary duty with the emergency support teams on either a reimbursable or nonreimbursable basis, as is determined necessary by the discretion of the Administrator, such personnel within the administrative jurisdiction of the head of the Federal department or agency as the Administrator may need or believe to be useful for carrying out the functions of the emergency support teams, each such detail to be without loss of seniority, pay, or other employee status.

§ 2200.19 Use of local firms and individuals.

In the expenditure of Federal funds for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities which may be carried out by contract with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms and individuals who reside or do business primarily in the affected political subdivisions in the disaster area. The Regional Director shall monitor such Federal expenditures to assure compliance.

§ 2200.20 Relief agencies.

(a) In providing relief and assistance following a major disaster, the Administrator or Regional Director may utilize, with their consent, the personnel and facilities of the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations, in the distribution of medicine, food, supplies or other items, and in the restoration, rehabilitation, or reconstruction of community services and essential facilities, whenever the Administrator or Regional Director finds that such utilization is necessary.

(b) The Administrator is authorized to enter into agreements with the American National Red Cross, the Salvation Army, the Mennonite Disaster Service, and other relief or disaster assistance organizations under which the disaster relief activities of such organizations may be coordinated by the Federal Coordinating Officer whenever such organizations are engaged in providing relief during and after a major disaster. Any such agreement shall include provisions conditioning use of the facilities of the Federal Disaster Assistance Administration and the services of the Federal Coordinating Officer upon compliance with regulations promulgated by the Administrator under sections 208 and 209 of the Act, and such other regulations as the Administrator may require.

§ 2200.21 Duplication of benefits.

(a) The Administrator, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as the result of a major disaster, shall assure that no such person, business concern, or other entity will receive such Federal financial assistance with respect to any part of such loss as to which he has received financial assistance under any other program.

(b) The Administrator shall assure that no person, business concern, or other entity receives any Federal assistance for any part of a loss suffered as the result of a major disaster if such person, concern, or entity received compensation from insurance or any other source for that part of such a loss. Partial compensation for a loss or a part of a loss suffered as the result of a major disaster shall not preclude additional Federal assistance for any part of such a loss not compensated otherwise.

(c) Whenever the Administrator determines (1) that a person, business concern, or other entity has received assistance under this Act for a loss and that such person, business concern or other entity received assistance for the same loss from another source, and (2) that the amount received from all sources exceeded the amount of the loss, he shall direct such person, business concern, or other entity to pay to the Treasury an amount, not to exceed the amount of Federal assistance received, sufficient to reimburse the Federal Government for that part of the assistance which he deems excessive.

§ 2200.22 Nondiscrimination.

(a) Federal financial assistance to the States or their political subdivisions is conditioned on full compliance with OEP Regulation 5, 32A CFR Part 98.

(b) The Administrator shall issue, and may alter and amend, such additional regulations as may be necessary for the guidance of personnel carrying out emergency relief functions at the site of a major disaster. Such regulations shall include provisions for insuring that the distribution of supplies, the processing of applications, and other relief and assistance activities shall be accomplished in an equitable and impartial manner, without discrimination on the grounds of race, religion, sex, color, age, economic status, or national origin.

(c) As a condition of participation in the distribution of assistance or supplies under section 207, relief organizations shall be required to comply with regulations relating to nondiscrimination promulgated by the Administrator, and such other regulations applicable to activities within a major disaster area as he deems necessary for the effective coordination of relief efforts.

(d) As a condition of receiving assistance under section 255, interested private organizations or entities restoring damaged medical care facilities shall be required to comply with this part and agree in writing that no person shall, on the grounds of race, religion, sex, color, age, economic status or national origin, be subjected to discrimination under the subsequent operation of these medical care facilities.

§ 2200.23 Emergency communications.

The Administrator is authorized during, or in anticipation of, an emergency to establish temporary communications in any major disaster area in order to carry out the functions of his office, and to make such communications available to State and local government officials and other persons as he deems appropriate.

§ 2200.24 Emergency public transportation.

The Administrator or Regional Director may provide emergency public transportation service in a major disaster area to meet the emergency needs of communities. Such service shall be devised to

meet the needs of persons who, because of the disaster, have lost ready access to governmental offices, supply centers, stores, post offices, schools, major employment centers, and such other places as may be necessary in order to enable the community to resume its normal pattern of life as soon as possible. Any transportation provided under this section is intended to supplement but not replace normally available transportation facilities and is to be discontinued as rapidly as possible as ready access to the above facilities becomes available.

§ 2200.25 Legal services.

Whenever the Administrator determines that low-income individuals are unable to secure legal services adequate to meet their needs as a consequence of a major disaster, consistent with the goals of the programs authorized by Pub. L. 91-606 or these regulations, the Administrator shall assure that such programs are conducted with the advice and assistance of appropriate Federal agencies and States and local bar associations.

§ 2200.26 State action.

(a) The Governor of the State shall designate a State Coordinating Officer who shall review all project applications. In addition, the Governor (or his designee) shall certify that the project applications meet all the requirements and conditions of the Agreement and such other terms established by the Administrator and shall recommend approval or disapproval.

(b) Federal funds shall be controlled in accordance with accepted or prescribed methods of accounting, identification and administrative responsibilities. Representatives of the Federal Disaster Assistance Administration and the General Accounting Office shall have access during normal business hours to the books and records of the State, local governments, contractors, and other agencies relating to Federal financial assistance. Such records shall be maintained for a period of 3 years after payment.

(c) Procurement of work and services under project applications hereunder must comply with § 2200.7 and with State or local statutes, regulations and ordinances covering procurement of such supplies and services by such State or the political subdivision thereof.

(d) No contract entered into by an applicant for disaster work or services under Pub. L. 91-606 or these regulations shall contain a provision which makes the payment for such work contingent upon reimbursement under Pub. L. 91-606 or these regulations.

§ 2200.27 Assistance by Federal agencies.

(a) Upon the declaration of a major disaster, the Administrator or Regional Director may direct any Federal agency to provide assistance to State and local governments, with or without reimbursement to the Federal agency as prescribed in Pub. L. 91-606 or these regulations and as deemed appropriate by the Administrator or Regional Director under the provisions of Federal reimbursement regulations, Part 2201 of this chapter.

(b) The Regional Director is authorized to coordinate all activities of Federal agencies in providing disaster assistance.

(c) The Regional Director is authorized to request that other Federal agencies shall provide any reports or information relating to disaster assistance deemed necessary.

(d) Assistance to be furnished by any Federal agency under paragraph (a) of this section shall be subject to the criteria of eligibility provided for under this part and such other instructions as may be issued from time to time by the Administrator.

(e) Assistance under paragraph (a) of this section, when directed by the Administrator or Regional Director, shall not affect the authority of any Federal agency to provide disaster relief assistance independent of the Act: *Provided*, such disaster relief assistance by other Federal agencies is subject to the coordination of the Regional Director/Federal Coordinating Officer.

(f) In carrying out disaster relief assistance under Pub. L. 91-606 and this part, any Federal agency is authorized to accept and utilize, with the consent of the State or local government, the services, personnel, materials and facilities of such State or local agency in connection with the disaster: *Provided, however*, Such utilization shall not be considered to make such services, materials, or facilities, Federal in nature or to make the State, local governments, or agencies thereof an arm or agent of the Federal Government.

§ 2200.28 Surplus property.

(a) The States shall make maximum utilization of available Federal surplus property.

(b) The Federal Government will donate equipment and supplies determined in accordance with applicable laws and regulations to be surplus to the needs and responsibilities of the Federal Government, to States for use by them for the purposes of Pub. L. 91-606 or these regulations. The donation of such surplus property shall be made to the States upon the basis of a certification by the State that such property is usable and necessary for disaster relief purposes, and will be made in accordance with the procedures prescribed by the General Services Administration.

(c) The States may obtain information on the availability of surplus property from the State surplus property agency; or the State agency designated for such purposes under State law.

§2200.29 The American National Red Cross.

The disaster relief capabilities of the American National Red Cross shall be utilized to the maximum extent in accordance with the Memorandum of Understanding between the Federal Disaster Assistance Administration and the American National Red Cross. Nothing contained herein shall be construed to limit or in any way effect the responsibilities of the American National Red Cross as stated in Public Law 58-4 approved January 5, 1905 (33 Stat. 599).

§ 2200.30 Private relief organizations.

The disaster relief capabilities of private organizations shall be utilized as provided in Federal agreements of such organizations with the Federal Disaster Assistance Administration, or as authorized by the Regional Director.

§ 2200.31 Minimum State and local expenditures.

(a) Federal disaster assistance under the Act in any State will be available only after the Governor of that State certifies that the total of State and local expenditures and obligations (or resources utilized) by the government of each State, local government thereof, or other agencies (over and above their normal expenditures) for disaster relief purposes exceeds an amount published by the Administrator as the minimum for that State in that disaster and for all disasters during the 12-month period immediately preceding the request for assistance.

(b) The Administrator, in unusual circumstances, or in disasters in which exceptional destruction and/or suffering and hardship have occurred, may waive in whole or in part this requirement.

(c) The certification by the Governor of total State and local expenditures and obligations shall contain the following provisions:

Pursuant to § 2200.31, Federal Disaster Assistance Regulations, I certify that the total of expenditures and obligations (or resources utilized) by the State of _____, for disaster relief purposes for all disasters during the 12-month period immediately preceding this request, and for which no Federal reimbursement has been or will be received, exceeds $_____.

Disaster relief expenditures for this disaster for which no Federal reimbursement will be requested are expected to exceed $_____ in accordance with the following table:

Category of assistance	Amount	
	State	Local
Individual assistance:		
Temporary housing		
Health		
Welfare		
Other (specify)		
Total		
Public assistance:		
Debris and wreckage clearance		
Protective work		
Restoration of public facilities		
Public safety		
Other (specify)		
Total		
Grand total		

§ 2200.32 Time limits.

(a) Federal assistance provided under the act shall begin with the President's declaration of a major disaster and, with the following exceptions, shall terminate

upon expiration of these prescribed time periods:

	Start	Complete
(1) Emergency debris clearance		3 months.
(2) Other emergency measures	3 months	6 months.
(3) Relief and rehabilitation	6 months	1 year.
(4) Long-term permanent projects	6 months	18 months.[1]

[1] The regional director, on basis of approved construction schedule, shall establish the completion deadline within this period.

(b) Exceptions: Based on extenuating circumstances or unusual project requirements clearly beyond the control of the applicant and the direct recipient of the Federal assistance, the Regional Director may extend any of time periods (1), (2), or (3), not to exceed 3 months, and he may extend time period (4) not to exceed 6 months per project, on a project-by-project basis.

(c) Failure to start a project within the specified time limits may result in cancellation of the project unless the late start is approved by the Regional Director. The Regional Director may impose lesser time limits for work completion under paragraphs (a) (1), (2), (3), and (4) of this section if considered appropriate. Similarly, based on his determination that such action is warranted, the Administrator, or the Assistant Administrator for disaster programs, may extend a completion date beyond a maximum time limit previously extended by the Regional Director.

§ 2200.33 Grants to local governments suffering loss of property tax revenue.

(a) To obtain Federal assistance under section 241 of the Act, an applicant shall submit a project application through normal channels not later than 30 days after filing and certifying the annual tax roll covering the disaster period. The Administrator or Regional Director may accept a late application for processing when properly justified by the applicant.

(b) A Federal financial contribution may be authorized only for the tax year in which the disaster occurred and for each of the following 2 tax years. Grants will be approved on an annual basis for each of the 3 tax-year periods provided that the applications for the second and third years will reflect the current certified tax rolls.

(c) The Federal financial contribution authorized for any tax year shall not exceed the difference between the annual average of all property tax revenues received by the local government during the 3 tax-year periods immediately preceding the tax year in which the major disaster occurred and the actual property tax revenue received by the local government for the tax year in which the disaster occurred and for each of the 2 tax years following the major disaster: *Provided*, That: If there has been a reduction in the tax rates or the tax assessment valuation then for the purpose of determining the amount of a grant under this part for the year or years when such reduction is in effect, the tax rates and tax assessment valuation factors of the local government in effect at the time of the disaster without reduction shall be used, in order to determine the property tax revenues which would have been received by the local government but for such reduction.

(d) Advances may be made on the basis of the estimated loss of revenue and payment of such advances may be made as of the date that tax revenues are due and payable.

(e) Each year to be considered will be treated as a separate project and the annual final payment for each year will be adjusted based on the actual loss experienced at the close of such tax year. As a part of the Project Applications, applicants will be required to submit to the State a certification of the annual revenues received by the applicant during the 3 tax-year periods immediately preceding the tax year in which the disaster occurred.

§ 2200.34 Retroactive provisions.

Sections 226(b), 237, 241, 252(a), and 254 of Pub. L. 91-606 take effect as of August 1, 1969, and sections 231, 232, and 233 take effect as of April 1, 1970.

Subpart C—Disaster Planning

§ 2200.35 Grants for developing, improving, maintaining, and updating State disaster plans.

(a) A Federal contribution up to a maximum of $250,000 for any one State, and not to exceed 50 percent of the cost of developing a plan and program, may be provided on the basis of the following:

(1) A State desiring assistance under this section shall designate or create an agency which is qualified to plan, and administer or coordinate a program to combat and mitigate the effects of major disasters, and for relief and assistance to individuals, businesses, and local governments, suffering losses as a result of a major disaster.

(2) The Governor shall then submit a letter of application for assistance under this part to the Regional Director. Such application shall include the following:

(i) Estimated total cost.

(ii) Contribution requested from the Federal Government.

(iii) Work schedule or timetable.

(iv) Proposed staffing, including qualification standards for planning staff and work that will be contracted.

(v) Name of the State agency responsible under subparagraph (1) of this paragraph.

(3) Within 1 year following the date the Regional Director approves the application, the State agency shall submit a plan which will:

(i) Set forth a comprehensive and detailed State program for preparation against, and relief following, a major disaster including provisions for emergency and long-term assistance to individuals, businesses, and local governments suffering losses as a result of a major disaster showing the role of State and local governments in the coordination and execution of the program, including maintenance of effective liaison and cooperation with appropriate charitable organizations which provide food, shelter, and other disaster relief, and

(ii) Make provision for the appointment of a State Coordinating Officer to act in cooperation with the Federal Coordinating Officer required by section 201 of Pub. L. 91-606.

(b) A Federal contribution up to a maximum of $25,000 per annum for any one State in an amount not to exceed 50 percent of the cost for the purpose of improving, maintaining, and updating that State's disaster assistance plan, may be provided on the basis of an application similar to that required in paragraph (a) of this section.

(c) To be eligible for improving, maintaining, and updating under paragraph (a)(2) of this section a State disaster assistance plan must:

(1) Have been developed in accordance with the provisions of the Disaster Act of 1969 or 1970; or

(2) Be determined by the Administrator as sufficiently comprehensive and adequate to justify improving, maintaining and updating.

Subpart D—Reduction of Threat of Major Disasters

§ 2200.36 Predisaster assistance.

Upon the request of a Governor, through the Regional Director, the Administrator may direct the use of Federal departments, agencies, instrumentalities, and other resources of the Federal Government, to assist a State or any local government thereof and to use their available resources to avert or lessen the effects of a disaster which threatens to become a major disaster. The Governor's request shall specify the location and extent of the area that will be affected; the conditions existing which clearly indicate the imminent occurrence of a major disaster and the assistance required from the Federal Government. Normally such assistance will consist of mobilizing personnel, equipment and supplies at the scene of an imminent disaster and of providing advice and guidance to State and local authorities. This authority shall not be used in substitution for existing authorities of any other Federal agency or for the authority contained in section 205 of Pub. L. 91-606.

§ 2200.37 Fire suppression.

Upon the request of a Governor or his authorized representative, if one is named in the Federal-State Agreement, through the Regional Director, Administrator may provide funds to assist a State in the suppression of any fire on publicly or privately owned forest or grass lands which threatens such destruction as to constitute a major disaster. The Governor's request shall specify the location of the fire, the conditions existing which make the threat imminent, and the assistance required from the Federal Government.

Sec.
2201.1 Purpose.
2201.2 Eligibility of certain expenditures for reimbursement.
2201.3 Expenditures not eligible for reimbursement.
2201.4 Procedures in obtaining or authorizing the services or resources of other Federal agencies.
2201.5 Procedures for requesting reimbursement.

AUTHORITY: Sec. 7(d), 79 Stat. 670; (42 U.S.C. 3535(d)); Pub. L. 91-606, 84 Stat. 1744, Pub. L. 92.209, 85 Stat. 742. E.O. 11749.

§ 2201.1 Purpose.

The regulations in this part prescribe the policies and procedures governing the reimbursement, under Pub. L. 91-606, 91st Congress, of any Federal agency, for any of its authorized expenditures determined to be eligible for reimbursement.

§ 2201.2 Eligibility of certain expenditures for reimbursement.

Reimbursement to other Federal agencies for expenditures in providing disaster assistance, at the direction or request of the Federal Disaster Assistance Administration Administrator or Regional Director, may be approved by the FDAA Administrator for the following:

(a) Overtime, travel, and per diem of regular Federal agency civilian personnel diverted from their normal duties. In addition, regular salary, including employee benefits, may be approved only for employees detailed directly to and under the supervision of FDAA.

(b) Wages, travel, and per diem of temporary Federal personnel assigned to disaster work (in the major disaster area designated by the Administrator).

(c) Travel and per diem for Federal military personnel assigned to disaster work (in the major disaster area designated by the Administrator).

(d) Work, services, and materials contracted for by other Federal agencies for assistance performed on a specific disaster project.

(e) Materials, equipment, and supplies (including transportation, repair, and maintenance) from regular inventory stocks utilized or consumed.

(f) Work performed at the specific direction of the Administrator when a major disaster is imminent: *Provided*, That such work would be otherwise eligible upon declaration of a major disaster: *And provided further*, That such costs shall not include funds expended or supplies and materials including medical stockpiles delegated under E.O. 10958, August 14, 1961, used by Federal agencies performing disaster work under their own authority where funds therefor may be otherwise available or may be made available.

(g) Work performed at the request of the Administrator or Regional Director to investigate potential disaster situations: *Provided*, That work would be otherwise eligible if a major disaster were declared.

(h) Other direct costs that can be specifically identified with a directive or request from the Administrator or Regional Director.

(i) Such other costs or expenditures not otherwise provided herein, as the Administrator may approve, based upon the written justification submitted to the Administrator by the agency concerned, or as agreed to in writing between the Administrator and other Federal agencies.

§ 2201.3 Expenditures not eligible for reimbursement.

(a) Administrative overhead costs.

(b) Costs incurred while performing work under a Federal agency's own authority.

§ 2201.4 Procedures in obtaining or authorizing the services or resources of other Federal agencies.

(a) The Administrator, in determining the nature and extent of Federal assistance to be rendered to a State in alleviating the damages resulting from a major disaster, will take into consideration the type of assistance available from other Federal agencies. He, or the Regional Director, will direct or request other Federal agencies to provide such available assistance as he may determine necessary.

(b) All such directives or requests authorizing the performance of work and the expenditure of funds shall be in writing, or, if oral, shall be confirmed in writing, and contain a clause regarding funding.

§ 2201.5 Procedures for requesting reimbursement.

(a) Requests for reimbursement of authorized expenditures should normally be submitted quarterly; except, however, final accounting for expenditures should be submitted within 90 days after completion of work for each specific disaster. Billings totaling less than $1,000 are not to be submitted more often than quarterly.

(b) Requests for reimbursement shall be in sufficient detail to identify and segregate: (1) Personal services, (2) travel, and (3) all other expenses. Supporting documentation shall include a breakdown of eligible personal services, list of contracts and an explanation of other costs. The reimbursement request shall cite the specific directive or request for assistance, issued by the Administrator or Regional Director, under which costs were incurred, the State and location in which the work was performed, and the disaster identification number.

(c) All requests for reimbursement shall be submited to the Regional Director of the Region for which costs were incurred.

Effective date: This recodification is effective February 22, 1976.

Issued: February 15, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-4227 Filed 2-21-74;8:45 am]

Title 32—National Defense

CHAPTER XVII—OFFICE OF EMERGENCY PREPAREDNESS

PART 1709—REIMBURSEMENT OF OTHER FEDERAL AGENCIES UNDER PUBLIC LAW 91-606

PART 1710—FEDERAL DISASTER ASSISTANCE

CROSS REFERENCE: For a document recodifying 32 CFR Parts 1709 and 1710 as 24 CFR Parts 2200 and 2201, see FR Doc. 74-4227, *supra*.

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Sodium Chlorate

In response to a petition (PP 3E1386) submitted by Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experimental Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee; the Agricultural Experiment Stations of Alabama, Kansas, Mississippi, Nebraska, New Mexico, Oklahoma, and Texas; the Grain Sorghum Producers Association; and the Texas Certified Seed Producers, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of December 28, 1973 (38 FR 35494), proposing establishment of an exemption from the requirement of a tolerance for residues of sodium chlorate in or on grain sorghum, fodder, and forage when used in accordance with good agricultural practice as a desiccant in grain sorghum production. No comments or requests for referral to an advisory committee were received.

It is concluded that the proposal should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.1020 is revised to read as follows:

§ 180.1020 Sodium chlorate; exemption from the requirement of a tolerance.

(a) Sodium chlorate is exempted from the requirement of a tolerance for residues in or on cottonseed and chili peppers when used in accordance with good agricultural practice as a defoliant, desiccant, or fungicide on cotton and as a defoliant on chili peppers.

(b) Sodium chlorate is exempted from the requirement of a tolerance for residues in or on grain sorghum, fodder, and forage when used, with urea as a fire re-

tardant, in accordance with good agricultural practice as a desiccant in grain sorghum production.

Any person who will be adversely affected by the foregoing order may at any time on or before March 25, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on February 22, 1974.

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

Dated: February 19, 1974.

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

[FR Doc.74-4271 Filed 2-21-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 19647, 10269]

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

PART 87—AVIATION SERVICES

Aeronautical Mobile (R) VHF Band; Channel Spacing

Errata. In the matter of amendment of Parts 2 and 87 of the rules to provide 25 kHz channel spacing in the Aeronautical Mobile (R) VHF band 117.975–136 MHz, Docket No. 19647.

1. The Report and Order in the above-entitled matter (FCC 73-1016) was released October 11, 1973. It was published in the FEDERAL REGISTER on October 19, 1973 (38 FR 29077).

2. Changes are necessary to Part 2, § 2.106 and to Part 87, §§ 87.67(b)(1), 87.331, and 87.431 for the following reasons:

(a) Column 11 of the § 2.106 Table of Frequency Allocations should indicate that the sub band 121.600–121.925 (shown in Column 10) is used also by emergency locator transmitter (ELT) test stations. Additionally, the frequency 121.950 has been changed to provide for its usage by aviation instructional rather than flight test stations.

(b) Several U.S. footnotes associated with the Table (§ 2.106) require revision of the indicated sub bands to conform to the Table itself and column 5 of Table requires changes to band edges.

(c) In § 87.67(b)(1), footnote 7, the intention was to apply the new subsection to all transmitters first type accepted after October 21, 1973, rather than those installed after that date.

(d) In amending § 87.331, the footnote indicators after the frequency 123.175 MHz in Table (a) and 123.575 in Table (b) were not deleted, a new paragraph (d) in Section 87.331 dealing with three changed frequencies was inadvertently omitted, and there was an erroneous reference to base stations in new footnote 1 to paragraph (b). Also, the date for flight test stations to vacate the frequency was omitted.

(e) The frequency 121.950 MHz was inadvertently included in the list of frequencies available under § 87.431.

3. In view of the foregoing, Parts 2 and 87 are corrected as set forth below.

Released: February 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

Part 2 of 47 CFR Chapter I is amended as follows:

1. Section 2.106 is amended by changing Columns 5, 7, 10, and 11 and the list of footnotes to read as follows:

5	7	10	11
*	*	*	*
117.975–121.9625 (273) (US26) (US28) (US85)	117.975–121.9625	118.0–121.400 (NG67)	Airdrome control.
		121.5	AERONAUTICAL MOBILE (Emergency).
		121.600–121.925 (NG67)	Aeronautical utility mobile. Aeronautical utility land. ELT test.
		121.950 (NG67)	Aviation instructional.
121.9625–123.0875 (US29) (US30) (US31) (US80) (US85) (US102)	121.9625–123.0875	121.975–123.075 (NG67)	Private aircraft.
123.0875–123.5875 (US32) (US33) (US112)	123.0875–123.5875 (NG67)	123.100	Aeronautical search and rescue.
		123.125–123.275	Flight test.
		123.300	Aviation instructional.
		123.325–123.475	Flight test.
		123.500	Aviation instructional.
		123.525–123.575	Flight test.
123.5875–128.8125 (US26) (US85)	123.5875–128.8125	123.600–128.800 (NG67)	AERONAUTICAL MOBILE.
128.8125–132.0125 (US2) (US85)	128.8125–132.0125	128.825–132.000 (NG67)	AERONAUTICAL MOBILE.
132.0125–136 (US26) (US85)	132.0125–136	132.025–135.975 (NG67)	AERONAUTICAL MOBILE.
*	*	*	*

FOOTNOTES

* * * * * * *

US26 The bands 117.975–121.4125 MHz, 123.5875–128.8125 MHz, and 132.0125–136 MHz are for air traffic control communications.

US28 The band 121.5875–121.9625 MHz is for use by aeronautical utility land and mobile stations, and for air traffic control communications.

US29 The current use of the band 121.9625–123.0875 MHz by military aircraft is temporary and may continue until they are moved to an appropriate band.

US30 The band 121.9625–123.0875 MHz is available to FAA aircraft for communications pursuant to flight inspection functions in accordance with the Federal Aviation Act of 1958.

US31 Except as provided below, the band 121.9625–123.0875 MHz is for use by private aircraft stations.

The frequencies 122.80, 122.85, 122.95, 123.00, and 123.05 MHz may be assigned to aeronautical advisory stations.

The frequency 122.90 MHz may be assigned to aeronautical multicom stations.

In addition, air carrier aircraft stations may use 122.00 MHz for communication with aeronautical stations of the Federal Aviation Administration and 122.80 MHz for communication with other aircraft and with aeronautical advisory stations.

In addition, frequencies in the band 121.9625–122.7875 MHz may be used by aeronautical stations of the Federal Aviation Administration for communication with private aircraft stations only except that 122.0 MHz may also be used for communication with air carrier aircraft stations concerning weather information.

US32 The Government use of the band 123.1125–123.5875 MHz is for FAA communications incident to flight test activities pertinent to aircraft and facility certification.

US33 The band 123.1125–123.5875 MHz is for use by flight test and aviation instructional stations.

* * * * * * *

US85 In the bands 117.975–123.0875 and 123.5875–136 MHz, the use and development, for the aeronautical mobile (R) services, of systems using space communication techniques may be authorized but limited initially to satellite relay stations of the aeronautical mobile (R) service.

§ 87.67 [Amended]

2. In § 87.67(b)(1), footnote 7 is amended to read as follows:

[7] Applicable only to Survival Craft Stations, and to the emergency locator transmitters and emergency locator transmitter test stations employing modulation in accordance with that specified in Section 87.73(h) of the rules. The specified bandwidth and modulation requirements shall apply to emergency locator transmitters and survival craft transmitters for which type acceptance is granted after October 21, 1973.

3. Section 87.331, lists of frequencies in paragraphs (a) and (b) are amended, footnotes 2 and 3 of paragraph (a) are deleted, a new paragraph (d) is added, and a new Footnote 1 is added to paragraph (b), to read as follows:

§ 87.331 Frequencies available.

(a) The following frequencies are available for assignment to ground and aircraft flight test stations:

3181 kHz [1]	123.375 MHz
123.175 MHz	123.400 MHz
123.200 MHz	123.425 MHz
123.225 MHz	

(b) The following additional frequencies are available for assignment only to flight test stations of aircraft manufacturers:

MHz	
123.125[1]	123.450
123.150	123.475
123.250	123.525
123.275	123.550
123.325	123.575
123.350	

* * * * *

(d) Flight test stations which are presently assigned the following frequencies may continue to use the frequencies until January 1, 1977:

121.950 MHz
123.300 MHz
123.500 MHz

* * * * *

4. Section 87.431 is amended to read as follows:

§ 87.431 Frequencies available.

The frequencies 121.600, 121.625, 121.650, 121.675, 121.700, 121.725, 121.750, 121.775, 121.800, 121.825, 121.850, 121.875, 121.900, and 121.925 MHz are available for use by aeronautical utility mobile stations.

[FR Doc.74-4067 Filed 2-21-74;8:45 am]

[1] This frequency is available only to stations used in itinerant operations, which require that the stations be transferred from time to time to various locations.

[FCC 74-166]

PART 73—RADIO BROADCAST SERVICES

Station Identification Requirements

In the matter of amendment of § 73.1201(c) of the Commission's rules pertaining to station identification requirements.

1. Section 73.1201(c) of the Commission's rules regarding station identification announcements requires that station identification announcements be given only over the channel of the station identified thereby.

2. The requirement has served two purposes: to avoid any confusion among the public, and to assist the Commission's enforcement activities. However, it has also had the effect of requiring satellite stations in all services to make an awkward interruption of programming to make the announcements, and in some cases has required the presence of an operator for the sole purpose of inserting station identification announcements. It appears that other means are available to serve the same purposes as the present rule, and that it would be in the public interest for the Commission to provide for a less complicated and less burdensome method of identification which would reduce the likelihood of misidentification of satellite stations through operator or mechanical error and still clearly identify the station viewed or listened to. Accordingly, § 73.1201(c) of the Commission's rules is amended to read as follows:

§ 73.1201 Station identification.

* * * * *

(c)(1) *General.* Except as otherwise provided in this paragraph, in making the identification announcement the call letters shall be given only on the channel identified thereby.

(2) *Simultaneous AM-FM broadcasts.* If the same licensee operates an FM broadcast station and a standard broadcast station and simultaneously broadcasts the same programs over the facilities of both such stations, station identification announcements may be made jointly for both stations for periods of such simultaneous operation. If the call letters of the FM station do not clearly reveal that it is an FM station, the joint announcement shall so identify it.

(3) *Satellite operation.* When programming of a broadcast station is rebroadcast simultaneously over the facilities of a satellite station, the originating station may make identification announcements for the satellite station for periods of such simultaneous operation.

(i) In the case of a television broadcast station, such announcements, in addition to the information required by paragraph (b)(1) of this section, shall include the number of the channel on which each station is operating.

(ii) In the case of aural broadcast stations, such announcements, in addition to the information required by paragraph (b)(1) of this section, shall include the frequency on which each station is operating.

3. This amendment to the rules is adopted pursuant to authority contained in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended. Since this amendment constitutes a relaxation of present requirements, imposes no new requirements, and will not adversely affect the rights of any licensee, prior notice of proposed rulemaking and the effective date requirements of the Administrative Procedure Act (5 U.S.C. 553 (b) and (d)) are unnecessary, pursuant to 5 U.S.C. 553(b)(B) and 5 U.S.C. 553(d)(1).

4. *Accordingly, it is ordered,* That, effective February 27, 1974, § 73.1201(c) of the Commission's rules and regulations is amended to read as set forth above.

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

Adopted: February 13, 1974.

Released: February 19, 1974.

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

[FR Doc.74-4204 Filed 2-21-74;8:45 am]

[FCC 74-142]

PART 76—CABLE TELEVISION SERVICES

Petitions, Applications, and Related Pleadings

1. The present requirement that petitions, applications and related pleadings filed under §§ 76.7 and 76.13 of the rules and regulations be accompanied by an affidavit of service rather than the certificate of service which is customary in Commission practice (see § 1.47(g)) imposes an unnecessary and useless burden on parties to cable television proceedings. We are therefore amending §§ 76.7 and 76.13 to require a certificate rather than an affidavit of service.

2. These amendments are procedural in nature and relieve an unnecessary burden. The prior notice and effective date provisions of 5 U.S.C. 553 are therefore inapplicable.

3. Authority for these amendments is contained in sections 4 (i) and (j) of the Communications Act of 1934, as amended, 47 U.S.C. 154 (i) and (j).

Accordingly, it is ordered, Effective February 27, 1974, that §§ 76.7 and 76.13 of the rules and regulations are amended as set forth below.

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

Adopted: February 13, 1974.

Released: February 19, 1974.

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

Part 76 of 47 CFR Chapter I is amended to read as follows:

1. In § 76.7 paragraphs (b) and (d) are amended to read as follows:

§ 76.7 Special relief.

* * * * *

(b) The petition may be submitted informally, by letter, but shall be accompanied by a certificate of service on any cable television system, franchising authority, station licensee, permittee, or applicant, or other interested person who may be directly affected if the relief requested in the petition should be granted.

* * * * *

(d) Interested persons may submit comments or opposition to the petition within thirty (30) days after it has been filed. For good cause shown in the petition, the Commission may, by letter or telegram to known interested persons, specify a shorter time for such submissions. Comments or oppositions shall be served on petitioner and on all persons listed in petitioner's certificate of service, and shall contain a detailed full showing, supported by affidavit, of any facts or considerations relied on.

* * * * *

2. In § 76.13, paragraphs (a)(6), (b)(6) and (c)(4) are amended to read as follows:

§ 76.13 Filing of applications.

(a) * * *

* * * * *

(6) A certificate of service of the information described in subparagraph (1) of this paragraph on the licensee or permittee of any television broadcast station within whose predicted Grade B contour or specified zone the community of the system is located, in whole or in

part, the licensee or permittee of any 100-watt or higher power television translator station licensed to the community of the system, the superintendent of schools in the community of the system, and any local or state educational television authorities;

* * * * *

(b) * * *

* * * * *

(6) A certificate of service of the information described in paragraph (b)(1) of this section on the parties named in paragraph (a)(6) of this section;

* * * * *

(c) * * *

* * * * *

(4) A certificate of service of the information described in subparagraph (1) of this paragraph on the parties named in paragraph (a)(6) of this section;

* * * *

[FR Doc.74-4207 Filed 2-21-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70-27; Notice 10]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Hydraulic Brake Systems

This notice responds to further petitions for reconsideration of Motor Vehicle Safety Standard No. 105a and amends the standard in certain minor respects effective September 1, 1975.

Federal Motor Vehicle Safety Standard No. 105a, 49 CFR 571.105a, *Hydraulic brake systems*, was published on September 2, 1972 (37 FR 17970). Thereafter, pursuant to 49 CFR 553.35, petitions for reconsideration of the rule were received, and, in response, a revised Standard No. 105a was published on May 18, 1973 (38 FR 13017). Timely petitions for reconsideration of the revised rule were received from American Motors Corporation (AMC), Wagner Electric Corporation (Wagner), General Motors Corporation (GM), International Harvester Company (Harvester), Japan Automobile Manufacturers Association (JAMA), Ford Motor Company (Ford), Recreational Vehicle Institute (RVI), and Toyota Motor Sales, USA, Inc. (Toyota). This notice discusses the major issues raised and their resolution. The Administrator does not consider repetitious petitions and to the extent that these further petitions were repetitious of the initial ones (e.g. deletion of tests above 80 mph for heavy vehicles, modification of pedal forces, running tests in gear rather than in neutral) they have not been considered, pursuant to NHTSA regulations (49 CFR 553.35(c)).

GM petitioned for rulemaking that would rescind Standard No. 105a on the grounds that the brake system it has designed for the 1976 model year would have to undergo substantial changes in subsequent model years when it plans to introduce lighter vehicles with improved fuel consumption. This agency considers energy needs along with other factors relevant to its rulemaking actions. The information available to the NHTSA does not indicate, however, that Standard No. 105a is incompatible with increased fuel mileage, or would add substantially to the weight of the vehicles covered. The NHTSA does not consider a change in a manufacturer's own design plans to be a justification for discarding an important new set of requirements for which the world industry has been preparing for several years. The petition by GM to rescind the standard is therefore denied.

Effective date. Harvester and RVI petitioned for a delayed effective date for certain categories of vehicles. Harvester requested a one-year delay in the effective date for vehicles whose GVWR exceeds 10,000 pounds, stating its doubt that acceptable antilock systems will be available to it by September 1, 1975, and that the advance hardware proposals from its brake system suppliers indicate that considerable design and development time is still needed. RVI wished an extension of 2 years for recreational vehicles built upon truck and multipurpose passenger vehicle chasses, alleging that time will be needed for testing and retooling after receipt of the first chassis or vehicle certified as conforming to the new braking standard.

The NHTSA does not consider further extension of the effective date to be in the public interest, and the petitions are denied. The broad outlines of the performance requirements have been known to industry since publication of the initial proposal in November, 1970, with its proposed effective date of September 1, 1972. Since publication of the new standard in September 1972, the effective date has been delayed one year to September 1, 1975 and considerable relief provided for vehicles whose GVWR exceeds 10,000 pounds.

Definitions. In response to a petition by JAMA, a definition of "backup system" is adopted. Such a system is "a portion of a service brake system, such as a pump, that supplies energy in the event of a primary brake power source failure".

Effectiveness requirements. Clarifying words are added throughout in response to various requests. For example, the fourth effectiveness test now makes it clear that if the speed attainable in 2 miles is 99 mph or greater, stops must be made from both 80 mph and a specified higher speed, and not from the higher speed alone. In response to GM's comments on inoperative brake power and power assist units (S5.1.3), a new S5.1.3.4 has been adopted that allows brake power assist units to be tested under the optional procedure if the unit utilizes a backup system.

The word "average" has been deleted from S5.1.4.2 (fade and recovery) which specified fade stops in excess of "an average deceleration" floor, at the request of Wagner, as the inclusion of the word was erroneous and does not reflect the test procedures of S7.11.2.1.

The brake system indicator lamp requirements (S5.3.1) were the subject of numerous petitions, most of which have been granted. The NHTSA reiterates that the methods of pressure failure indication in S5.3.1(a) are alternative rather than inclusive. Harvester asked that S5.3.1(a) be amended to delete the qualification of pressure measurement at a slave cylinder outlet "if the master cylinder controls slave cylinders at a booster unit". It argues that with this design configuration it should be allowed to measure pressure at the master cylinder outlet. The NHTSA agrees that the original wording of S5.3.1(a) is design restrictive and that measurement at either the master or slave cylinder outlet is satisfactory for monitoring pressure, and the qualifying phrase is removed. S5.3.1(a)(1) requires activation of the indicator upon activation of "a line pressure of not more than 200 psi". Ford requested an amendment to clarify that the intent is to specify a differential pressure between the operational and failed brake systems. The clarifying amendment has been made and the pressure differential increased to 225 psi to compensate for certain power-assisted units. As a failure indicator GM prefers a switch that would activate the warning lamp when the brake pedal had been depressed past a certain point, rather than a lamp activated by fluid pressure failure.

The petition is denied, as the NHTSA has determined that the brake pedal travel involved to activate the lamp would not provide an adequate warning.

JAMA and Toyota asked for an amendment or interpretation of S5.3.2 that would allow the indicator lamp to remain activated when the ignition is returned to "on", after the engine is started. To allow the lamp to remain on after the engine is started might degrade the importance of the check that the system is intended to indicate, and the request is denied. JAMA also requested that if there is a separate parking brake indicator that it be labelled "Park", and this petition has been granted.

GM requested that the volume requirements of master cylinder reservoirs on large trucks be reduced to one-third that required by the new standard. Since NHTSA has reduced the requirement in response to previous petitions, from 150 percent to 100 percent of fluid displacement, it does not deem it in the interest of safety to reduce it further. GM's petition is denied. The agency wishes to clarify, however, that the volume concerned is only that within the storage compartment, and does not include that fluid which may remain in pipes, hoses, and fittings. At Harvester's request, S5.4.2 is amended slightly to clarify that the minimum reservoir capacity is that of the total reservoir system rather than each reservoir compartment.

S5.6, Brake system integrity, had been amended in May 1973 to specify that friction facing tearout of the lining must

"not exceed 10 percent of the lining on any frictional element" rather than "10 percent of the lining surface areas". GM requested reinstatement of the original requirement. The request is denied. The language that was adopted in May 1973 clarified a previously existing ambiguity while providing a measure of relief that had been previously requested.

Conditions. Ford interpreted the words "test load" in S6.1.1 as the load required to be added to bring a vehicle to its GVWR. In some instances, if this added weight were distributed proportionally to GAWR the front GAWR would be exceeded. NHTSA intended that a vehicle be loaded at GVWR so that its gross vehicle weight is distributed proportionally to its GAWR, and S6.1 is amended appropriately. Ford, JAMA, Toyota, and RVI petitioned for a change in the load material density specification of S6.2 to allow use of iron shot or bars in the passenger seating area, or in cargo areas of light and heavy trucks. The RVI request would allow use of lead shot in drawers, cupboards, and cabinets of recreational vehicles. In large part, these requests have been granted; maximum material densities have been increased from 125 to 450 pounds per cubic foot in seating areas of passenger cars, and in cargo areas of vehicles with a GVWR of 10,000 pounds or less. To allow the use of cast iron in the cargo areas of heavy trucks the minimum density has been lowered slightly from 450 to 400 pounds per cubic foot. The RVI request, however, is not adopted as this would permit too broad a range for testing and consequent difficulty of reproducing test results. It was to alleviate this problem that the original Standard No. 105a was amended on this point in May 1973. AMC and GM asked that the tire inflation pressure be that specified for the test weight, rather than for the GVWR of the vehicle. In NHTSA's view, the time to reset tire pressures after allowing tires to cool would complicate and lengthen test procedures. There are only three tests run at the lightly loaded weight, and no data have been submitted to show that the tire pressure required causes a substantial increase in stopping distances.

S6.10 allows only one uncontrolled wheel to lock at braking speeds above 10 mph on any given stop. GM suggested that this section allowed one wheel per axle to lock. GM's interpretation is incorrect, however; "one wheel" means one wheel on the vehicle. Ford wanted to reset thermocouples during brake inspections. This requested amendment is denied. Except for normal adjustment, inspections for thermocouple depths are not allowed once a test series has begun, in order that brake systems not be disturbed. The NHTSA may consider different depths for thermocouples in the future if data are obtained showing a need.

Test procedures. GM, JAMA, Toyota, and RVI petitioned that lockout of automatic brake adjusters be optional rather than required. On review the NHTSA has decided that there is no reason not to allow use of adjusters during testing. However, if a manufacturer locks out brake adjusters, this will now occur when linings are installed after the thermocouple installation; i.e. before the test series rather than before burnish. This is intended to save time in the test procedures.

The service brake burnish procedure for heavy vehicles is being amended pursuant to a petition by GM, to be in accord with the procedure recently proposed for such vehicles in Standard No. 121. Minor clarifying amendments have been made at various places in the test procedures. Toyota asked whether S7.9.4 applied only to mechanical proportioning systems. This paragraph applies to any variable proportioning system whether mechanical, electrical, hydraulic or otherwise. It does not apply to a fixed mechanical proportioning system.

Figures and tables. Pursuant to a request from Ford, the dimensional specification of "1½ inches" has been added to Lever A on Figure II. JAMA and Toyota want to consider a modified T lever as a "T" rather than as an "L" type. The NHTSA will consider this design a "T" type if the short side is no less than one-third the long side. JAMA and Toyota requested that the load point on the "L" type handle be revised to 1½ inches from the handle end instead of from the center line. This request is denied, as the original requested dimension (30 mm) has been previously increased to 1½ inches (approximately 37 mm) and no further change is deemed necessary.

Harvester was the sole petitioner to request an increase in the stopping distances of Table II, asking that vehicles with a GVWR of 10,000 pounds or less in the lightly loaded condition be afforded the same maximum stopping distance from 60 mph as required of similarly loaded vehicles under the same conditions in Standard No. 121. It also requested an increase in the fourth effectiveness stopping distance to give the same difference in deceleration at 80 mph as allowed by Standard No. 105 at 60 mph. Both petitions are denied. Air-braked vehicles covered by Standard No. 121 include truck-tractors with a high center of gravity and usually a higher front-to-rear weight distribution than light trucks, so that the lesser stopping distance in Standard No. 105 is justified. The test value of the fourth effectiveness test reflects previous modifications for requirements at 60 mph. The industry in general has not disclosed any problem in complying with the deceleration values from 80 mph. The correct stopping distance for heavy vehicles from 50 mph in the first, fourth, and spike effectiveness tests is 193 feet, not 183 feet as previously published.

GM, Toyota, and JAMA requested an increase in the deceleration values of Table III as an allowance for larger vehicles tested to optional brake power and assist unit procedures. This request is denied. These vehicles are presently required to meet only a 6.3 ft/s/s deceleration which is considered the minimum value acceptable.

Finally, Harvester wanted an inclusive pedal force range of 15 to 150 pounds for all phases of compliance activity including baseline checks. The NHTSA considers a 150-pound pedal force too high for baseline tests at low speeds and relatively low decelerations, and the petition is denied.

Although the NHTSA has on occasion used the subletter "a" to denote comprehensive revision of existing standards effective at a future date, such standards will henceforth be identified in terms of their effective dates. Thus "Standard No. 105a" becomes "Standard No. 105–75 (effective September 1, 1975)".

In consideration of the foregoing 49 CFR 571.105a, Motor Vehicle Safety Standard 105a, hydraulic brake systems, is amended as follows:

§ 571.105–75 [Redesignated and amended]

1. § 571.105a is redesignated § 517.105–75 *Motor Vehicle Safety Standard No. 105–75: Hydraulic brake systems (effective September 1, 1975).*

2. In S4 a definition of "Backup system" is added, in alphabetical order, to read:

"Backup system" means a portion of a service brake system, such as a pump, that supplies energy, in the event of a primary brake power source failure.

3. S5.1.1.2 is revised to read:

In the second effectiveness test, the vehicle shall be capable of stopping from 30 and 60 mi/h within the corresponding distances specified in column II of table II. If the speed attainable in 2 miles is not less than 84 mi/h, a passenger car or other vehicle with a GVWR of 10,000 pounds or less shall also be capable of stopping from 80 mi/h within the corresponding distance specified in column II of table II.

4. S5.1.1.4 is revised to read:

In the fourth effectiveness test, the vehicle shall be capable of stopping from 30 and 60 mi/h within the corresponding distances specified in column I of table II. If the speed attainable in 2 miles is not less than 84 mi/h, a passenger car or other vehicle with a GVWR of 10,000 pounds or less shall also be capable of stopping from 80 mi/h within the corresponding distance specified in column I of table II.

If the speed attainable in 2 miles is not less than 99 mi/h, a passenger car or other vehicle with a GVWR of 10,000 pounds or less shall, in addition, be capable of stopping from the applicable speed indicated below, within the corresponding distance specified in column I of table II.

Speed attainable in 2 miles (mi/h)	*Required to stop from (mi/h)*
Not less than 99 but less than 104	95
104 or more	100

5. S5.1.3 is revised to read:

S5.1.3 *Inoperative brake power assist unit or brake power unit.* The serv-

ice brakes shall be capable of stopping a vehicle equipped with one or more brake power assist units or brake power units as specified in either S5.1.3.1, S5.1.3.2 or S5.1.3.4 (if the vehicle is equipped with brake power assist units), and either S5.1.3.1, S5.1.3.3, or S5.1.3.4 (if the vehicle is equipped with brake power units).

6. S5.1.3.3 is revised to read:

S5.1.3.3 *Brake power units.* The service brakes of a vehicle equipped with one or more brake power units with an accumulator-type reserve system, with one such unit inoperative, shall be capable of stopping the vehicle from 60 mi/h—

(a) In 10 consecutive stops at an average deceleration for each stop that is not lower than that specified in column II of table III, when the inoperative unit is not initially depleted of all reserve capability; and

(b) In a final stop, in a distance that does not exceed 554 feet, when the inoperative unit is depleted of all reserve capability.

7. A new S5.1.3.4 is added to read:

S5.1.3.4 *Brake power assist and brake power units.* The service brakes of a vehicle equipped with one or more brake power assist units or brake power units with a backup system, with one brake power assist unit or brake power unit inoperative and depleted of all reserve capability and with only the backup system operating in the failed subsystem, shall be capable of stopping the vehicle from 60 mi/h in 15 consecutive stops at an average deceleration of each stop that is not lower than 12 ft/s/s (reference maximum stopping distance 323 feet).

8. In S5.1.4.2 paragraph (a) is revised by deleting the words "an average", and substituting the word "a".

9. In S5.3.1 paragraph (a) is revised to read:

(a) A pressure failure in any part of the service brake system, other than a structural failure of a housing that is common to two or more subsystems, due to any one of the following conditions:

(1) Before or upon application of a differential pressure of not more than 225 lb/in² between the active and failed brake system measured at a master cylinder outlet or a slave cylinder outlet.

(2) Before or upon application of 50 pounds of control force upon a fully manual service brake.

(3) Before or upon application of 25 pounds of control force upon a service brake with a brake power assist unit.

(4) When the supply pressure in a brake power unit drops to a level not less than one-half of the normal system pressure.

10. In S5.3.1 paragraph (b) is revised by deleting the words "in any reservoir compartment".

11. In S5.3.5, the fourth sentence is revised to read:

If separate indicator lamps are used for one or more of the various functions described in S5.3.1(a) to S5.3.1(d), the lens shall include the word "Brake" and appropriate additional labeling (use "Brake Pressure," "Brake Fluid" for S5.3.1(a) and S5.3.1(b)) except that if a separate parking indicator lamp is provided, the single word "Park" may be used.

12. S5.4.2 is revised by deleting the first sentence and substituting the following two sentences to read:

S5.4.2 *Reservoir capacity.* Reservoirs, whether for master cylinders or other type systems, shall have a total minimum capacity equivalent to the fluid displacement resulting when all the wheel cylinders or caliper pistons serviced by the reservoirs move from a new lining, fully retracted position (as adjusted initially to the manufacturer's recommended setting) to a fully worn, fully applied position, as determined in accordance with S7.18(c) of this standard. Reservoirs shall have completely separate compartments for each subsystem except that in reservoir systems utilizing a portion of the reservoir for a common supply to two or more subsystems, individual partial compartments shall each have a minimum volume of fluid equal to at least the volume displaced by the master cylinder piston servicing the subsystem, during a full stroke of the piston. * * *

13. S6.1.1 is revised to read:

S6.1.1 Other than tests specified at lightly loaded vehicle weight in S7.7, S7.8, and S7.9, the vehicle is loaded to its GVWR such that the weight on each axle as measured at the tire-ground interface is in proportion to its GAWR, with the test load material densities specified in S6.2, except that the fuel tank is filled to any level from 100 percent of capacity (corresponding to full GVWR loading) to 75 percent of capacity.

14. In S6.2 the test load densities specified are revised to read:

Seating areas	50 to 450 lb/ft³ (all vehicles).
Cargo areas	50 to 450 lb/ft³ (all vehicles, including passenger cars, with a GVWR of 10,000 lbs or less).
	400 to 725 lb/ft³ (vehicles with a GVWR that exceeds 10,000 lbs).

15. In S6.10 the fourth sentence is revised to read:

"There may be controlled lockup on an antilock-equipped axle, and lockup of not more than one wheel per vehicle, uncontrolled by an antilock system."

16. In S7 the second sentence is revised to read:

"Automatic adjusters may be locked out when the vehicle is prepared for testing. If this option is selected, adjusters must remain locked out for entire sequence of tests.

17. S7.4.1.2 and S7.4.2.2 are each revised to read:

Brake adjustment—post burnish. After burnishing, adjust the brakes manually in accordance with the manufacturer's recommendation if the automatic adjusters have been locked out, or by making stops as recommended by manufacturer if automatic adjusters are operative.

18. S7.4.2.1 is revised and a new Table IV added, to read:

S7.4.2.1 *Burnish.* The brakes of a vehicle manufactured between September 1, 1975 and September 1, 1976 may be burnished according to S7.4.2.1.1 or S7.4.2.1.2. The brakes of a vehicle manufactured on or after September 1, 1976, shall be burnished according to S7.4.2.1.2.

S7.4.2.1.1 Burnish the brakes by making the 400 snubs from 40 mi/h to 20 mi/h at 10 ft/s/s (the 150-lb control force limit does not apply here). After each brake application, accelerate to 40 mi/h and maintain that speed until making the next brake application at a point 1.5 miles from the initial point of the previous brake application.

S7.4.2.1.2 Burnish the brakes by making 500 snubs at 10 ft/s/s in the sequence specified in Table IV and within the speed ranges indicated. After each brake application accelerate to the next speed specified and maintain that speed until making the next brake application at a point 1 mi from the initial point of the previous brake application. If during any of the brake applications specified in Table IV the hottest brake reaches 500°F. make the remainder of the 500 applications from that snub condition, except that a higher or lower snub condition shall be followed (up to the 60 mi/h initial speed) as necessary to maintain a maximum temperature of 500°F. ±50°F.

TABLE IV

Series	Snubs	Snub conditions (highest speed indicated, miles per hour)
1	175	40-20
2	25	45-20
3	25	50-20
4	25	55-20
5	250	60-20

19. S7.5 is revised to read:

S7.5 Service brake system—second effectiveness test. Repeat S7.3. Then (for passenger cars and other vehicles with a GVWR of 10,000 lbs. or less) make four stops from 80 mi/h if the speed attainable in 2 miles is not less than 84 mi/h.

20. S7.6 is revised by deleting the final sentence.

21. In S7.7.3, the figure "S7.7.2(c)" is revised to read "S7.7.2".

22. In S7.9.1 the words "(or pressure level in a brake power unit system)" are deleted, and the words "or pressure level" substituted.

23. In S7.10.1 the following sentence is added between the title and first sentence: "(This test need not be run if the option in S7.10.2 is selected)".

24. In S7.10.2, paragraph (b) is revised to read:

(b) (For vehicles with brake power units with accumulator type systems.) Test as in S7.10.2(a), except make 10 stops instead of 6.

25. In S7.10.2 paragraph (c) is redesignated "(d)", and a new paragraph (c) adopted to read:

(c) (For vehicles with brake power assist or brake power units with backup systems.) If the brake power or brake power assist unit operates in conjunction with a backup system and the backup system is activated automatically in the event of a primary power failure, the backup system is operative during this test. Disconnect the primary source of power of one subsystem. Make 15 stops, each from 60 mi/h, with the backup system activated for the failed subsystem, to achieve an average deceleration of 12 ft/s/s for each stop.

26. In S7.11.2.1 the first sentence is revised to read:

"Make 5 stops from 60 mi/h at 15 ft/s/s followed by 5 stops at the maximum attainable deceleration between 5 and 15 ft/s/s for each stop."

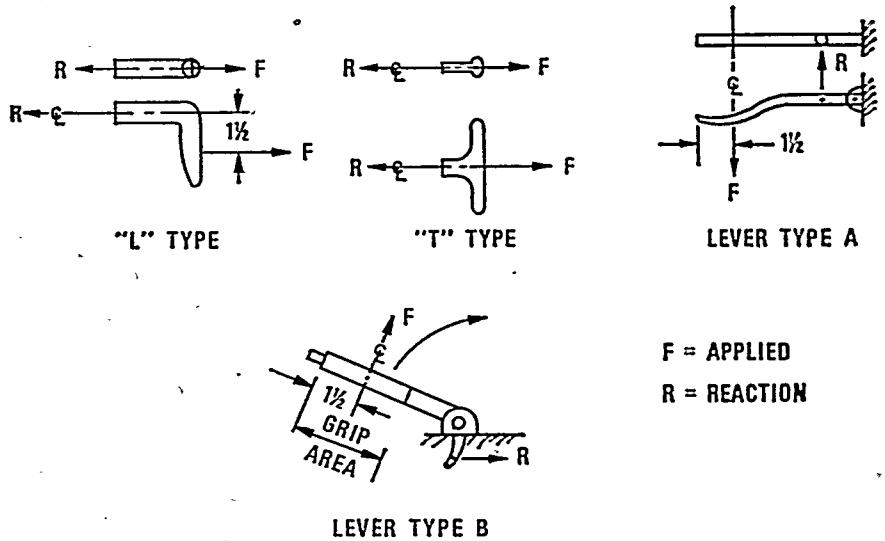
27. S7.15 is revised to read:

S7.15 *Service brake system—fourth effectiveness test.* Repeat S7.5. Then (for passenger cars and other vehicles with a GVWR of 10,000 lbs. or less) make four stops from either 95 mi/h if the speed attainable in 2 mi is 99 to (but not including) 104 mi/h, or 100 mi/h if the speed attainable in 2 mi is 104 mi/h or greater.

28. In table II, the stopping distance value from 50 mph in column I(c) is corrected to read "193".

29. In table III, with respect to Stop No. 7 the initials "N.A." appearing under columns 1 and 3 respectively are replaced with "(Depleted) 7" and "554", and a new "Stop No. 11" is added with the following entries under columns 1, 2, 3, and 4 respectively: "N.A.", "(Depleted) 7", "N.A.", and "554".

30. In Figure II, Lever Type A and Lever Type B are revised to appear as follows:



LOCATION FOR MEASURING BRAKE APPLICATION FORCE (HAND BRAKE)

FIGURE II

Effective date. September 1, 1975. Because these amendments relate to a standard that is effective September 1, 1975, it has been determined for good cause shown that an effective date later than 1 year after issuance is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51).

Issued on February 14, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-4034 Filed 2-15-74;10:22 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1003—LIST OF FORMS

PART 1131a—TEMPORARY AUTHORITY APPLICATIONS UNDER SECTION 311(a) OF THE INTERSTATE COMMERCE ACT

Water Carrier Temporary Authority

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 2nd day of November 1973.

In the matter of establishment of application form and application procedures for water carrier temporary authority.

It is ordered, That application form OP-WC-25 (49 CFR 1003.2), be, and it is hereby, prescribed and approved.[1]

It is further ordered, That § 1003.2 of 49 CFR Part 1003 be, and it is hereby, amended by the addition of a new subhead as shown below.

It is further ordered, That the procedures for the processing of water carrier temporary authority applications also attached hereto and incorporated in this order, be, and they are hereby, prescribed and approved.

It is further ordered, That 49 CFR Chapter X, Subchapter A, be, and it is hereby, amended by the addition of Part 1131a as set forth below.

(49 U.S.C. 911(a); 54 Stat. 943; 56 Stat. 177; 60 Stat. 345)

It is further ordered, That this order shall become effective on March 17, 1974.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., for inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

1. Section 1003.2 is amended by adding the following item:

§ 1003.2 [Amended]

* * * * *

OP-WC-25.

Temporary authority application under section 311(a) of the Interstate Commerce Act.

2. Part 1131a is added as follows:

Sec.
1131a.1 Controlling legislation and definitions.
1131a.2 Filing of applications.
1131a.3 Processing of applications.
1131a.4 Determination of applications.
1131a.5 Petitions.

AUTHORITY: 49 U.S.C. 911(a); 54 Stat. 943; 56 Stat. 177; 60 Stat. 345.

§ 1131a.1 Controlling legislation and definitions.

(a) *Controlling legislation.* Section 311(a) of the Interstate Commerce Act, as amended, 49 U.S.C. 911(a), is the relevant legislation which the rules and regulations in this part are designed to implement. Extensions of temporary authority beyond 180 days are governed by the special rules, contained in Part 1101 of this chapter, promulgated pur-

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

suant to section 558 of the Administrative Procedure Act, 5 U.S.C. 558.

(b) *Definitions.* As used in this part, the definitions set forth in section 302 of the Interstate Commerce Act shall pertain to the terms utilized in this section.

§ 1131a.2 Filing of applications.

(a) *General.* All temporary authority applications are filed at and initially processed by the Commission's field offices. The field staff of the Commission's Bureau of Operations conducts preliminary investigations into applications for temporary authority and transmits the applications, with recommendations as to their disposition, to the Commission's Motor Carrier Board in Washington, D.C. The Bureau's field offices maintain records of authorized carriers and their operating authorities, and its staff members are available for consultation and to give assistance on the obtaining of water carrier service, and guidance in the preparation of temporary authority applications and related supporting material, and in making rate and other required filings. The field offices will furnish copies of necessary forms upon request.

(b) *How and where filed.* A separate application for each temporary authority sought must be filed on Form OP-WC-25 (§ 1003.2 of this chapter). The signed original and six copies of each application and all supporting documents must be filed with the Bureau of Operation's field office which has jurisdiction over the point at which applicant is domiciled, or such other field office as the Commission may designate in special circumstances.

(c) *Supporting statement.* Each application for temporary authority must be accompanied by a supporting statement (s) designed to establish an immediate and urgent need for service which cannot be met by existing carriers. Each such shipper's statement must contain a certification of its accuracy and must be signed by the person (or an authorized representative thereof) having such immediate and urgent need for water carrier service. Any such supporting statement must contain at least the following information:

(1) Description of the specific commodity or commodities to be transported (where the transportation of property is involved).

(2) Points or areas to, from, or between which such commodities or passengers are to be transported. (If service is needed to or from a territory or area rather than a specific point or points, clearly describe such territory or area and furnish evidence of a broad need to justify the territorial grant of authority requested.)

(3) Volume of traffic involved, frequency of movement, and how transported now and in the past.

(4) How soon the service must be provided and the reasons for such time limit.

(5) How long the need for such service likely will continue, and whether the persons supporting the temporary application will support a permanent service application.

(6) Recital of the consequences if service is not made available.

(7) The circumstances which created an immediate and urgent need for the requested service.

(8) Whether efforts have been made to obtain the service from existing water carriers, and the dates and results of such efforts.

(9) Names and addresses of existing carriers who have either failed or refused to provide the service, and the reasons given for any such failure or refusal.

(10) Name and address of water carrier who will provide services and is filing application for temporary authority.

(11) If the person supporting the application has supported any prior application for permanent or temporary authority covering all or any part of the desired service, give the carrier's name, address, and water carrier docket number, if known, and state whether such application was granted or denied and the date of such action, if known.

§ 1131a.3 Processing of applications.

(a) *Notice to interested persons.* Notice of the filing of temporary authority applications tendered shall be given by the publication of a summary of the authority sought in the FEDERAL REGISTER, except as provided in (c) below. Such summaries will be prepared by the appropriate Bureau of Operations district supervisor and forwarded to the Office of Proceedings, Washington, D.C.

(b) *Filing of protests.* Any interested persons who can and will provide all or any part of the proposed service may file a protest against the application. Such protest must be specific as to the service which such protestant can and will offer and must consist of a signed original and six (6) copies which must be filed with the district supervisor named in the FEDERAL REGISTER publication within 15 calendar days after the date notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protest must be served on the applicant or its authorized representative, if any, by US mail or in person.

(c) *Exception.* The above procedures shall be followed in all temporary authority applications to conduct operations by water under section 311(a) of the Interstate Commerce Act, except in those in which the Commission, in its discretion, determines that the circumstances require greater expedition by utilizing other procedures deemed appropriate, including the elimination of the FEDERAL REGISTER publication and protest filing procedures.

(d) *Publication of rates and charges.* A carrier may not lawfully perform transportation under a grant of temporary authority unless and until compliance has been made with the rate filing requirements of section 306 of the Interstate Commerce Act.

(e) *Revocation for noncompliance, and reinstatement and extension of time for making compliance.* Temporary authority is approved subject to compliance within 30 days, or within such additional time as the Commission may approve, with the applicable provisions of the statute and the requirements, rules and regulations prescribed by the Commission thereunder governing the filing of rate and contract publications. If compliance is not made within the 30-day period, or within the time allowed in any extension thereof, applicant will be notified that the temporary authority order is of no further force and effect. Where this occurs, applicant may make written request for reinstatement of the granting order if it so desires, provided (1) that such request is made within 20 days from the date of the notice, (2) that good cause can be shown as to why compliance was not made within the time allowed, and (3) that the request for reinstatement contains positive assurance that applicant is now able to and will comply immediately with all applicable requirements, if the order is reinstated.

§ 1131a.4 Determination of applications.

(a) *General.* (1) Initial determination of temporary authority applications will be made by the Commission's Motor Carrier Board or by Division 1 of the Commission. No successive grants of temporary authority shall exceed a total of 180 days.

(2) Although a grant of temporary authority is neither a permit nor a certificate under the Interstate Commerce Act, it nevertheless enables the applicant to provide service either as a common or a contract carrier, as the case may be. Consequently, an applicant for temporary authority to operate as a water contract carrier must show that the operations proposed is that of a contract carrier by water carrier as defined in section 302(e) of the Interstate Commerce Act. No "dual operation" finding is necessary, however, where a grant of temporary authority to operate as a contract carrier is made to an existing common carrier and vice versa.

(3) Inasmuch as a grant of temporary authority is not a permit or certificate, none of the regulated rights, under the Interstate Commerce Act is applicable. Temporary authority may not be tacked or joined with permanent authority held by the carrier for the purpose of performing through transportation, nor can through, joint-line service be performed thereunder. Where there is a need for such services which are not implicit in grants of temporary operating authority this fact should be stated specifically so that an appropriate authority description may be issued.

(4) For administrative convenience, temporary authority to transport property will be considered to authorize the return transportation of shipper-owned trailers and of empty crates, barrels, bottles, hangers, pallets, bracing, dunnage, and other similar containers and shipping devices used in the outbound transportation covered by the temporary authority.

(b) *Standards for determination.* The following standards shall be used by the Motor Carrier Board, and by Division 1 of the Commission acting initially or in an appellate capacity, in the absence of special or unusual circumstances, in the determination under section 311(a) of the Interstate Commerce Act (49 U.S.C. 911(a)) of applications for temporary authority:

(1) *General.* (i) Grants of temporary authority shall only be made upon the establishment of an immediate and urgent need for the transportation of passengers, or of particular commodities or classes of commodities, from specified origin points or areas to specified destination points or areas, having no carrier service capable of meeting such needs. Requests for temporary authority involving service to or from ports in entire States, counties or other defined areas will warrant approval only when supported by evidence that there is a compelling need for service to or from a representative number of ports in each such State, county, or area, that there is a reasonable certainty that such service will be utilized, and there is no carrier service available capable of meeting such need. Otherwise, such grants will be limited in accordance with the evidence to port-to-port authorizations covering the immediate and urgent need for service.

(ii) Any need which is the basis of an operation authorized by a temporary authority to be conducted for a period of less than an aggregate of 180 days is presumed not to be of a "continuing nature" unless the Commission otherwise expressly determines. If the need for a particular service ceases and a temporary authority covering such need expires or is revoked, and a new or separate need arises subsequent to such expiration or revocation, additional temporary authority for the 180-day aggregate, or for a shorter period, may be granted to the same carrier for the service, notwithstanding the prior grant or grants. However, an application filed after an aggregate of 180-days' temporary authority has expired or been revoked will be denied unless the facts clearly show that the application is in reality based on a new need and not a continuation of the need on which the prior grant of authority was based.

(2) *Immediate and urgent need.* An immediate and urgent need justifying a grant of temporary authority will be determined to exist only where it is established that there is or soon will be an immediate transportation need which reasonably cannot be met by existing carrier service. Such a showing may involve a new or relocated plant, different method of distribution, new or unusual commodities, an origin or destination not presently served by carriers, a discontinuance of existing service, failure of existing carriers to provide service, or comparable situations which require new water carrier service before an application for permanent authority can be filed and processed.

(3) *Single-line service.* Generally, the desire of a shipper for single-line service in lieu of existing interchange or connecting-carrier service will not warrant a grant of temporary authority. A grant of temporary authority to effectuate single-line service will be authorized only when it is clearly established that the carriers providing multiple-line service are not capable of, or have failed in, meeting the reasonable immediate and urgent needs of shippers or receivers between the points or territories and in respect of the commodity or commodities involved.

(4) *Complete service.* Requests for temporary authority on the basis of "providing a complete service to a shipper," even though existing carriers are participating in the traffic and in many instances can provide a substantial part of the service require special justification. Generally, in such instances, the applicant must establish with reasonable certainty that the existing carriers cannot adequately serve the shipper in their authorized territories, or that the supporting shipper has revised its distribution methods to such an extent that there actually is an immediate and urgent need for the complete service proposed.

(5) *Failure to provide equipment.* Temporary authority may be granted where existing authorized carriers are unable or refuse to furnish equipment necessary to move passengers or the traffic of shippers in order to meet an immediate and urgent transportation need.

(6) *General basis for disapproval.* Applicants for temporary authority may be denied for the following reasons:

(i) Failure to meet statutory standards.

(ii) Unfitness of the applicant.

§ 1131a.5 Petitions.

(a) *Petitions for reconsideration.* Pursuant to and in accordance with the Commission's General and Special Rules of Practice, petitions for reconsideration of orders of (1) the Motor Carrier Board and (2) Division 1 initially granting or denying temporary authority in proceedings not subject to prior determination by the Motor Carrier Board, may be filed by any interested person. The filing of a petition for reconsideration of an order of Division 1 or the Motor Carrier Board does not have the effect of automatically staying such order, and the grantee carrier may conduct the operations authorized by such order upon compliance with its tariff and other requirements for the duration of the temporary authority, or until otherwise ordered.

(b) *Replies.* Replies may be filed by any interested person to such petitions; but if the facts stated in any such petition disclose a need for accelerated action, such action, in the discretion of the Commission may be taken before expiration of the time allowed for reply. Replies received after accelerated action on petition will be treated as petitions for reconsideration of the accelerated action and given corresponding accelerated action.

[FR Doc.74-4255 Filed 2-21-74;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Great Meadows National Wildlife Refuge, Mass.

The following special regulations are issued and are effective during the period February 20, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Entry to the parking area during daylight hours on foot, bicycle, or by motor vehicle is permitted. Foot and bicycle travel is permitted on designated routes for the purposes of nature study, photography, hiking, skating, and cross-country skiing. Pets are permitted on a leash not exceeding 10 feet in length.

The refuge, comprising approximately 2,700 acres, is delineated on a map available at refuge headquarters or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

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

FEBRUARY 12, 1974.

[FR Doc.74-4157 Filed 2-21-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Back Bay National Wildlife Refuge, Va.

The following special regulation is issued and is effective during the period February 25, 1974 through December 31, 1974.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

VIRGINIA

BACK BAY NATIONAL WILDLIFE REFUGE

The following regulations govern the use of the Atlantic Ocean Beach within the Back Bay National Wildlife Refuge:

1. All access to or across refuge lands will be subject to the control of the refuge manager or his designated representative.

2. Access along the beach by motorized vehicles will be allowed only after a permit has been issued by the refuge manager or his designated representative. The refuge manager is authorized to establish a system of permits consist-

ent with the requirements of these regulations. Permits shall be displayed at all times in such manner as to be readily visible on any motor vehicle and shall be non-transferable. Permits may be issued for one year, one day, or one trip, depending upon reasonable requirements of the applicant, but not to extend beyond December 31 of the year of issuance and are valid for the hours 6 a.m. to 9 p.m. unless otherwise specified by the refuge manager. No motor vehicle will be operated by other than a holder of a valid operator's license and permit and on any portion of a dune except at posted dune crossings. Violation of any refuge regulations will result in cancellation of the permit.

3. Free annual permits will be issued as follows:

(a) To all persons now residing or owning land south of the refuge in the False Cape State Park acquisition area, Virginia. Permits will also be issued to permanent, year-round, full-time residents who can furnish legal proof of such residence prior to January 12, 1972, now living on the Outer Banks in Currituck County, from the North Carolina line south to the village of Carolla, North Carolina, as well as their successors and assigns, who will be permanent, year-round, full-time residents.

(b) To the school bus transporting children of False Cape residents to and from school.

(c) To commercial fishermen who have vertified their dependence upon egress, ingress, or crossing refuge land for a livelihood.

4. Free daily or single-trip permits will also be issued to or for:

(a) Service and public utility vehicles on business calls to same residents as described in 3(a) above, upon verification of a request from the residents.

Service vehicles means: any vehicle owned or operated by or on behalf of an individual, partnership, or corporation engaged in the business of furnishing construction, maintenance, or repair services, including but not limited to building, plumbing, septic tanks, installation or repair of household appliances, carpentry, painting, landscaping, garbage collection, and delivery services.

Public utility vehicles means: any vehicle owned or operated by a public utility or a public service company enfranchised or licensed to supply Outer Banks residents with electricity, water, or telephone service.

(b) Visitors of same residents as described in 3(a) above, after notice in advance, or upon verification, of an anticipated visit.

5. Scientific and wildlife-oriented uses that are compatible with the primary objectives for which the Back Bay National Wildlife Refuge was established as permitted by the refuge manager or his designated representative. These uses include, but are not limited to waterfowl hunting and surf fishing.

Hunting of waterfowl is permitted on private and State-owned land on the Barbara Hills tract in the False Cape State Park south of the refuge during the open season prescribed by the Commonwealth of Virginia. Those hunters may be issued permits to travel to the hunting area and return to the field headquarters who can verify their ownership, lease, or that they have been assigned a blind by the Virginia Commission of Game and Inland Fisheries in the State hunting area. Applicable Federal, State and local laws and regulations, and maps showing the designated route to be used are available in the office of the refuge manager.

6. Permits will be available at refuge field headquarters or office in Princess Anne.

7. Excluded from the restriction of these regulations are any military, fire, emergency, or law enforcement vehicle when used for emergency purposes and official use by an employee, agent, or designated representative of the Federal, State, or local government in the course of his official duties. Also excluded are vehicles required for medical assistance, or to transport sick, injured, aged, handicapped, or other persons needing medical attention or treatment.

8. In an emergency, the refuge manager may suspend, for such period or periods as he shall deem advisable, any or all of the foregoing restrictions on vehicular travel, and he may announce such suspension by whatever means are available. In the event of high winds and waves, storms, or other adverse weather conditions, the refuge manager may close all or any portion of the refuge to vehicular travel for such period as he shall deem advisable in the interest of public safety.

9. Violators of these special regulations and all other regulations pertaining to the Back Bay National Wildlife Refuge will be subject to legal action as prescribed by 50 CFR 27.10.

It has been determined that continued unregulated vehicular use of the refuge beach is seriously damaging the dunes and is detrimental to the primary objectives for which the refuge was established. Therefore, the foregoing regulations are issued, as a result of a detailed study, public hearing, and written comments to preserve the Back Bay National Wildlife Refuge for use by wildlife and wildlife-oriented recreation pursuits. These regulations will apply to all persons and vehicles described in 3, 4, and 5 above until an improved alternative access becomes available to them.

The refuge, comprising approximately 4,600 acres, is delineated on a map available from the Refuge Manager, Pembroke #2 Building, S. 218, 287 Pembroke Office Park, Virginia Beach, Virginia 23462 or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, when are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

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

FEBRUARY 12, 1974.

[FR Doc.74-4158 Filed 2-21-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Salt Meadow National Wildlife Refuge, Conn.

The following special regulations are issued and are effective during the period May 1, 1974 through December 31, 1974.

§ 28.28 Special regulations, public access, use, and recreation; for individual wildlife refuge areas.

CONNECTICUT

SALT MEADOW NATIONAL WILDLIFE REFUGE

Foot entry to the refuge is permitted during daylight hours, by advanced reservation only, for the purpose of environmental education studies, hiking, and photography. Entrance permits may be obtained for specific dates, by mail, from the Refuge Manager, Trustom Pond National Wildlife Refuge, Windy Meadows Farm, Schoolhouse Road, RFD Wakefield, Matunuck, Rhode Island 02879. Motor vehicles are limited to the designated parking areas. Pets are not permitted on the refuge unless authorized in the entrance permit.

Information about the refuge, which comprises approximately 180 acres, is available from the Refuge Manager or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in 50 CFR Part 28, and are effective through December 31, 1974.

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

FEBRUARY 13, 1974.

[FR Doc.74-4150 Filed 2-21-74;8:45 am]

PART 33—SPORT FISHING

Great Meadows National Wildlife Refuge, Mass.

The following special regulation is issued and is effective during the period February 20, 1974 through December 31, 1974.

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

MASSACHUSETTS

GREAT MEADOWS NATIONAL WILDLIFE REFUGE

Sport fishing and foot entry for this purpose are permitted in accordance with all applicable State regulations.

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

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

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

FEBRUARY 13, 1974.

[FR Doc. 74-4149 Filed 2-21-74;8:45 am]

PART 33—SPORT FISHING

Monomoy National Wildlife Refuge, Mass.

The following special regulation is issued and is effective during the period February 20, 1974 through December 31, 1974.

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

MASSACHUSETTS

MONOMOY NATIONAL WILDLIFE REFUGE

Sport fishing in tidal waters is permitted 24 hours per day from the shores of the Monomoy National Wildlife Refuge, Chatham, Massachusetts. Boats may be beached on the refuge and wilderness areas. Sport fishing shall be in accordance with all applicable State regulations.

A map of the refuge is available from the Refuge Manager, Great Meadows National Wildlife Refuge, 191 Sudbury Road, Concord, Massachusetts 01742 or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

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

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

FEBRUARY 13, 1974.

[FR Doc.74-4148 Filed 2-21-74;8:45 am]

PART 33—SPORT FISHING

Red Rock Lakes National Wildlife Refuge, Mont.

The following special regulation is issued and is effective on February 22, 1974.

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

MONTANA

RED ROCK LAKES NATIONAL WILDLIFE REFUGE

Sport fishing is permitted as posted from June 15 through November 30, 1974. All areas open to fishing are delineated on a map available at refuge headquarters and from the office of the Area Manager, Bureau of Sport Fisheries and Wildlife, 711 Central Avenue, Billings, Montana 59102. Areas closed the entire year include Upper and Lower Red Rock Lakes, Rivermarsh and Shambow Pond.

Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Boats with motors are prohibited.

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

E. D. STROOPS,
Refuge Manager, Red Rock Lakes National Wildlife Refuge.

FEBRUARY 12, 1974.

[FR Doc.74-4160 Filed 2-21-74;8:45 am]

PART 33—SPORT FISHING

Washita National Wildlife Refuge, Okla.

The following special regulation is issued and is effective on February 22, 1974.

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

OKLAHOMA

WASHITA NATIONAL WILDLIFE REFUGE

Sport fishing is permitted on all waters of the Washita National Wildlife Refuge during open season in areas designated by signs as open to fishing. These open areas, comprising 3,367 acres, are delineated on maps available at refuge headquarters, Butler, Oklahoma, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 1306, Albuquerque, New Mexico 87103. Fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 1 through October 14, 1974, inclusive.

(2) Seining is prohibited in all refuge waters.

(3) All trot lines must be removed from refuge waters on or before October 14, 1974.

(4) From State Highway 33 south to Big Panther Creek, a "no visible wake zone" is in effect for all boats.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in 50 CFR Part 33, and are effective through October 14, 1974.

ROBERT H. STRATTON, Jr.,
Refuge Manager, Washita National Wildlife Refuge.

FEBRUARY 12, 1974.

[FR Doc.74-4167 Filed 2-21-74;8:45 am]

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on February 22, 1974.

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

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Public sport fishing by rod, reel and pole on Lacreek National Wildlife Refuge, South Dakota 57551 is permitted on Cedar Creek Dams 1 and 2, designated by signs as open to fishing in accordance with applicable state regulations subject to the following special conditions.

(1) The open season for sport fishing on Cedar Creek Dams 1 and 2 extend from April 1 through September 15, 1974, daylight hours only.

(2) The use of boats and live minnows as bait are prohibited on Cedar Creek Dams 1 and 2.

(3) Public fishing on Lacreek National Wildlife Refuge may be closed whenever access roads are impassable or whenever refuge wildlife needs further protection.

The open ponds are shown on maps available at Refuge Headquarters and from the Area Office, Bureau of Sport Fisheries and Wildlife, Federal Building, Pierre, South Dakota 57501.

The provision of this special regulation supplement the regulations which govern fishing on national wildlife refuges generally which are set forth in 50 CFR Part 33, and are effective through September 15, 1974.

HAROLD H. BURGESS,
Refuge Manager Lacreek National Wildlife Refuge.

FEBRUARY 12, 1974.

[FR Doc.74-4173 Filed 2-21-74;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Miscellaneous Revisions and Amendments

Part 2 of 7 CFR Subtitle A is amended to revise the delegations of authority to the Assistant Secretary for Administration; to provide delegations of authority to the Director, Office of Audit and the Director, Office of Investigation (which previously were delegated to the Inspector General); to amend the names and the responsibilities of certain staff agencies of the Department, and to make other revisions as follows:

Subpart A—General

§ 2.4 [Amended]

1. Section 2.4 is amended by deleting "the Inspector General" and inserting in lieu thereof "the Director, Office of Investigation."

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Directors

2. Section 2.17 is amended as follows:

§ 2.17 Delegations of authority to the Assistant Secretary for Marketing and Consumer Service.

* * * * *

(f) *Related to committee management.* Establish and reestablish regional, State, and local advisory committees for activities under his authority. This authority may not be redelegated.

(g) *Related to Commodity Exchange Commission.* Designate the Chairman of the Commodity Exchange Commission.

§ 2.19 [Amended]

3. Section 2.19 is amended by deleting "Secretary for Agriculture" in the first sentence, and inserting in lieu thereof "Secretary of Agriculture."

§ 2.20 [Revoked and reserved]

4. Section 2.20(a) is revoked and reserved.

5. Section 2.25 is amended to read as follows:

§ 2.25 Delegation of authority to the Assistant Secretary for Administration.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for Administration:

* * * * *

(b) *Related to management and finance.* (1) Exercise general responsibility and authority for all matters related to the administration of the Department's financial affairs including:

(i) Budgetary administration, including all phases of acquisition, distribution, and control of funds.

(ii) Financial administration, including accounting and related activities.

(iii) Budgetary and financial reporting.

(iv) Legislative reporting and related activities.

(v) Maintenance, development, and operation of a centralized automated system integrating personnel statistics and reporting, with payroll, budget, and accounting operations.

(vi) Operating the central voucher payment service for the Department.

(vii) Operating the Department's central accounting system.

(2) Formulate and promulgate Departmental financial policies, procedures, and regulations.

(3) Provide staff assistance for the Secretary, general officers, and other Department and agency officials.

(4) Review budgetary, financial, legislative, and fiscal management aspects of agency operations and proposals.

(5) Represent the Department in contacts with the Office of Management and Budget, the General Accounting Office, the Treasury Department, Congressional Committees on Appropriations, and other orgainzation or agencies on matters related to his responsibility.

(6) Designate the Department's Director of Finance and the Department's Budget Officer to carry out the Department's responsibilities under the Budget and Accounting Act of 1921 and other applicable statutes.

(7) Provide management support services for the National Finance Center, and by agreements with agency heads concerned, to provide such services for other USDA tenants housed in the same facility. As used herein, such management support services shall include:

(i) Personnel services, as listed in § 2.25(e)(10), and organizational support services, with authority to take actions required by law or regulation to perform such services.

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(8) Administer the Department's managment improvement program including the provision of assistance to agencies through management studies, organizational analysis and planning review; review the management and operating policies and processes, search for more economical approaches to the conduct of business and provide such other assistance as will aid in improving the management effectiveness, organization, and operation of the Department's programs.

(9) Administer the Department's records, forms, reports, and directives management programs (authority to maintain, review, update and amend Departmental Delegations of Authority is included in this delegation).

(10) Administer the Department's Management Review Program. This authority includes the development and promulgation of Departmental directives regulating the management review function.

(11) Develop, design, install, and revise systems, processes, work methods, and techniques, and undertake other system engineering efforts to improve the management and operational effectiveness of the USDA.

(12) Authorize organizational changes which occur in:

(i) Departmental organizations:

(*a*) Service or office.

(*b*) Division (or comparable component).

(*c*) Branch (or comparable component in Departmental Centers, only).

(ii) Field organizations:

(*a*) First organizational level.

(*b*) Next lower organizational level—required only for those types of field installations where the establishment, change in location, or abolition of same, requires approval in accordance with 1 AR 673.

(13) Administer the Department's operations review and analysis program. This includes the authority to:

(i) Set operations review and analysis policies, programs, plans, and procedures for the Department, and

(ii) Conduct operations reviews and analyses of Departmental and agency activities. These reviews will provide coordinated appraisals of Departmental and agency operations with respect to their effectiveness, relevance, need, and efficiency.

(c) *Related to automated data systems.* (1) Manage and operate the total USDA data processing program through all stages of the data processing management cycle: Advance planning, feasibility, design, equipment selection and acquisition readiness effort, systems installation, system impact appraisal, time sharing and service center arrangements, systems monitoring, evaluation, and security. These authorities will be transferred from the various agencies involved (authority to specify functions, resources, and timing is included in this delegation).

(2) Exercise full Department-wide contracting and procurement authority for automatic data processing and data transmission equipment, software, services, maintenance, and related supplies. This authority includes the promulgation of Departmental directives regulating the management of contracting and procurement functions related to the above.

(3) Plan, develop, install, and manage Departmental data bases and assist in the maintenance of such systems to satisfy agency needs,.

(4) Develop an integrated computer network for use by Department agencies and offices; manage telecommunications related to automatic data processing and coordinate with GSA in these areas.

(d) *Related to management services.* (1) Provide management support services for the Secretary of Agriculture and for the general officers of the Department. As used herein, such management support services shall include:

(i) Budget, accounting, and related financial management services, with authority to take actions required by law or regulation to discharge such services for working capital funds, and general appropriated and trust funds.

(ii) Personnel services, as listed in § 2.25(e)(10), and organizational support services, with authority to take actions required by law or regulation to perform such services.

(iii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(2) Provide such of the above services, as may be agreed, for other officers and agencies of the Department.

(e) *Related to personnel.* * * *

(3) Design and establish personnel data systems.

* * * * *

(9) * * *

(xiii) [Deleted and reserved].

* * * * *

(10) * * *

(i) Position management.

* * * * *

(f) *Related to operations.* * * *

* * * * *

(3) * * *

(i) Designate Department Debarring Officer to perform the functions of 41

CFR Subpart 1-1.6 and 41 CFR 4-1.601-1(a).

* * * * *

(i) *Related to audit.* (1) Direct or control all audit activities by and for the Department. This includes the authority to:

(i) Formulate audit policies, programs, plans, and procedures within the Department, and

(ii) Set standards and approve the use of, and enter into agreements with, organizations outside the Department for audit services in connection with USDA programs.

(2) Provide audit services pertaining to the Department, all of its constituent organizations, and all parties performing under contracts, grants, or other agreements with the Department. This includes the performance of scheduled inquiries and appraisals and such additional inquiries determined to be necessary, and the reporting to appropriate officials of the Department of conditions disclosed with recommendations for action. These audits will provide timely, comprehensive, independent information to determine whether:

(i) Policies, plans, systems, and procedures are adequate, conform to laws and regulations, and are being adhered to.

(ii) Adequate fiscal, personnel, information, procurement, and property management systems are in operation.

(iii) Program operations are effective, relevant, and necessary, and administered efficiently.

(3) Determine that Office of Audit reports and those of an audit nature made by the General Accounting Office and other outside organizations have been reviewed and properly acted upon.

(4) Determine the proper areas of jurisdiction of audit functions between Office of Audit and other USDA agencies.

(5) Provide liaison and coordination on audit matters between agencies within the Department and between the Department and other government agencies including the General Accounting Office, Office of Management and Budget, Congressional committees, Treasury Department, and other Federal, State, and local executive and legislative organizations.

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

6. Section 2.31 is amended as follows:

§ 2.31 Delegation of authority to the General Counsel.

* * * * *

(p) The General Counsel is designated as the Department Counselor and designee to the Civil Service Commission on matters covered by Part O of this title.

7. Section 2.33 is revised to read as follows:

§ 2.33 Delegation of authority to the Director, Office of Investigation.

The following delegations of authority are made by the Secretary of Agriculture to the Director, Office of Investigation:

(a) Advise the Secretary and general officers in the planning, development, and execution of Department policies and programs.

(b) Direct and control all investigation activities by and for the Department. This includes the authority to:

(1) Formulate investigative policies, programs, plans, and procedures within the Department.

(2) Set standards and approve the use of organizations outside the Department for investigative services in connection with USDA programs.

(c) Conduct investigations concerning operations of the Department, its employees, its constituent organizations, and others under contract, grant, or agreement, with the Department; and to issue reports of facts from which allegations of violations and irregularities can be evaluated.

(d) Determine that Office of Investigation reports and investigation reports of outside organizations have been reviewed and properly acted upon.

(e) Determine the proper areas of jurisdiction of investigative functions as between the Office of Investigation and other USDA agencies.

(f) Provide for physical protection of the Secretary.

(g) Provide liaison and coordination on investigative matters between agencies within the Department and between the Department and other Government agencies including the General Accounting Office, Office of Management and Budget, Congressional Committees, Treasury Department, Department of Justice (except security program matters) and other Federal, State, and local executive and legislative organizations.

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

8. Section 2.75 is revised to read as follows:

§ 2.75 Director, Office of Management and Finance.

(a) *Delegations.* Pursuant to § 2.25(b), (d), and (g) the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Management and Finance:

(1) Exercise general responsibility and authority for all matters related to the administration of the Department's financial affairs including:

(i) Budgetary administration, including all phases of acquisition, distribution, and control of funds.

(ii) Financial administration, including accounting and related activities.

(iii) Budgetary and financial reporting.

(iv) Legislative reporting and related activities.

(v) Maintenance, development, and operation of a centralized automated system integrating personnel satistics and reporting, with payroll, budget, and accounting operations.

(vi) Operating the central voucher payment service for the Department.

(vii) Operating the Department's central accounting system.

(2) Formulate and promulgate Departmental financial, legislative and committee management policies, procedures, and regulations.

(3) Provide staff assistance to the Secretary, general officers, and other Department and agency officials.

(4) Review budgetary, financial, legislative, and fiscal management aspects of agency operations and proposals.

(5) Represent the Department in contacts with the Office of Management and Budget, the General Accounting Office, the Treasury Department, Congressional Committees on Appropriations, and any other organizations or agencies on matters related to his responsibility.

(6) The Director, Office of Management and Finance is designated as the Department's Director of Finance and the Department's Budget Officer to carry out the Department's responsibilities under the Budget and Accounting Act of 1921 and other applicable statutes.

(7) Provide management support services for the National Finance Center and by agreement with agency heads concerned provide such services to other USDA tenants housed in the same facility. As used herein, such management support services shall include:

(i) Personnel services, as listed in § 2.78(a)(10), and organizational support services, with authority to take actions required by law or regulation to perform such services.

(ii) Procurement, property management, space management, communications, messenger, paperwork management, and related administrative services, with authority to take actions required by law or regulation to perform such services.

(8) Administer the Department's management improvement program including the provision of assistance to agencies through management studies, organizational analysis and planning; review the management and operating policies and processes, search for more economical approaches to the conduct of business and provide such other assistance as will aid in improving the management effectiveness, organization and operation of the Department's programs.

(9) Administer the Department's records, forms, reports, and directives management programs (authority to maintain, review, update and amend Departmental Delegations of Authority is included in this delegation).

(10) Administer the Department's Management Review Program. This authority includes the development and promulgation of Departmental directives regulating the management review function.

(11) Develop, design, install, and revise systems, processes, work methods and techniques, and undertake other system engineering efforts to improve the management and operational effectiveness of the USDA.

(12) Authorize organizational changes which occur in:

(i) Departmental organizations:

(*a*) Division (or comparable component).

(*b*) Branch (or comparable component in Departmental Centers, only).

(ii) Field organizations:

(a) First organizational level;

(b) Next lower organizational level required only for those types of field installations where the establishment, change in location, or abolition of same, requires approval in accordance with 1 AR 673.

(13) Administer the Department's operations review and analysis program. This includes:

(i) Conduct of operations reviews and analyses of Departmental and agency activities. These reviews will provide coordinated appraisals of Departmental and agency operations with respect to their effectiveness, relevance, need, and efficiency.

(14) Provide budget, accounting, and related financial management services, with authority to take action required by law or regulation to provide such services for working capital funds and general appropriated and trust funds for:

(i) The Secretary of Agriculture,

(ii) The general officers of the Department,

(iii) The offices and agencies reporting to the Assistant Secretary for Administration, and

(iv) Provide such of the above services, as may be agreed, for any other officers and agencies of the Department not included in paragraph (a)(14)(i), (ii), or (iii) of this section.

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for Administration:

(1) Authorize organizational changes occurring in a depatrment service or office which affect the overall structure of that service or office; i.e., requires a change to that service or office's overall organization chart.

9. Section 2.76 is revised to read as follows:

§ 2.76 Director, Office of Automated Data Systems.

(a) *Delegations.* Pursuant to § 2.25(c) the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Automated Data Systems:

(1) Manage and operate the total USDA data processing program through all stages of the data processing management cycle: Advance planning, feasibility, design, equipment selection and acquisition readiness effort, systems installation, system impact appraisal, time sharing and service center arrangements, systems monitoring, evaluation, and security. These authorities will be transferred from the various agencies involved to the Office of Automated Data Systems (authority to specify functions, resources, and timing is included in this delegation).

(2) Exercise full Department-wide contracting and procurement authority for automatic data processing and data transmission equipment, software, services, maintenance, and related supplies. This authority includes the promulgation of Departmental directives regulating the management of contracting and procurement functions related to the above.

(3) Plan, develop, install, and manage Departmental data bases and assist in the maintenance of such systems to satisfy agency needs.

(4) Develop an integrated computer network for use with Department agencies and offices; manage telecommunications related to automatic data processing and coordinate with GSA in these areas.

10. Section 2.77 is amended as follows:

§ 2.77 Director, Office of Management Services.

(a) * * *

(1) Under agreements with the General Officers or Agency Heads concerned, provide management support services to the Under Secretary, the Assistant Secretaries, the Director of Agricultural Economics, and to the following agencies:

* * * * *

(xi) Office of Management and Finance.

(xii) Office of Administrative Law Judges.

(xiii) Office of Communication.

(xiv) Office of Automated Data Systems.

* * * * *

(xvii) Office of Operations.

* * * * *

(xix) Office of Investigation.

* * * * *

(xxi) Office of Audit.

* * * * *

11. Section 2.78 is amended as follows:

§ 2.78 Director of Personnel.

(a) *Delegations.* Pursuant to § 2.25 (d), (e), and (h), subject to reservations in § 2.26(e), the following delegations of authority are made by the Assistant Secretary for Administration to the Director of Personnel:

* * * * *

(3) Design and establish personnel data systems.

* * * * *

(10) * * *

(i) Position management.

* * * * *

(13) Provide personnel services, as listed in 2.78(a)(10), and organizational support services, with authority to take actions required by law or regulation for:

(i) The Secretary of Agriculture;

(ii) The general officers of the Department;

(iii) The offices and agencies reporting to the Assistant Secretary for Administration; and

(iv) Provide such of the above services; as may be agreed, for any other officers and agencies of the Department not included in paragraph (a)(13) (i), (ii), or (iii) of this section.

(b) [Deleted]

12. Section 2.79 is amended as follows:

§ 2.79 Director, Office of Operations.

(a) *Delegations.* Pursuant to § 2.25 (d) and (f), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Operations:

* * * * *

(3) Exercise the following special authorities:

(i) The Director, Office of Operations, is designated as the Department's debarring officer, and authorized to perform the functions of 41 CFR Subpart 1-1.6 and 41 CFR Subpart 4-1.601-1(a).

(ii) Provide staff support for the Department designee appointed by the President to the Committee for Purchase of Products and Services of the Blind and other Severely Handicapped pursuant to 41 U.S.C. 46-48c.

* * * * *

(4) Provide procurement, property management, space management, communications, messenger, paperwork management, and related services (with authority to take actions required by law or regulation to perform such services) for:

(i) The Secretary of Agriculture;

(ii) The general officers of the Department;

(iii) The offices and agencies reporting to the Assistant Secretary for Administration; and

(iv) Provide such of the above services, as may be agreed, for any other officers or agencies of the Department not included in (i), (ii), or (iii) above.

(b) * * *

(1) Make determinations and findings authorizing the use of negotiation in accordance with 41 U.S.C. 252(c) (11), (12), and (13) with respect to purchases and contacts:

* * * * *

13. A new section 2.81 is added, to read as follows:

§ 2.81 Director, Office of Audit.

(a) *Delegations.* Pursuant to § 2.25(i), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Audit:

(1) Direct or control audit activities by and for the Department. This includes the authority to:

(i) Formulate audit policies, programs, plans, and procedures within the Department, and

(ii) Set standards and approve the use of, and enter into agreements with, organizations outside the Department for audit services in connection with USDA programs.

(2) Provide audit services pertaining to the Department, all of its constituent organizations, and all parties performing under contracts, grants, or other agreements with the Department. This includes the performance of scheduled inquiries and appraisals and such additional inquiries determined by the Director, Office of Audit, to be necessary, and the reporting to appropriate officials of the Department of conditions disclosed, with recommendations for action. These audits will provide timely, comprehensive, independent information to determine whether:

(i) Policies, plans, systems, and procedures are adequate, conform to laws and regulations, and are being adhered to.

(ii) Adequate fiscal, personnel, information, procurement, and property management systems are in operation.

(iii) Operations are effective, relevant, and necessary, and administered efficiently.

(3) Determine that Office of Audit reports and those of an audit nature made by the General Accounting Office and other outside organizations have been reviewed and properly acted upon.

(4) Provide liaison and coordination on audit matters between government agencies including the General Accounting Office, Office of Management and Budget, Congressional Committees, Treasury Department, and other Federal, State, and local executive and legislative organizations.

(b) *Reservation.* The following authority is reserved to the Assistant Secretary for Administration:

(i) Determine the proper areas of jurisdiction of audit functions between Office of Audit and other USDA agencies.

Effective date. These amendments shall become effective on February 22, 1974.

For Subparts A, C, and D.

EARL L. BUTZ,
Secretary of Agriculture.

FEBRUARY 15, 1974.

For Subpart J:

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

FEBRUARY 15, 1974.

[FR Doc.74-4262 Filed 2-21-74;8:45 am]

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE; DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Japanese Beetle

ADDITIONS TO REGULATED AREAS

Correction

In FR Doc. 74-3561 appearing at page 5481 in the issue of Wednesday, February 13, 1974, in § 301.48-2a under the State of Illinois in the entry for Iroquois County the fifth line should read, "E.; secs. 6, 7, and N. ½ of 18, T. 26 N., R. 11 E.;".

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 6]

PART 722—COTTON

Subpart—Regulations for 1968 and Succeeding Years Extra Long Staple Cotton Program

PRICE-SUPPORT PAYMENTS TO PRODUCERS

The regulations governing the making of price-support payments to producers under the Extra Long Staple Cotton Program, 33 FR 19159, as amended, are being further amended, effective with the 1974 crop year, to (1) announce the 1974 price-support payment factor and price-support payment rate, and (2) provide that a producer shall not be required to maintain any acreage on his farm in conserving uses.

Pursuant to section 101(f) of the Agricultural Act of 1949, as amended, Part 722 is amended as follows:

1. Section 722.704 is amended by adding a new paragraph (e) to read as follows:

§ 722.704 Price-support payment factor.

* * * * *

(e) For 1974, the price-support payment factor is 0.6915.

2. Section 722.706 is revised to read as follows:

§ 722.706 Farm conserving base.

During the crop years 1963 through 1973, the regulations governing the establishment and maintenance of the farm conserving base, Part 792 of this chapter, as amended, shall be applicable to this program.

3. Section 722.709 is amended by adding a new sentence at the end of paragraph (a) to read as follows:

§ 722.709 Price-support payment.

(a) * * * For 1974, the price-support payment rate shall be 10.86 cents per pound.

* * * * *

(Sec. 101(f), as amended, 82 Stat. 701, 7 U.S.C. § 1441(f))

Effective date. This amendment shall become effective February 22, 1974. The price-support payment factor and the price-support payment rate are mathematical calculations dependent on the national loan rate and national allotment, which have previously been announced (38 FR 24911). The deletion of the requirement that producers comply with the farm conserving base makes program participation less stringent. Accordingly, 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.

Signed at Washington, D.C., on February 13, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-4253 Filed 2-21-74;8:45 am]

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

[Navel Orange Reg. 313]

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

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period February 22-28, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.613 Navel Orange Regulation 313.

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

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

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges was good last week. Prices f.o.b. averaged $3.87 a carton on a reported sales volume of 1,549 carlots last week, compared with an average f.o.b. price of $3.86 per carton and sales of 1,318 carlots a week earlier. Track and rolling supplies at 943 cars were down 80 cars from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to

effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation for regulation together with its supporting information has been submitted by the committee, however, the Secretary has modified the recommendation to provide for the shipment of a greater quantity of Navel oranges, retaining the same effective date, and such information is being disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on February 19, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period February 22, 1974, through February 28, 1974, are hereby fixed as follows:

(i) District 1: 1,665,000 cartons;

(ii) District 2: 185,000 cartons;

(iii) District 3: Unlimited movement."

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

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

Dated: February 20, 1974.

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

[FR Doc.74-4368 Filed 8-21-74;8:45 am]

[Lemon Reg. 627]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Feb. 24-Mar. 2, 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.

§ 910.927 Lemon Regulation 627.

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

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

(i) The Committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is active, primarily because of unfilled orders carried over from the Monday Holiday. Average f.o.b. price was $5.30 per carton the week ended February 16, 1974 compared to $5.31 per carton the previous week. Track and rolling supplies at 141 cars were unchanged from last week.

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

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this 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 February 19, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period February 24, 1974, through March 2, 1974, is hereby fixed at 220,000 cartons.

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

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

Dated: February 20, 1974.

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

[FR Doc.74-4367 Filed 2-21-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 424.1]

PART 1804—PLANNING AND PERFORMING DEVELOPMENT WORK

Inspection of Structures Manufactured Offsite

On July 22, 1972, there was published in the FEDERAL REGISTER (37 FR 14725) a notice of proposed rule making to amend subdivision (iii) of § 1804.4(d)(9) of Subpart A of Part 1804. The proposed amendment provided procedures requiring houses manufactured offsite to be inspected at the time of erection onsite.

All comments submitted with respect to the proposed amendment were given due consideration.

As a result of comments received, the following changes are made:

1. Paragraph (d)(9)(i) of § 1804.4 is amended to change the reference from the Construction Guide to the Minimum Property Standards (MPS).

2. Paragraph (d)(9)(iii) of § 1804.4 is amended in order to clarify the actions that may be taken by the field inspector of manufactured housing at the erection stage.

3. A new paragraph (d)(9)(iv) of § 1804.4 is added to clarify housing manufacturing plant inspections, including acceptance of other qualified inspections by the State Director.

Accordingly, with these changes and additions, the proposed amendments are adopted as set forth below.

§ 1804.4 Performing development.

* * * * *

(d) *Development performed by contract method.* * * *

* * * * *

(9) *Development work for structures manufactured offsite.*

(i) Complete Drawings and Specifications will be required as prescribed in Section 100 of the Minimum Property Standards (MPS). Each of the sets of drawings will contain the design of the foundation system required for the soil and slope conditions of the particular site on which the manufactured house is to be placed.

* * * * *

(iii) Field inspections will be made, in every case, of the foundation (Stage 1); of the house when it is erected or placed on the foundation (Stage 2); and of the final completed onsite development (Stage 3). The second stage inspection shall be made during the time the erection crews are on the site and the house is being erected or placed on the foundation. This field inspection will be made to determine compliance with the MPS as well as the accepted Drawings and Specifications and any special structural features covered in any Department of Housing and Urban Development Bulletins or any design or structural features required by special letters of acceptance issued the manufacturer by the FHA State Director. The State Director will determine appropriate actions necessary when frequent noncompliance reports are received concerning the work of one manufacturer or builder, or both, and when corrections of noncompliance are frequently difficult to achieve. A copy of the field inspection report on manufactured housing at any one of the inspection stages shall be sent to the State Director when there is evidence of any of the following in which corrections by the builder have been difficult to obtain:

(A) Noncompliance with any portion of the MPS or accepted Drawings and Specifications as related to the specific site development and foundation work.

(B) Noncompliance with any portion of the construction method or other requirements described in any acceptance bulletins.

(C) Faulty shop fabrication including surface defects.

(D) Damage to shop fabricated items or materials due to transportation, improper storage, handling or assembly.

(E) Unsatisfactory field workmanship.

(iv) Periodic plant inspections will also be made by FHA personnel, usually by the State Office Architect/Engineer. However, the State Director may accept plant inspections as performed and reported to him by an approved person or organization, private or public, including other governmental agencies or inspections performed by or recognized by a local State Building Code or a manufactured buildings code council or other council designated for this function. The periodic plant inspections will be made of houses being constructed at the manufacturing plant or in the material suppliers yard when inspections of the structural and mechanical portions are not possible at the site during erection on the foundation. When plant inspection reports for one company indicate any major noncompliance and there is difficulty in obtaining corrections, a copy of the reports and background information may be sent to the National Office Program Support Staff for recommendations for action that may be taken by the State Director.

(7 U.S.C. 1989; 42 U.S.C. 1480; Delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; Delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Effective Date: These amendments are effective on February 22, 1974.

Dated: February 11, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-4224 Filed 2-21-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE

PART 5A-19—TRANSPORTATION

Ocean Transportation

The following adds provisions relating to ocean transportation to Chapter 5A, GSPR.

1. The table of contents for Part 5A-19 is amended to add the following new entries:

Subpart 5A-19.1—General

5A-19.108	Ocean transportation.
5A-19.108-1	Use of privately owned U.S.-flag commercial vessels.
5A-19.108-50	Shipments by foreign-flag vessels in Cuban or North Vietnam trade.
5A-19.108-51	Restrictive Charter clause—contractor charter party agreements.
5A-19.108-52	Restrictive Charter clause—GSA charter party agreements.

2. Sections 5A-19.108, 5A-19.108-1, and 5A-19.108-50 through 5A-19.108-52 are added as follows:

Subpart 5A-19.1—General

§ 5A-19.108 Ocean transportation.

§ 5A-19.108-1 Use of privately owned U.S.-flag commercial vessels.

(a) *GSA policy.* It is the policy of GSA to transport, to the greatest extent possible, all ocean shipments, in- or outbound, by privately owned U.S.-flag commercial vessels.

(b) *Clause for contractor-arranged ocean transportation of commodities.* Unless the shipping activity authorizes to the contrary, any contract under which (1) commodities may be procured and (2) the contractor arranges for ocean transportation, shall contain the following provision or appropriate modification (included in GSA Forms 1246 and 1424):

USE OF U.S.-FLAG COMMERCIAL VESSELS

Any equipment, materials, or commodities required under this contract which are to be transported on ocean vessels shall be transported on privately owned U.S.-flag commercial vessels. When such vessels are not available, the Contractor must obtain the approval of the Contracting Officer to use foreign-flag vessels. The contract price shall be adjusted to reflect any difference in transportation charges when such foreign-flag vessels are authorized. A copy of the ocean bill of lading covering each shipment shall be submitted to the Contracting Officer.

§ 5A-19.108-50 Shipments by foreign-flag vessels in Cuban or North Vietnam trade.

(a) *Vessels listed in the Federal Register by the Department of Commerce (Maritime Administration).* (1) No ocean shipment of material to or from the United States shall be arranged by GSA on a foreign-flag vessel which has been listed in the FEDERAL REGISTER by the Maritime Administration as having called at a Cuban port on or after January 1, 1963, or at a North Vietnam port on or after January 25, 1966, unless an exception has been made by the Secretary of Commerce. The Maritime Administration also maintains, on a day-to-day basis, a current index of any changes which occur subsequent to issuance of the latest listing.

(2) The regional Transportation Management Division, FSS, shall (i) ensure that they are on the FEDERAL REGISTER mailing list and (ii) if necessary, supply ocean freight forwarders under contract with GSA the published listing of ineligible vessels.

(3) The Office of Transportation and Public Utilities, Central Office, shall process requests for exceptions and answer questions concerning provisions of this section or the eligibility of specific vessels.

(b) *AID shipments specifying ineligible vessels.* If a country or its designee receiving an Agency for International Development (AID) shipment specifies an ineligible vessel, the Office of Transportation and Public Utilities, Central Office, will nominate an eligible vessel.

(c) *Contract clause.* All contracts which may cause the contractor in the performance thereof to procure ocean transportation for any shipment to or from the United States shall contain the following clause (included in GSA Forms 1246 and 1424):

NONUSE OF FOREIGN-FLAG VESSELS ENGAGED IN CUBAN OR NORTH VIETNAM TRADE

(a) If, after the date of award, any shipment of supplies to be delivered under this contract, or any shipment of material to be incorporated in such supplies, or any shipment of articles, materials, or supplies to be incorporated in a construction project will require ocean transportation to or from the United States, the Contractor shall not use any foreign-flag vessel which the Maritime Administration has listed in the FEDERAL REGISTER as having called at a Cuban port on or after January 1, 1963, or a North Vietnam port on or after January 25, 1966, unless an exception has been made by the Secretary of Commerce.

(b) For the purposes of this clause, the term "United States" includes the fifty States, Puerto Rico, possessions of the United States, and the District of Columbia.

(c) The Contractor shall include the substance of this clause, including this paragraph (c), in each subcontract or purchase

order hereunder which may involve ocean transportation to or from the United States.

§ 5A-19.108-51 Restrictive charter clause—contractor charter party agreements.

Contracts for the procurement of commodities which are likely to be transported on ocean vessels under charter parties arranged by the contractor shall contain the following clause:

RESTRICTIVE CHARTER CLAUSE

(a) The Contractor agrees to include the following Restrictive Charter clause in any charter party agreement entered into by it for the transportation on foreign-flag vessels of the material purchased hereunder:

"The vessel will not enter any port in North Korea or the Communist-controlled area of Vietnam until after 60 days from the date of completion of discharge of the entire cargo under this charter. In the event of failure to comply with said agreement, 10 percent of the freight charges for ocean transportation hereunder will not be earned. Ten percent of the freight charges payable hereunder will be withheld by the charterer until the owner or his authorized agent submits evidence satisfactory to the charterer that there has been complete compliance with this agreement, and in the absence of such evidence, the withheld portion of the charges will not be paid."

The Contractor further agrees to notify the vessel owner or his authorized agent that in the event of violation of the provisions of said clause all vessels of the owner may be barred from further chartering for the transportation of cargoes owned by or destined for the Government of the United States of America.

(b) Promptly after expiration of the 60-day period provided in the Restrictive Charter clause stated in paragraph (a), above, the Contractor, on the basis of the evidence furnished him by the vessel owner or his authorized agent, shall determine whether the vessel has complied with the above Restrictive Charter clause. If the Contractor determines that the Restrictive Charter clause has been complied with, the Contractor shall pay to the owner of the vessel or his authorized agent the aforesaid withheld 10 percent. If the Contractor determines that said Restrictive Charter clause has not been complied with, the Contractor shall notify the owner of the vessel or his authorized agent of such determination of violation of the clause and shall afford said owner or his authorized agent 30 days within which to furnish to the Contractor any additional evidence which will show to the satisfaction of the Contractor that the Restrictive Charter clause has not been violated. During said 30-day period the Contractor shall continue to withhold the aforesaid 10 percent of the freight charges. If upon the expiration of said 30-day period the owner of the vessel or his authorized agent has not established proof satisfactory to the Contractor of compliance with said Restrictive Charter clause, the Contractor shall advise the owner of the vessel or his authorized agent of such final determination and shall thereafter promptly pay to the Government the full amount of the freight charges withheld by the Contractor pursuant to the aforesaid Restrictive Charter clause.

(c) Promptly after expiration of the 60-day period provided in the above-stated Restrictive Charter clause, the Contractor shall furnish the Contracting Officer with a complete statement of the evidence submitted to him by the owner of the vessel or his authorized agent pursuant to the provisions of the above Restrictive Charter clause on which the Contractor has based his determination that there has been compliance with said Restrictive Charter clause. In the event of a determination by the Contractor of noncompliance with said clause, the Contractor shall thereafter furnish the Government, promptly after receipt by him, such additional information as may be received by him from the vessel owner or his authorized agent within the 30-day period provided for in paragraph (b), above.

(d) Notwithstanding any other provision of this article, the Contractor and the Contracting Officer agree and stipulate that the question of compliance or noncompliance by the vessel owner with the Restrictive Charter clause is one of fact. Consequently, if after payment by the Contractor to the vessel owner or his authorized agent of the aforesaid withheld 10 percent the Government should discover that the vessel in question did, in fact, enter any port in violation of the Restrictive Charter clause, the Contractor shall be indebted to and shall pay the Government the full amount of said withheld 10 percent of the freight charges. Conversely, if at any time after the contractor has finally determined that there has been noncompliance with the Restrictive Charter clause and has paid the withheld 10 percent of the freight charges to the Government pursuant to paragraph (b) of this article, it should be conclusively established that the vessel in question did not, in fact, enter any port in violation of the Restrictive Charter clause, the Government shall reimburse the Contractor in the full amount of the 10 percent of freight charges withheld by the Contractor from the vessel owner.

§ 5A-19.108-52 Restrictive charter clause—GSA charter party agreements.

All charter party agreements entered into by GSA shall contain the following clause:

RESTRICTIVE CHARTER CLAUSE

The vessel will not enter any port in North Korea or the Communist-controlled area of Vietnam until after 60 days from the date of completion of discharge of the entire cargo under this charter. In the event of failure to comply with said agreement, 10 percent of the freight charges for ocean transportation hereunder will not be earned. Ten percent of the freight charges payable hereunder will be withheld by the Government until the owner or his authorized agent submits evidence satisfactory to the Government that there has been complete compliance with this agreement, and in the absence of such evidence, the withheld portion of the charges will not be paid. In the event of violation of the provisions of this clause, the Government may, in addition to permanently withholding payment of the aforesaid 10 percent of the freight charges for ocean transportation hereunder, bar or cause to be barred all vessels of the owner from further chartering for the transportation of cargoes owned by or destined for the Government of the United States of America.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective February 11, 1974.

Dated: February 11, 1974.

M. J. TIMBERS,
Commissioner, FSS.

[FR Doc.74-4186 Filed 2-21-74;8:45 am]

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Child Development

[45 CFR Part 1302]

HEAD START GRANTEES

Selection, Initial Funding, Refunding, and Selection of Replacement Grantees

Notice is hereby given that the Secretary of Health, Education, and Welfare proposes to issue regulations prescribing policies and procedures for the selection, initial funding, and refunding of Head Start grantees, and for considering the need for the selection of and the selection of replacement grantees if legal status or financial viability, or both, is lost by virtue of the cessation of funding under section 221 of the Economic Opportunity Act of 1964, or by virtue of some other major change. For this purpose it is proposed to add Part 1302 to 45 CFR Chapter XIII.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed Part 1302 to the Acting Director, Office of Child Development, Office of Human Development, Department of Health Education, and Welfare, 400 6th Street, Southwest, Washington, D.C. 20201, on or before March 25, 1974. All written submissions made pursuant to this notice will be made available for public inspection in Room 2030 of the Office of Child Development at the above address on Monday through Friday of each week from 9 a.m. to 5:30 p.m. (area code 202 755-7782).

Dated: February 15, 1974.

FRANK CARLUCCI,
Acting Secretary.

Chapter XIII of 45 CFR Subtitle B is amended by adding Part 1302 as follows:

PART 1302—POLICIES AND PROCEDURES FOR SELECTION, INITIAL FUNDING, AND REFUNDING OF HEAD START GRANTEES, AND FOR SELECTION OF REPLACEMENT GRANTEES

Subpart A—General

Sec.
1302.1-1 Purpose and scope.
1302.1-2 Definitions.
1302.1-3 Consultation with public officials.
1302.1-4 Transfer of unexpended balances.
1302.1-5 Notice for show cause and hearing.

Subpart B—Bases for Selection of Grantees

1302.2-1 Selection among applicants.
1302.2-2 Selection among applicants to replace grantee.
1302.2-3 Community action agency priority.

Subpart C—Change in Grantee Requiring Amendment or Replacement of Head Start Program

Sec.
1302.3-1 Grantee to show both legal status and financial viability.
1302.3-2 Grantee shows legal status but not financial viability.
1302.3-3 Suspension or termination of grantee which shows financial viability but not legal status.
1302.3-4 Suspension or termination of grantee which shows legal status but not financial viability.
1302.3-5 Denial of refunding of grantee.
1302.3-6 Control of funds of grantee scheduled for change.

AUTHORITY: Sec. 603(n), 78 Stat. 530, 42 U.S.C. 2942(n); Delegation of Authorities to Secretary of Health, Education, and Welfare, 38 FR 19291.

Subpart A—General

§ 1302.1-1 Purpose and scope.

The purpose of this part is to set forth policies and procedures for the selection, initial funding and refunding of Head Start grantees and for the selection of replacement grantees in the event of the voluntary or involuntary termination, or denial or refunding, of Head Start programs. It particularly provides for consideration of the need for selection of a replacement grantee where the continuing eligibility (legal status) and fiscal capability (financial viability) of a grantee to operate a Head Start program is cast in doubt by the cessation of funding under section 221 of the Act or by the occurrence of some other major change. It is intended that Head Start programs be administered effectively and responsibly; that applicants to administer programs receive fair and equitable consideration; and that the legal rights of current Head Start grantees be fully protected.

§ 1302.1-2 Definitions.

As used in this part—

(a) The term "Act" means The Economic Opportunity Act of 1964.

(b) The term "community action agency" means a public or private nonprofit agency or organization designated as a community action agency by the Director of the Office of Economic Opportunity pursuant to section 210(a) or section 210(d) of the Act.

(c) The term "Designation" means the action taken by the Director of the Office of Economic Opportunity in designating an agency or organization as a community action agency pursuant to section 210 of the Act.

(d) The term "community action program" means a program operated by a community action agency.

(e) The term "head start grantee" or "grantee" means a public or private nonprofit agency or organization whose application to operate a Head Start program pursuant to section 222(a)(1) of the Act has been approved by the responsible OCD official.

(f) The term "legal status" means the existence of an applicant or grantee as a public agency or organization under the law of the State in which it is located, or existence as a private nonprofit agency or organization as a legal entity recognized under the law of the State in which it is located. Existence as a private non-profit agency or organization may be established under applicable State or Federal law.

(g) The term "approvable application" means an application for a Head Start program, either as an initial application or as an application to amend an approved application covering an on-going Head Start program, which, in addition to showing that the applicant has legal status and financial viability, provides for comprehensive services for children and families and for effective and responsible administration which are in conformity with the Act and applicable regulations, the Head Start Manual and Head Start policies, with special reference to:

(1) Head Start Program Performance Standards—OCD Notice N-30-364-1 (TN-73.1);

(2) Program Options for Project Head Start—OCD Notice N-30-334-1 (TN-72.1); and

(3) Employment of non-professionals—Head Start Manual, p. 16, para. b.

These issuances may be obtained from the responsible OCD official.

(h) The term "financial viability" means the capability of an applicant or the continuing capability of a grantee to furnish the non-Federal share of the cost of operating an approvable or approved Head Start program.

(i) The term "OCD" means the Office of Child Development in the Office of Human Development in the Department of Health, Education, and Welfare, and includes regional staff.

(j) The term "responsible OCD official" means the official who is authorized to make the grant in question.

§ 1302.1-3 Consultation with public officials.

Responsible OCD officials will consult with Governors, or their representatives, and appropriate local general purpose

government officials on proposed replacement of Head Start grantees.

§ 1302.1–4 Transfer of unexpended balances.

When the reason for replacing a grantee is the loss of legal status or voluntary termination of the program by the grantee, unexpended balances of funds in the possession of such grantee in the fiscal year following the fiscal year for which the funds were appropriated may be transferred to the replacement grantee if the approved application of the replacement grantee provides for the continuation of the Head Start services without significant change to the same enrollees and their parents and undertakes to offer employment to the staff of the terminating grantee. A letter of concurrence in the change should be obtained from the terminating grantee whenever possible.

§ 1302.1–5 Notice for show cause and hearing.

Actions to be taken pursuant to this part to suspend, deny refunding of or terminate grants shall be subject to the provisions of section 604(2) and (3) of the Act with respect to giving grantees reasonable notice and opportunity to show cause why the action should not be taken (in case of suspension or denial of refunding) or opportunity for a full and fair hearing (in case of termination).

Subpart B—Bases for Selection of Grantees

§ 1302.2–1 Selection among applicants.

The basis for making a selection among applicants for a Head Start program shall be the extent to which the application selected reasonably promises the most effective and responsible Head Start program of the approvable applications submitted in terms of (a) the cost-effectiveness of the program proposed to be provided; (b) the qualifications and experience of the proposed staff for the purpose of planning, organizing, and providing comprehensive Head Start services and direct participation of parents; (c) the suitability of the facilities and equipment proposed to be utilized in carrying out the Head Start program; and (d) the administrative and fiscal capacities of the applicant to administer all Head Start programs carried out in the community.

§ 1302.2–2 Selection among applicants to replace grantee.

The bases for making a selection among applicants which submit approvable applications to replace a grantee, in addition to the basis in § 1302.2–1, shall be:

(a) The selected application shall provide for a continuation of services to the eligible children who have been participating as enrollees in the program;

(b) The selected application shall provide for continuation of services to the target area or areas served by the program;

(c) The selected application shall set forth the consideration given, and the results thereof, to employment by the applicant of the qualified personnel of the program.

§ 1302.2–3 Community action agency priority.

So long as the Economic Opportunity Act is in effect, applications of community action agencies as initial or replacement applicants for new Head Start programs or as grantees for refunding shall have priority over other applications consistent with the provisions of section 222(a) of the Act for the inclusion of Head Start programs in community action programs and §§ 1302.2–1 and 1302.2–2.

Subpart C—Change in Grantee Requiring Amendment of Approved Application or Replacement of Head Start Program

§ 1302.3–1 Grantee to show both legal status and financial viability.

(a) Upon the occurrence of a change in the legal condition of a grantee or of a substantial diminution of the financial resources of a grantee, or both, for example, such as might result from cessation of grants to the grantee under section 221 of the Act, the grantee is required within 30 days after the effective date of the regulations in this Part or the date the grantee has notice or knowledge of the change, whichever is later, to show in writing to the satisfaction of the responsible OCD official that it has and will continue to have legal status and financial viability. Failure to make this showing may result in suspension, termination or denial of refunding.

(b) The responsible OCD official will notify the grantee in writing of the decision as to the grantee's legal status and financial viability within 30 days after receiving the grantee's written submittal.

(c) When it is consistent with proper and efficient administration, the responsible OCD official may extend a grantee's program year to end on the date when a change in its legal condition or a substantial diminution of financial resources, or both, is scheduled to take place.

§ 1302.3–2 Grantee shows legal status but not financial viability.

(a) If a grantee shows legal status but impaired financial viability the responsible OCD official will entertain a timely request for amendment of the grantee's approved application which restores the grantee's financial viability either by a reduction in the program which produces minimum disruption to services and functions, or by an increase in the amount of the Head Start grant. If the requested amendment includes such an increase it shall show that it is required to enable the grantee to continue essential services and functions and will not result in a Federal share of the total cost of the Head Start program in excess of the percentage authorized by the Act or applicable regulations. In considering such a request which includes an increase in the Head Start grant the responsible OCD official will take into account the funds available to him for obligation and whether the proposed increase is consistent with that distribution of Head Start funds which:

(1) Maximizes the number of children served within his area of responsibility, or in the case of experimental or demonstration programs, the experimental or demonstration benefits to be achieved, and

(2) Maintains approximately the same distribution of Head Start program funds to States as exist during the fiscal year in which his decision is made.

(b) A request for amendment will be considered to be timely if it is included with the written submittal required by § 1302.3–1(a), submitted within 30 days after receiving the notice required by § 1302.3–1(b), or submitted as a part of a timely application for refunding.

(c) The grantee will be notified in writing by the responsible OCD official within 30 days after submission of the requested amendment of the decision to approve or disapprove the requested amendment. If the requested amendment is disapproved the notice will contain a statement of the reasons for disapproval.

§ 1302.3–3 Suspension or termination of grantee which shows financial viability but not legal status.

If a grantee fails to show that it will continue to have legal status after the date of change even though it may show financial viability, the grant shall be suspended or terminated or refunding shall be denied as of the date of change. If it appears reasonable to the responsible OCD official that the deficiency in legal status will be corrected within 30 days he may suspend the grant for not to exceed 30 days after the date of change or the date of submission of a timely request for amendment. If such correction has not been made within the 30 day period the grant shall be terminated.

§ 1302.3–4 Suspension or termination of grantee which shows legal status but not financial viability.

(a) If the date of change of financial viability precedes or will precede the end of the grantee's program year the grant will be suspended or terminated on that date, or, if a request for amendment has been submitted under § 1302.3–2, upon written notice of disapproval of the requested amendment, whichever is later. If it appears reasonable to the responsible OCD official that the deficiency in financial viability will be corrected within 30 days he may suspend the grant for not to exceed 30 days after the date of change or notice of disapproval. If such correction has not been made within the 30 day period the grant will be terminated.

§ 1302.3–5 Denial of refunding of grantee.

(a) If the date of change will coincide with or will come after the end of the program year and the grantee has notice or knowledge of such change prior to the end of the program year any action

taken to approve the grantee's application for refunding for the following program year shall be subject to rescission or ratification depending upon the decision of the responsible OCD official on the grantee's legal status and financial viability and on any requested amendment submitted by the grantee. If the requested amendment is disapproved the responsible OCD official may extend the program year in accordance with § 1302.-3-1(c).

(b) If the date of change coincides with the end of the program year and the grantee does not have notice or knowledge of the change prior thereto and the grantee's application for refunding for the following program year has been approved, such approval shall be subject to rescission or ratification depending upon the decision of the responsible OCD official on the grantee's legal status and financial viability and on any requested amendment submitted by the grantee.

(c) If the date of change will coincide with or will come after the end of the program year and if the responsible OCD official has prior notice thereof from the grantee or other official source such as the United States Office of Economic Opportunity, action to approve any application for refunding submitted by the grantee shall be deferred pending decision by the responsible OCD official on the grantee's legal status and financial viability and any requested amendment submitted by the grantee.

(d) When the responsible OCD official determines to approve a requested amendment for refunding he will approve it for the full term of the proposed program period, if that period as approved is no longer than a program year.

§ 1302.3-6 Control of funds of grantee scheduled for change.

Responsible OCD officials will place strict controls on the release of grant funds to grantees which are scheduled for change by cessation of their grants under section 221 of the Act. Specifically, the following controls will be established:

(a) Funds will be released on a monthly basis regardless of the form of grant payment.

(b) Funds released each month will be limited to the amount required to cover actual disbursements during that period for activities authorized under the approved Head Start program.

(c) The amount of funds released must be approved each month by the responsible OCD official based on a careful review of the grantee's expenditure plan.

(d) Grantee expenditure plans may be amended as necessary and must be supported by quarterly financial reports.

[FR Doc.74-4243 Filed 2-21-74;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Revisions in Carriers' Procedural Terminology and Coding

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The Commissioner recognizes that revisions in Medicare carriers' procedural terminology and coding systems may be appropriate when such changes would result in more efficient and economical determinations with respect to Medicare coverage and reimbursement of physicians' services. The proposed amendments specify, however, that such revisions will be approved only if it can be determined that the potential advantages of the proposed new system outweigh its disadvantages. They also list certain considerations and guidelines that would be taken into account in evaluating a carrier's proposal for such a change.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views and arguments, pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 25, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1169, 1814, 1833(a), 1842 (b), and 1871; 49 Stat. 647, as amended; 79 Stat. 296, 297; 79 Stat. 302; 79 Stat. 310; 79 Stat. 331; 86 Stat. 1445; 42 U.S.C. 1302, 1320c-18, 1395f, 1395l(a), 1395u(b), and 1395hh.

(Catalog of Federal Domestic Assistance Programs No. 13.801, Health Insurance for the Aged—Supplementary Medical Insurance)

Dated: December 27, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: February 14, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 405 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding a new § 405.512 to read as follows:

§ 405.512 Carriers' procedural terminology and coding systems.

(a) *General.* Procedural terminology and coding systems are designed to provide physicians and third party payers with a common language that accurately describes the kinds and levels of services provided and that can serve as a basis for coverage and fee determinations.

(b) *Modification of terminology and/or coding systems.* A carrier that wishes to modify its system of procedural terminology and coding shall submit its request to the Bureau of Health Insurance with all pertinent data and information for approval before the revision is implemented. The Social Security Administration will evaluate the proposal in the light of the guidelines specified in paragraph (c) of this section and such other considerations as may be pertinent, and consult with the Assistant Secretary for Health. The Administration will approve such a revision only if it is determined that the potential advantages of the proposed new system outweigh the disadvantages.

(c) *Guidelines.* The following considerations and guidelines are taken into account in evaluating a carrier's proposal to change its system of procedural terminology and coding:

(1) The rationale for converting to the new terminology and coding;

(2) The estimated short-run and long-run impact on the cost of the health insurance program, other medical care costs, administrative expenses, and the reliability of the estimates;

(3) The degree to which the conversion to the proposed new terminology and coding can be accomplished in a way that permits full implementation of the reasonable charge criteria in accordance with the provisions of this subpart;

(4) The degree to which the proposed new terminology and coding are accepted by physicians in the carrier's area (physician acceptance is assumed only if a majority of the Medicare and non-Medicare bills and claims completed by physicians in the area and submitted to the carrier can reasonably be expected to utilize the proposed new terminology and coding);

(5) The extent to which the proposed new terminology and coding system is used by the carrier in its non-Medicare business;

(6) The clarity with which the proposed system defines its terminology and whether the system lends itself to: (i) Accurate determinations of coverage; (ii) proper assessment of the appropriate level of payment; and (iii) meeting the carrier's or Professional Standards Review Organizations' review needs and

such other review needs as may be appropriate;

(7) Compatibility of the new terminology and coding system with other systems that the carrier and other carriers may utilize in the administration of the Medicare program—e.g., its compatibility with systems and statistical requirements and with the historical data in the carrier's processing system; and

(8) Compatibility of the proposed system with the carrier's methods for determining reasonable charges for services which are identified by a single element of the terminology but which may vary in content.

[FR Doc.74-4084 Filed 2-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

HAWAII

Air Quality Implementation Plan; Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), July 27, 1972 (37 FR 15080), and May 14, 1973 (38 FR 12711), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the Hawaii Plan for the implementation of the National Ambient Air Quality Standards. On July 27, 1973, after notice and public hearings, the Governor of Hawaii submitted to the Environmental Protection Agency (EPA) revisions to the compliance schedule portion of the approved plan. This publication proposes that these revisions be approved, with specific exceptions, pursuant to the provisions of 40 CFR 51.8.

Thirty-five State compliance orders and three State variances were submitted. Of these, all of the orders have been found to satisfy the requirements of 40 CFR Part 51 and to be consistent with the approved control strategy. The three variances, issued to Hawaiian Fruit Packers, Limited, a fruit processing plant, Nanakuli Paving and Rock Company, Limited, an asphalt batch plant, and the Kohala Corporation, a sugar mill, allowed continued violation of approved particulate matter regulations without explicit requirements to achieve final compliance with the regulations. They do not, therefore, meet the requirements of 40 CFR 51.15. In addition, the two latter variances allow non-compliance to extend beyond the ambient air quality standards attainment date for particulate matter. For these reasons, it is proposed that the three variances be disapproved.

An evaluation of each schedule is available for public inspection at the offices of EPA, Region IX listed below. In each case, the record of the appropriate public hearing has been reviewed and considered in the evaluation.

Each proposed revision establishes a new date by which an individual air pollution source must comply with an emission limitation specified by the implementation plan. This date is indicated in the table below, under the heading "Final Compliance Date." In some cases, the schedule includes incremental steps towards compliance. While the table below does not list those interim dates, the actual compliance schedule does.

Approval of any schedule is solely on the basis that compliance is being required by the specified "Final Compliance Date," regardless of the method of control which is referenced by the schedule.

Proposed compliance schedule revisions are available for public inspection at the office of the State Agency and at the offices of Region IX, EPA. The addresses of these offices are as follows:

Hawaii State Department of Health
Air Sanitation Branch
Kapuiawa Building
Honolulu HI 96801

Environmental Protection Agency, Region IX
Enforcement Division, Room 302
100 California Street
San Francisco CA 94111

Environmental Protection Agency, Region IX
Pacific Islands Basin Office
1000 Bishop Street
Honolulu HI 96813

Interested persons are encouraged to submit written comments on any proposed compliance schedule. Such comments will be accepted for consideration until March 25, 1974. Comments should be addressed to Paul De Falco, Jr., Regional Administrator, at the San Francisco address noted above. All comments will be available for public inspection during business hours at the San Francisco office.

(42 U.S.C. 1857c-5)

Dated: February 14, 1974.

RUSSELL E. TRAIN,
Administrator.

It is proposed to amend 40 CFR Part 52 as follows:

1. A new § 52.626 is added as follows:

§ 52.626 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State. Some schedules require compliance by specifying the installation of specific control devices or by the construction of new equipment and the shutdown of existing facilities. Approval of these schedules is solely on the basis that compliance is required by the specified "Final Compliance Date," regardless of the method of control specified by the schedule.

Source	Location	Regulation sections involved	Date of adoption	Effective date	Final compliance date
Ka'u Sugar Co., Inc.	Pahala	8, 12	July 27, 1973	Immediately	Sept. 1, 1973
Do	Honuapo	8, 12	do	do	Do.
Grove Farm Co., Inc.	Koloa	12	do	do	June 30, 1975
Hilo Coast Processing Co.	Hakalau	8, 12	do	do	June 30, 1974
Do	Wainaku	8, 12	do	do	Do.
McBryde Sugar Co., Ltd.	Eleele	8, 12	do	do	July 31, 1975
Laupahoehoe Sugar Co.	Oakala	8, 12	do	do	July 1, 1974
Honokaa Sugar Co.	Haina	8, 12	do	do	May 31, 1975
Hawaiian Commercial & Sugar Co.:					
Boilers 11 and 12	Puunene	8, 12	do	do	July 1, 1975
Boilers 7, 8, 9, 10	do	8, 12	do	do	Do.
Boilers	Pala	8, 12	do	do	Do.
Kiln	do	8, 13	do	do	June 15, 1974
Kaiser Cement & Gypsum Corp.	Nanakuli	13	do	do	Mar. 31, 1975
Construction Materials Hawaii, Inc.	Hanapepe	8, 11	do	do	Jan. 31, 1974
Nanakuli Paving & Rock Co., Ltd.	Halawa	8, 13	do	do	Mar. 1, 1975
Jas. W. Glover, Ltd.	Hilo	13	do	do	Apr. 1, 1975
Hawaiian Western Steel, Ltd.	Ewa	8, 13	do	do	Jan. 15, 1974
Honiron Division, Ward Foods, Inc.	Honolulu	8, 13	do	do	Dec. 31, 1973
City and county of Honolulu	Waipahu	8, 11	do	do	July 31, 1975
Do	Kapalama	8, 11	do	do	July 31, 1975
Do	Kewalo	8, 11	do	do	Do.
County of Kauai	Lihue	7, 8	do	do	Do.
Do	Hanalei	7, 8	do	do	Do.
Do	Kekaha	7, 8	do	do	Do.
Do	Eleele	7, 8	do	do	Do.
Do	Koloa	7, 8	do	do	Do.
Do	Kapaa	7, 8	do	do	Do.
The Lihue Plantation Co., Ltd.	Lihue	8, 12	do	do	Jan. 31, 1975
Oahu Sugar Co., Ltd.	Waipahu	8, 12	do	do	Dec. 31, 1974
Pioneer Mill Co., Ltd.	Lahaina	8, 12	do	do	June 30, 1974
Hawaiian Bitumuls & Paving Co., Ltd.	Puunene	8, 13	do	do	Dec. 31, 1973
Do	Puhi	8, 13	do	do	June 30, 1974
Do	Kaena	8, 13	do	do	Dec. 31, 1974
Hawaiian Cement Corp.	Ewa Beach	8, 13	do	do	Feb. 23, 1975
Pacific Concrete & Rock Co., Ltd.	Kailua-Kona	8, 13	do	do	Oct. 31, 1973

(b) The compliance schedules for the sources identified below are disapproved as not meeting the requirements of § 51.15 of this chapter. The regulations cited are air pollution control regulations of the State.

Source	Location	Regulation sections involved	Date of adoption
Hawaiian Fruit Packers, Ltd.	Kapaa	8, 13	July 27, 1973
Nanakuli Paving and Rock Co., Ltd.	Molokai	8, 13	Do.
Kohala Corp.	Halaula	8, 12	Do.

[FR Doc.74-4062 Filed 2-21-74;8:45 am]

[40 CFR Part 52]

PENNSYLVANIA

Approval and Promulgation of Implementation Plans

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved with specific exceptions, State plans for implementation of the national ambient air quality standards. On that date, the Governor of Pennsylvania was advised that in order to complete the requirements of § 51.13, a plan demonstrating the attainment and maintenance of the national secondary standard for particulate matter for the Metropolitan Philadelphia Interstate and the Southwest Pennsylvania Intrastate Air Quality Control Regions (hereinafter, the Metropolitan Philadelphia Region and the Southwest Pennsylvania Region) was to be submitted to the Administrator by July 31, 1973.

On May 2, 1973, the Governor of Pennsylvania indicated that the State could not develop meaningful or effective plans for meeting the national secondary standard by July 31, 1973. The Governor stated that an additional 5 months was needed to develop and submit these plans. On July 3, 1973, the EPA informed Pennsylvania that the Clean Air Act has no provision for any further extensions of the date for submittal of a plan to attain the secondary standard unless there is a change in a national standard.

Since the State of Pennsylvania has not yet submitted the required plans, the Administrator is hereby proposing plans for these regions as required by section 110 of the Clean Air Act. It is proposed to approve the existing implementation plan for the Metropolitan Philadelphia Region as being adequate to attain the secondary particulate matter standard by July 1975, and to disapprove the existing plan for the Southwest Pennsylvania Region as it relates to attainment of the secondary particulate matter standard. Concurrently, regulations to attain the secondary particulate standard in the Southwest Pennsylvania Region are being proposed.

If the plans for the secondary standard are submitted and determined to be approvable prior to Federal promulgation, these proposed regulations will be withdrawn. If revisions to the State plan are submitted and determined to be approvable after Federal promulgation, then those Federal regulations will be rescinded. It is the desire of the Environmental Protection Agency that the plan to attain and maintain the secondary particulate matter standard in both Regions be a State plan carried out by the State or its designated representative.

Region III awarded a contract to the International Business Machines Corporation (IBM), to run an Implementation Planning Program (IPP) diffusion model to reassess the degree of reduction attainable through the application of existing State and local agency regulations, and if necessary, develop additional strategies capable of attaining the secondary particulate matter standard. The following are the results of the diffusion modeling effort.

METROPOLITAN PHILADELPHIA REGION

Air quality data was collected from 20 monitoring stations in the Philadelphia area. Three of the stations are within the City of Philadelphia and 17 in the surrounding counties of Chester, Delaware, Bucks and Montgomery. Approximately one-half of the stations currently meet the secondary annual standard for particulate matter. The model predicts that through the application of the existing regulations, all 20 monitoring stations are expected to meet the national secondary standard by July 1975.

It should be noted that the Environmental Protection Agency ran the IPP model in 1970–71, to calculate expected emission reductions, resulting air quality, fuel use and control costs for the Metropolitan Philadelphia Region. The primary data base for this study was the 1967–68 Delaware Valley Regional Air Quality Project. This study indicated that the primary standards for particulate matter could probably be achieved by 1975; however, the secondary standard would be exceeded over a rather large portion of the downtown Philadelphia-Camden Complex. In comparing IBM's results with EPA's study, the different results are due to IBM's use of a later and more comprehensive data base (1972) for the air quality and emissions data. Since the more recent data is considered to be more accurate, the Administrator is proposing to approve the existing implementation plan as adequate to attain the secondary particulate matter standard.

SOUTHWEST PENNSYLVANIA REGION

Air quality data was gathered from 30 air quality monitoring stations in the Pittsburgh area. Fourteen stations are in Allegheny County, ten are in the Beaver Valley Air Basin, and six are in the Monongahela Valley Air Basin. Most of the station readings for 1972 exceed the secondary annual standard in Allegheny County, and all stations exceed the standard in Beaver Valley and Monongahela Valley.

Part of the approved implementation plan for attainment of primary standards for particulate matter consisted of Article XVIII of the Allegheny County Health Department Rules and Regulations governing the control of air pollution. The regulations deal, inter alia, with the control of particulate matter emissions from the operation of coke ovens in Allegheny County.

On December 14, 1972, the Governor submitted to the Administrator a proposed revision to the control strategy and exemptions from some of the requirements of Article XVIII as contained in the implementation plan. This plan revision reflected some of the provisions of three consent decrees between the State Department of Environmental Resources, the Allegheny County Department of Health, and the U.S. Steel Corporation, and was approved by the Administrator on March 22, 1973 (38 FR 7458). The consent decrees, only one of which deal with the control of particulate matter emissions from the coke ovens, apply to the Clairton Coke Works and were issued on September 25, 1972.

The proposed revision, inter alia, substituted the performance standards contained in paragraphs 1 and 2 of the Particulate Consent Decree for subsections 1809.7A, B, C, D and E and 1809.1A of Article XVIII as they apply to the coke oven batteries at the Clairton Coke Works. The effect of this revision substituted the interim control standards set out in the decree for the more stringent requirements of Article XVIII. Although some of the paragraphs of the consent decree require the facility to come into compliance with Article XVIII after 1975, these paragraphs were not incorporated into the proposed revisions since compliance with the interim standards was all that was required to achieve the primary standards.

The modeling results reported by IBM indicate that a 90 percent reduction in particulate emissions from coking is needed to achieve the secondary standard. Since the interim standards of the consent decree in conjunction with Article XVIII are not capable of providing this needed 90 percent reduction, the Administrator is proposing below that any company which is presently exempt from compliance with all or part of Article XVIII must comply with each and every requirement of said Article on or before July 31, 1978.

The remaining provision of the regulation proposed below is intended to provide the additional percent reduction needed to attain the secondary particulate matter standard in the Southwest Pennsylvania Region. The provision requires coke quenching towers to be equipped with interior baffles and prohibits visible emissions, including water mist or vapor, from exiting from any opening other than the top of the quenching tower.

In the Administrator's judgment, an attainment date of July 1978 would provide reasonable time for the design, fabrication and installation of the necessary control equipment. In order to comply with the regulations, either quenching in the coke guide or a particulate control device on the coke side of the battery would be necessary. With over 1600 active coke ovens operating in Allegheny County, the Administrator feels that modifications could not be completed until July 1978, due to various constraints, including, construction time and the maximum number of ovens that could be simultaneously shut down without undue social and economic hardships. Therefore, the Administrator is proposing July 1978 as the attainment date for the secondary particulate matter standard in the Southwest Pennsylvania Region.

NEW SOURCE REVIEW

Pennsylvania's existing implementation plan for the Southwest Pennsylvania

Region includes procedures for review of new sources and modified sources which would be subject to the State emission limitations. However, this review procedure would not extend to emission limitations promulgated by the Administrator as part of the plan, such as are proposed below for the attainment of the national secondary standards. To this extent, the State's procedure does not meet the requirements of 40 CFR 51.18 and EPA must, therefore propose a regulation to supplement the State's measure. That proposal, set forth below, is expressly limited to the review of new and modified coke ovens subject to the proposed EPA regulation. Review under the EPA procedure would be limited to determining whether the coke oven is designed and located so as to comply with the EPA regulation and to not interfere with attainment and maintenance of the national ambient air quality standard.

PUBLIC COMMENTS SOLICITED

Although the Administrator has concluded that the proposed approval of the existing Pennsylvania implementation plan for the Metropolitan Philadelphia Region, and the proposed regulations for the Southwest Pennsylvania Region are the best approaches available to him at the present time for achieving compliance with the requirements of the Act, further analysis may demonstrate that more appropriate options are available. He, therefore, desires to obtain the comments and suggestions of the public on the problems of achieving the particulate matter standard in the above mentioned regions.

It is the Administrator's intent to hold a hearing on these proposed regulations no sooner than March 25, 1974. The time and location of this hearing will be announced in a subsequent FEDERAL REGISTER.

The Administrator's final promulgation of implementation plans for the attainment of the secondary particulate matter standard for the Metropolitan Philadelphia Region and the Southwest Pennsylvania Region will be significantly influenced by the comments and testimony he receives. These influences, and the additional analysis of alternative strategies that can be made in the time between this proposal and final promulgation, may lead the Administrator to adopt final regulations that differ in important ways from this proposal.

The existing Philadelphia Region implementation plan for particulate matter, upon which this proposal is based, is available for inspection at the EPA Region III Office, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, during normal business hours.

SUBMITTAL OF WRITTEN COMMENTS

Interested persons may participate in this rule making by submitting written comments, preferably in triplicate, to the Regional Administrator, EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106. All relevant comments received on or before March 25, 1974, will be considered. Receipt of comments will be acknowledged, but substantive responses to individual comments will not be provided. Comments received will be available for public inspection during normal business hours at the EPA Region III Office and at the Freedom of Information Center, EPA, Room 329, 401 M Streets SW., Washington, D.C. 20460.

This notice is proposed under the authority of sections 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.).

Dated: February 15, 1974.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Subpart NN in 40 CFR Part 52 as follows:

Subpart NN—Pennsylvania

1. In Subpart NN, § 52.2026 is added, as follows:

§ 52.2026 Control strategy and regulations: Particulate matter.

(a) The requirements of § 51.13 of this chapter are not met since the State did not submit a plan to provide for the attainment and maintenance of the national secondary standard for particulate matter in the Southwest Pennsylvania Intrastate Air Quality Control Region.

(b) Federal regulation for control of coke ovens. (1) This paragraph is applicable to coke ovens located in Allegheny County, Pennsylvania, in the Southwest Pennsylvania Intrastate Region (§ 81.23 of this chapter).

(2) On or before July 31, 1978, no owner or operator of a coke oven subject to this paragraph shall operate a coke quenching tower unless such quenching tower is equipped with interior baffles and does not permit visible emission, including water mist of vapor, to exit from any opening other than the top of the quenching tower.

(3) On or before July 31, 1978, any owner or operator of a coke oven subject to this paragraph which is not presently subject under the Pennsylvania Implementation Plan to all requirements of Article XVIII of the Rules and Regulations of the Allegheny County Health Department as it appears in said Implementation Plan shall comply with each and every requirement of said Article relating to the control of particulate matter emissions.

§ 52.2034 [Amended]

2. In § 52.2034, the attainment date table is revised by replacing the letter "c", which designates that an 18-month extension was granted for attainment of the national secondary standard for particulate matter in the Metropolitan Philadelphia Interstate and Southwest Pennsylvania Intrastate Regions with the date "July 1975" for the Metropolitan Philadelphia Intrastate Region and "July 1978" for the Southwest Pennsylvania Intrastate Region.

3. In § 52.2036, paragraph (b) is added as follows:

§ 52.2036 Compliance schedules.

* * * * *

(b) *Federal compliance schedule.* (1) An owner or operator of a coke oven subject to § 52.2026(b) shall, no later than 120 days following the effective date of this paragraph, submit to the Administrator for approval, a proposed schedule that demonstrate compliance with § 52.2026(b) within a reasonable time, but no later than July 1978.

(i) The compliance schedule shall provide for periodic increments of progress toward compliance. The dates for achievement of such increments shall be specified. Increments of progress shall include but not be limited to: Submittal of the final control plan to the Administrator; letting of necessary contracts for construction of process change, or issuance of orders for the purchase of component parts to accomplish emission control or process modification; initiation of onsite construction or installation of emission control equipment or process modification; completion of onsite construction or installation of emission control equipment or process modification; and final compliance.

(ii) The owner or operator shall within five days after the deadline for each increment of progress, certify to the Administrator whether or not the required increment of the approved compliance schedule has been met.

(2) An owner or operator of a coke oven subject to § 52.2026(b) in compliance with such paragraph on the effective date of this regulation shall certify such compliance to the Administrator within 120 days after the effective date of this paragraph.

4. Section 52.2054 is added as follows:

§ 52.2054 Review of new sources and modifications.

(a) *Regulation for review of new sources and modifications.* (i) This requirement is applicable to any stationary source subject to the requirements of § 52.2026(b), the construction or modification of which is commenced after the effective date of this regulation.

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location and design of such source.

(i) Application for approval to construct or modify shall be made on forms furnished by the Administrator, or by other means prescribed by the Administrator.

(ii) A separate application is required for each source.

(iii) Each application shall be signed by the applicant.

(iv) Each application shall be accompanied by site information, plans, descriptions, specifications, and drawings showing the design of the source, the nature and amount of emissions, and

the manner in which it will be operated and controlled.

(v) Any additional information, plans, specifications, evidence, or documentation that the Administrator may require shall be furnished upon request.

(3) No approval to construct or modify will be granted unless the applicant shows to the satisfaction of the Administrator that the source will:

(i) Operate without causing a violation of § 52.2026(b), and

(ii) Will not interfere with the attainment and maintenance of a national air quality standard.

(4) The Administrator may impose any reasonable conditions upon an approval including conditions requiring the source to be provided with:

(i) Sampling ports of a size, number, and location as the Administrator may require,

(ii) Safe access to each port,

(iii) Instrumentation to monitor and record emission data, and

(iv) Any other sampling and testing facilities.

(5) The Administrator may cancel any approval if the construction is not begun within 2 years from the date of issuance, or if during the construction, work is suspended for 1 year.

(6) Any owner or operator subject to the provisions of this regulation shall furnish the Administrator written notification as follows:

(i) A notification of the anticipated date of initial startup of source not more than 60 days or less than 30 days prior to such date, and

(ii) A notification of the actual date of initial startup of a source within 15 days after such date.

(7) Within 60 days after achieving the maximum production rate at which the source will be operated but not later than 180 days after initial startup of such source, the owner or operator of such source shall conduct a performance test(s) in accordance with the methods and under operating conditions approved by the Administrator and furnish the Administrator a written report of such performance test.

(i) Such test shall be at the expense of the owner or operator.

(ii) The Administrator may monitor such test and also may conduct performance tests.

(iii) The owner or operator of a source shall provide the Administrator 30 days prior notice of the performance test to afford the Administrator the opportunity to have an observer present.

(iv) The Administrator may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Administrator's satisfaction that the source is being operated in compliance with the requirements of § 52.2026(b).

(8) Approval to construct or modify shall not relieve the owner or operator of the responsibility to comply with all local, State, and Federal regulations which are part of the applicable plan.

(9) Within 30 days after receipt of an application the Administrator will notify the public, by prominent advertisement in the region affected, of the opportunity for public comment on the information submitted by the owner or operator.

(i) Such information, as well as the Administrator's analysis of the effect of the source on air quality and the Administrator's proposed approval or disapproval, shall be available in at least one location in the region affected.

(ii) A copy of the notice required pursuant to this subparagraph shall be sent to the Administrator through the appropriate regional office; to all other State and local air pollution control agencies having jurisdiction in the region where the source will be located; and to any other agency in the region having responsibility for implementing the procedures required under this paragraph.

(iii) Public comments submitted within 30 days of the date such information is made available shall be considered by the Administrator in making his final decision on the application.

(iv) The Administrator shall take final action on an application within 30 days after the close of the public comment period. The Administrator shall notify the applicant in writing of his approval, conditional approval, or denial of the application, and shall set forth his reasons for conditional approval or denial.

[FR Doc.74-4267 Filed 2-21-74;8:45 am]

[40 CFR Part 52]

MISSOURI

Disapproval of Proposed Implementation Plan Revision

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, in part, portions of the Missouri plan for implementation of the national ambient air quality standards. The Missouri plan contains specific air pollutant regulations, including Missouri Regulation S-X, "Restriction of Emission of Sulfur Compounds." Section E of this regulation specifies certain ambient air quality standards and provides that these standards will be applicable in lieu of specific sulfur oxide emission limitations of the regulation (Section D) where they are more stringent. In the preamble to the May 31, 1972 FEDERAL REGISTER (37 FR 10845), the Administrator indicated that he was neither approving nor disapproving such provisions for optional control but would deal with such exemptions as revisions to the State plan. Therefore, Section E is not presently part of the approved State implementation plan.

On November 19, 1973, the State of Missouri submitted, for EPA approval pursuant to 40 CFR 51.6, an extension to a variance from Missouri Regulation S-X, for the American Smelting and Refining Company's (ASARCO) primary lead smelter at Glover, Missouri. Along with the variance extension, the State submitted ASARCO's plan for compliance with Section E of Missouri Regulation S-X which was incorporated by reference in the State's variance extension order. The initial variance was not submitted for approval as a plan revision. On January 7, 1974, the State of Missouri resubmitted the ASARCO variance extension after correcting a procedural deficiency.

This notice proposes to disapprove Section E of Regulation S-X because that regulation implements ambient air quality standards less stringent than the national ambient air quality standards (40 CFR Part 50) in contravention of 40 CFR 52.14. This notice further proposes to disapprove the State's variance since it was adopted expressly to implement Section E.

Disapproval of the variance is proposed for the aditional reason that the requirements of 40 CFR 51.4 and 51.6(f) have not been satisfied since amendments to the plan for compliance with Section E were not available for public inspection for thirty days prior to the State's public hearing on the variance extension on October 24, 1973.

Since on November 27, 1973 (38 FR 32583), the Administrator proposed a new regulation (renumbered below as 40 CFR 52.1335) for approval and disapproval of specific compliance schedules which were submitted by the State of Missouri for consideration as proposed revisions to the Missouri implementation plan, the regulation which appears below is in the form of an amendment to that proposal.

An evaluation report on the proposed revision is available for public inspection at the Environmental Protection Agency, 1735 Baltimore Avenue, Kansas City, Missouri 64108. Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Region VII office at the above address. All comments submitted no later than March 25, 1974 will be considered. Receipt of comments will be acknowledged. All comments received, as well as a copy of the Missouri State implementation plan will also be available for inspection during normal business hours at the Region VII office.

(42 U.S.C. 1857c-5)

Dated February 15, 1974.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I of 40 CFR as follows:

Subpart AA—Missouri

§ 52.1335 [Redesignated and amended]

1. § 52.1333 (as proposed on November 27, 1973, 38 FR 32583, FR Doc. 73-24825) is redesignated as § 52.1335 and paragraph (b) is amended by adding the following to the table of compliance schedules:

Source	Location	Regulation involved	Date schedule adopted
American Smelting and Refining Co.	Glover	S-X	Oct. 24, 1973

2. A new § 52.1336 is added as follows:

§ 52.1336 Control Strategy: Sulfur oxides.

(a) Section E of Missouri Regulation S-X is disapproved since it does not assure that sulfur oxide emissions will not interfere with attainment or maintenance of the national ambient air quality standards.

[FR Doc.74-4272 Filed 2-21-74;8:45 am]

[40 CFR Part 171]

CERTIFICATION OF PESTICIDE APPLICATORS

Notice is hereby given that, pursuant to sections 4 and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (85 Stat. 973), the Administrator of the Environmental Protection Agency (EPA) proposes to issue a new 40 CFR Part 171 to read as set forth below. The proposed regulations would establish standards of competence for applicators using pesticides which EPA classifies for "restricted use" pursuant to section 3 of FIFRA.

One of the principal objectives of the FIFRA amendments enacted October 21, 1972, is to assure the proper use of pesticides. The Congress recognized that the current patterns of pesticide use present both benefits and risks to man's health and environment. The underlying theme of the Congressional deliberations was a search for a balance between those benefits and risks. The need for continued use of pesticides was obvious, but the need for more carefully controlled use was equally obvious. It was concluded that the 1947 FIFRA could not accomplish that control and that it therefore needed to be thoroughly overhauled.

A basic problem recognized by the Congress was that, despite extensive labeling and use instructions, pesticides were being misused on a large scale. Some pesticides were being applied at many times the label concentrations to combat insect resistance. Applicators were being injured by acutely toxic pesticides because they did not use the prescribed safety measures or misunderstood their proper use. Spray tanks which had been filled with pesticides were washed and indiscriminately drained into streams or city sewers. The environment was being unknowingly and unnecessarily exposed to toxic and persistent chemicals. Label regulation simply was not providing the necessary control over some pesticides to prevent their improper use and the resultant environmental damage.

The only options EPA had under the 1947 FIFRA for controlling misuse of pesticides, once they had been registered, were suspension or cancellation. A registered pesticide could be bought by almost anyone, and it was not illegal to use it contrary to the label instructions.

The legislation adopted in 1972 added three key regulatory mechanisms to effectuate the needed additional regulation of pesticides:

1. *Classification.* Pesticides which, without regulatory restrictions extending beyond the instructions and warnings appearing on the label, may generally cause unreasonable adverse effects on the environment, including injury to the applicator, are to be classified for "restricted use."

NOTE: Throughout this notice of proposed rule making there are references to classification of pesticides for restricted use. It should be emphasized however that under FIFRA, as amended, EPA can and will give consideration as appropriate to distinguishing among the various uses of a pesticide product in determining proper classification. Thus, certain uses of a pesticide product may be restricted while others are general.

2. *Certification.* Pesticide applicators must be determined to be competent with respect to the use and handling of pesticides. Certain "restricted use" pesticides will be available only to certified applicators.

3. *Enforcement.* It is illegal to use a registered pesticide "in a manner inconsistent with its labeling."

The applicator certification program is an attempt to ensure that applicators have sufficient knowledge to prevent acute injury to human health and environmental effects in or near areas being treated with pesticides. To be certified, an applicator will have to be aware, for example, of the potential toxicity of pesticides and know what steps can and should be taken to prevent himself and other individuals from being needlessly exposed; similarly, he must have sufficient knowledge to prevent the most obvious types of localized environmental damage, including acute injury to nontarget species and runoff to streams and lakes. Toward these ends, the proposed standards of competence stress "practical knowledge," i.e., possession of pertinent facts and ability to use them in dealing with problems and situations likely to be encountered in an applicator's work.

STATUTORY AUTHORITY

By October 1976, all registered pesticides must be classified for either "general use" or "restricted use" under section 3(d)(1) of FIFRA, as amended. A "general use" pesticide is defined in the Act as one which "will not generally cause unreasonable adverse effects on the environment" when used in accordance with its labeling or widespread and commonly recognized practices; such pesticides normally will be available to the public.

A "restricted use" pesticide is defined as one which "may generally cause unreasonable adverse effects on the environment, including injury to the applicator" unless it is subject to additional regulatory restrictions beyond labeling. Section 3(d)(1)(C) provides, first, that if a pesticide is classified for "restricted use" because of potential hazards to applicators or other individuals, it can be used only by or under the direct supervision of a certified applicator, and, second, that if a pesticide is classified for "restricted use" because of potential environmental hazards, it can be used only (i) by or under the direct supervision of a certified applicator or (ii) in accordance with other regulatory restrictions imposed by the Administrator.

Section 4 requires the Administrator to prescribe standards for the certification of applicators:

Such standards shall provide that to be certified, an individual must be determined to be competent with respect to the use and handling of the pesticide or class of pesticides covered by such individual's certification.

The term "private applicator" is defined in the Act as a certified applicator who uses or supervises the use of any "restricted use" pesticide for the purpose of producing any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person.

The term "commercial applicator" is defined in the Act as a certified applicator (whether or not he is a private applicator with respect to some pesticide uses) who uses or supervises the use of any "restricted use" pesticide for any purpose or on any property other than as provided by the definition of "private applicator."

Section 4, which provides for applicator certification, reflects the intent of the Congress that States assume the primary responsibility for this activity. States are expected to develop and administer applicator certification programs based on standards of competence which meet or exceed those prescribed by the Administrator. State certification plans must be reviewed and approved by the Administrator and, for this purpose, must be submitted to him by October 21, 1975. EPA strongly believes that applicator certification can most effectively be handled at the State level, where proper consideration can be given to the particular characteristics of agricultural and other uses of pesticides within each State and to existing mechanisms for licensing applicators.

After October 21, 1976, neither commercial nor private applicators may use those pesticides which are restricted for use only by certified applicators unless they are certified for this purpose under a State program approved by the Administrator. EPA has no plans to set up a Federal certification program for commercial or private applicators; indeed, section 4 does not explicitly prescribe a mechanism for setting up such a program. States therefore are cautioned not to expect that a Federal program will be in operation as a substitute for State programs. This means that the availability of certain "restricted use" pesticides after October

21, 1976, will be wholly dependent upon the States' initiative in submitting and implementing certification plans approvable by the Administrator.

While ultimate responsibility for establishing State certification programs and certifying applicators thus rests with the States, EPA will provide certain types of assistance to the States to help them set up their certification programs. EPA will, to the extent possible, provide technical assistance and guidance but, except for very limited demonstration funds, no direct financial assistance. Financing to set up and operate State programs will therefore be a State responsibility. Toward that end, States are encouraged to explore the practice, already employed by some States, of charging fees, such as licensing fees, for examination and certification of applicators.

ENVIRONMENT CONSIDERATION

Environmental and human health problems associated with the use and misuse of pesticides can be divided into four categories—acute impact on human health, localized environmental effects, potential long-term health effects and widespread environmental effects, i.e., environmental effects extending beyond the immediate pesticide application site. Acute health effects and localized environmental effects are largely associated with the improper handling and use of pesticides by the individual applicator. Certification can be a basis for ensuring that pesticide users have sufficient practical knowledge to protect themselves and others from acute health effects and to prevent the most common types of localized environmental damage. The proposed standards require such knowledge for certification.

The other problems are associated with the extent of use by all applicators and the characteristics of pesticides, for example, mobility, persistence, and tendency to bioaccumulate in the food chain. There is obviously some overlap. For example, pesticide runoff into streams can create a localized water contamination problem and also contribute to wide-spread environmental contamination.

The exact impact of applicator certification on the problems of potential long-term health effects and widespread environmental effects is unknown. However, it is apparent that certification can have some impact. For example, application techniques and precautions which minimize acute health hazards reduce an applicator's immediate pesticide exposure and thus may also reduce some of the hazards associated with repeated applications and chronic exposure. Since the certification standards stress a practical knowledge of pesticide usage, a certified applicator should be cognizant of application techniques which can mitigate these environmental effects. The additive effect of good practices by more responsible applicators can be expected to lessen the possibility of protracted undesirable effects.

However, it is clear that the certification, alone, is not adequate to prevent long-term human health and widespread environmental problems. Applicators generally have less reason to consider the widespread environmental effects of a particular application than to protect themselves and others from being poisoned. Even more important, an individual applicator normally is never in a position to control total usage of a given pesticide in a specific area during a growing season. To meet these problems Congress provided other regulatory mechanisms in the FIFRA as amended. They include the registration/classification provisions of section 3 and "such other restrictions as the Administrator may provide by regulation" under section 3 (d) (1) (C) (ii). The first allows EPA to bar the use of a pesticide by denying registration. "Such other restrictions" may, for example, include regional or seasonal poundage limitations on the use of a pesticide.

The proposed standards are designed to ensure that applicators will have a "practical knowledge" of the basic elements of pesticide usage, as indicated below. Certification will require the applicator to be competent and aware of the need for proper use and the consequences of misuse. It is designed to ensure that the applicator knows the importance of correct placement of pesticides to avoid or minimize entry into the environment other than to target areas, knows how to prepare the proper and safest formulation for a given situation, and is aware of what constitutes poor handling, mixing, and storage practices—the leading causes of pesticide accidents. These standards will not require that the applicator fully comprehend the scientific basis for the labeling directions, but rather that he knows how to follow the directions, and has sufficient knowledge to augment them in each use situation to prevent adverse human and environmental effects and assure proper use of pesticides.

It is EPA's position that sophisticated academic training should not be necessary to equip an applicator to do such things as identify common types of pests, comprehend instructions and warnings on a pesticide label, make the calculations necessary to arrive at a proper dilution of the product, calibrate application equipment, identify and avoid situations that obviously will result in injury to non-target species, make proper use of protective clothing, and keep pesticide containers out of children's reach.

In developing the proposed standards, EPA considered the following alternatives in defining the nature and scope of problems applicator certification should meet:

A. Applicator certification should be designed to ensure competence with respect to prevention not only of acute health effects and localized environmental damage, but also long-term health hazards and widespread environmental problems.

B. Applicator certification should be mainly designed to ensure competence with respect to prevention of acute human health effects and localized environmental problems.

EPA also considered the following alternatives in defining the level of knowledge that an applicator should be expected to have:

A. *Academic level.* Full comprehension of the principles and practices of pest control, plus practical knowledge of pesticide application techniques and problems.

B. *Operational level.* Practical knowledge of pest problems, environmental and health concerns, and application techniques and precautions.

Based on the considerations outlined above, the B alternative was adopted in each case. The proposed standards are written in such a way as to require certified applicators to have practical knowledge relevant to prevention of acute health effects and localized environmental contamination. This approach is the one most directly related to the ways in which applicator certification can mitigate the problems arising from improper use of pesticides. At the same time, it ensures that pesticide application will be increasingly in the hands of well trained, more responsible people. Alternative A would require a more comprehensive and sophisticated certification program without necessarily having any greater impact on the environmental hazards.

FEDERAL AGENCY EMPLOYEE CERTIFICATION

Consideration has been given to the problem of certification of applicators employed by Federal agencies. Federal pest control programs and joint Federal-State activities often require that personnel pursue their work over wide areas encompassing a number of States, and frequently personnel are moved at short notice to distance localities for special control programs. It appears that it would be impractical for such people to be tested in each state.

Arrangements have therefore been developed with the Federal Working Group on Pest Management to deal with the problem of certifying Federal applicators. The Federal Working Group's panel on Categorization and Training Objectives is developing a plan for establishing competency standards for Federal applicators which will conform to those developed by EPA. Under this system, the Working Group will be responsible for submitting a certification plan for such Federal employees to the Administrator for approval.

Each State will be asked to indicate in its State plan its willingness to accept this program as a substitute for actual examination of Federal applicators by the State.

SUMMARY OF PROPOSED REGULATIONS

Section 171.2 defines terms used in the proposed standards; in some instances, terms defined in FIFRA are not repeated herein.

Section 171.3(b) establishes a system of categorization based on occupation. Ten categories were chosen as encompassing the spectrum of commercial

users. As acknowledgement and recognition that there must be different types and levels of competency, the last three of these categories involving demonstration application, regulatory activities, and public health programs have been structured to require especially high levels of proficiency and understanding. To accommodate their own particular situations, States may establish subcategories or request the Administrator's approval to establish additional major categories.

Section 171.4(a) requires that commercial applicators' competence be determined through written examinations and, as appropriate, demonstration testing.

Section 171.4(b) sets forth general standards to be met by all commercial applicators. State standards must be equivalent to or may exceed EPA standards. These general standards would require commercial applicators to have practical knowledge in the following areas:

Problem Identification. This element of usage is critical because it is the first step in the application process. The applicator must be able to recognize the pest control problem before he selects among available pesticides. The certified commercial applicator must be familiar with the pest control problems included in his occupational category. These problems vary from State-to-State and the certification standards of each State will require a knowledge of its relevant pest control problems.

Interpretation of labeling instructions. After identifying the pest control problem an applicator must select a particular method of control from the available alternatives. Both this step and the subsequent correct use of the pesticide rely heavily on the applicator's ability to interpret label instructions and warnings. Pesticide labels have become lengthy and highly technical. They are valuable only to the extent that the applicator is able to translate their contents into proper use practices. This entails a degree of applicator knowledge that goes beyond simply understanding labeling contents. For example, if the label prohibits use in an aquatic environment, the applicator must determine if proximity to lakes, streams, and drainage makes the pesticide choice inappropriate. Similarly, labels often indicate ranges of application rates which depend upon climatic and soil conditions and the applicator must have the knowledge necessary to distinguish among these varying conditions. Other use factors which are frequently specified on labels and which require additional applicator knowledge for proper use include pre-harvest intervals, types of formulations and applications, and the influence of weather conditions as they relate to the potential for drift and leaching. In addition to these factors, the applicator must understand and heed warnings and instructions which relate directly to his personal safety. These include, for highly toxic pesticides, the proper use of protective clothing and respirators and correct applicator techniques to control dermal and inhalation exposure. In all cases, the applicator must be familiar with appropriate disposal procedures.

Application techniques. Even the ability to identify the pest problem and to interpret labeling instructions does not guarantee proper pesticide use. The applicator must be knowledgeable about application equipment and understand field techniques. This involves: methods of calibration and proper maintenance and cleaning of equipment, mixing and application techniques to ensure a uniformity of the formulated material during the entire application, and proper application to the target area where this is a critical factor.

Safety. A final practical element that certified applicators must understand is safety principles. Acute human health hazards in the form of injury or death represent a highly visible, easily understood danger. Field application techniques are directly related to the dermal, respiratory, and overall exposure that an applicator experiences. For example, exposure may be greater when using an air blast machine than a boom sprayer. Each applicator must know the use of protective clothing and equipment, common intoxication symptoms, and first-aid procedures. The certified applicator is required by these standards to have the operational competency necessary to minimize pesticide poisonings.

To illustrate the scope and level of practical knowledge that certified applicators will be expected to have, the Appendix to these proposed regulations provides examples of the kinds of problems and situations that such applicators should be able to handle. Examples are given for four of the ten applicator categories: regulatory pest control; agricultural pest control; industrial, institutional, structural, and health-related pest control; and ornamental and turf pest control. It is emphasized that these examples are not intended to be exhaustive or comprehensive; they are provided solely as a means of furnishing additional insight into the purpose and meaning of the proposed standards.

Section 171.4(c) sets forth specific standards for each commercial applicator category. They identify areas of practical knowledge that are of particular importance in each category.

Section 171.4(d) provides for the adoption of special standards where necessary to cover the highly unusual situation or highly hazardous product requiring that the applicator be clearly identified as an individual with specific product oriented training beyond that required in his occupational category.

In addition, it should be noted that all "restricted use" pesticides will not necessarily be available to all certified applicators. Some pesticides will be limited to commercial applicators and others may be further limited to certain categories of commercial applicators. There is precedent for restricting certain highly toxic products (or these requiring special equipment or handling) to specific commercial applicators with particular specialized competence not usually possessed by other specific commercial applicators or private applicators. After certification goes into effect, it can be assumed that some products, uses, and formulations will be available only to commercial applicators. However, this should have very little impact on the private applicator. A broad range of products will be available to the private applicator for combating agricultural pest problems, and in addition, he may qualify to use any pesticide registered only for use by commercial applicators by acquiring certification as a commercial agricultural pest control applicator or other appropriate category.

Section 171.5 sets forth standards for private applicators and requires that their competence be determined by written or oral examinations or an equivalent system approved by the Administrator. Private applicators will have to demonstrate their ability to read and understand labels. The private applicator category is limited to farmers, who generally are confronted with a rather narrow range of recurrent pest problems with which they are already familiar or can become familiar by consulting agricultural extension specialists and other experts. Accordingly, the private applicator standards are not as comprehensive as the commercial applicator standards. They are intended to reflect the private applicator's need for practical knowledge of the pest problems associated with his particular farming operations.

Section 171.6 sets forth standards of supervisory competence, which are applicable to both commercial and private applicators whose activities will include supervision of non-certified applicators. These standards would require practical knowledge of State requirements regarding direct supervision of non-certified applicators.

Additional Regulations

In the near future, EPA will publish additional proposed regulations under section 4. These additional regulations will identify the requisites of an acceptable State certification plan. Consideration is being given to including provisions spelling out what will have to be included in a State plan with respect to matters such as types of examinations or other methods to be used to determine applicators' competence, issuance of credentials to certified applicators, procedures for suspension or revocation of certification, requirements regarding direct supervision of non-certified applicators, training and enforcement activities, and information on resources to be used to administer the State plan. EPA will welcome comments and suggestions regarding these or other aspects of State plan requirements.

Public Comment

Any person may file comments on this proposal on or before March 25, 1974. Such comments should be filed in duplicate and addressed to Mrs. Betty J. Bill-

ings, Hearing Clerk, Environmental Protection Agency, Room E-1019, Waterside Mall, Washington, D.C. 20460. All written comments filed pursuant to this notice will be available for public inspection at the Office of the Hearing Clerk during regular business hours, 8 a.m. to 4:30 p.m. daily.

Dated: February 15, 1974.

JOHN QUARLES,
Acting Administrator.

APPENDIX

The following examples are presented solely to illustrate the scope and level of knowledge that certified applicators will be expected to have:

(1) *Regulatory pest control § 171.4(c)(2).* Introductions of serious pests are a continuing threat which often require prompt and massive action to achieve eradication or containment. State and Federal specialists are primarily responsible for pesticide applicators necessary in such programs. For example, if a new species of grain-infesting Coleoptera (beetle) were introduced into the Great Lakes area, an attempt might be made to eradicate it immediately by using pesticides. Watershed conditions and the proximity of Lake Michigan would be of constant concern to the applicator because of the vulnerability of watersheds to contamination. The effect of each chemical on flight behavior of the beetle would determine how extensively the applicator would apply the material, and an awareness of weather conditions that would influence his judgment as to specific placement. He would need to know something about the potential for this beetle to disperse from the focal point of infestation as an indication of the immediate parameters of application.

(2) *Agricultural pest control, § 171.4(c)(4)(i).* Applicators certified in this category must first demonstrate a knowledge of crops and agricultural pest control problems of his State. For example, in Indiana there are 4 major crops that are beset by more than 40 different pest control problems. The applicator must have a general knowledge of the problems in his State so that he knows what pesticides are available and what use problems should be considered. The applicator should understand, for example, that reentry intervals may be listed on the label; he should know that varying soil conditions may require different rates of application and that the label will generally inform him of the correct rates and concentrations for such conditions. Knowledge of non-target injury would alert the applicator that certain pesticides although equally as effective as others pose a danger to non-target organisms. For example, pesticides X and Y both are effective against an alfalfa pest. However, X will kill bees while Y will not. If bees are not in the area, either pesticide is appropriate, but if bees are observed to be present, the applicator must know to check the label and other instructions to determine if there is a non-target organism problem.

(3) *Industrial, institutional, structural and health related pest control, § 171.4(c)(10).* One of the frequent situations that is dealt with by certified applicators in this category is controlling pests in restaurants. Pest infestations in restaurants may include such entirely different pests as German cockroaches, flour beetles, house flies, mice, and rats. A certified applicator applying or supervising the use of pesticides in such situations must be aware that the approach to the control of each of these is based on habits and development. A different pesticide may be required for each pest and the certified applicator must be familiar with the potential for food contamination, inhalation problems, and hazard to customers and domestic animals in the area. Not only must choices be made as to chemicals, but in the case of cockroaches, on-the-job decisions must sometimes be made as to the concentration of a pesticide depending on the population levels with which he must contend. Should it be necessary to treat outside the building, additional judgment factors must be considered.

(4) *Ornamental and turf pest control, § 171.4(c)(6).* Persons engaged in applying restricted pesticides for the maintenance and production of ornamental plants face complicated problems. Exact diagnosis of the causative agent is essential, but this can be very confusing because insects, diseases, air pollution, as well as other environmental factors often produce similar symptoms. An incorrect diagnosis might result in the application of the wrong pesticide and thus needless contamination of the environment. Each home site to be treated may present a unique problem because of the variety of ornamental plants used in the landscape. It is necessary for the applicator to recognize the plant species and variety since some may be subject to injury by the chemical being used. For example, carbaryl may injure Boston Ivy and dimethoate may defoliate thornless honey locust trees. It might be necessary to cover injury-susceptible plants during spraying operations or to use alternative materials to prevent drift and phytotoxicity problems. The presence of pets (for example, dogs, cats, gold fish) in the yard requires that the applicator select a low toxicity material and/or inform the owner to keep pets out of the treated area. In the case of fish ponds, the applicator must be prepared to cover the pond and to avoid treating any areas that might drain into the pool. The applicator must take cognizance of fruits and vegetables that the homeowner may have growing in his yard.

The certified applicator controlling pests on ornamental plants must know the life cycles of the pests involved. Scale insects for example, are susceptible to control only in the crawler stage. The applicator must know the dates these insects hatch and check the host plants to be certain of each insect's stage of development, otherwise he will not achieve the desired control and would be applying the pesticide ineffectively.

A new Part 171 is proposed to read as follows.

PART 171—CERTIFICATION OF PESTICIDE APPLICATORS

Sec.
171.1 General.
171.2 Definitions.
171.3 Categorization of commercial applicators of pesticides.
171.4 Standards for certification of commercial applicators.
171.5 Private applicators.
171.6 Standards for supervision of non-certified applicators by certified private and commercial applicators.

§ 171.1 General.

This section deals with the certification of applicators of restricted use pesticides.

§ 171.2 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 "accident" means an undesirable and unintended event caused by the use of a pesticide that adversely affects man or the environment.

(b) The term "Act" means the Federal Insecticide, Fungicide and Rodenticide Act, as amended (86 Stat. 973), and other legislation supplementary thereto and amendatory thereof.

(c) The term "Administrator" means the Administrator of the Environmental Protection Agency, or any officer or employee of the Agency to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(d) The term "Agency," unless otherwise specified, means the United States Environmental Protection Agency.

(e) The term "agricultural commodity" means any plant, or part thereof, and animal produced by a farmer, primarily for sale, consumption, propagation, or other use by man or animals.

(f) The term "calibration of equipment" means adjustment of application equipment in order to control the rate of dispersal and droplet or particle size of a pesticide dispersed by the equipment.

(g) The term "certification" means the recognition by a certifying agency that a person is competent and thus authorized to use or supervise the use of restricted use pesticides.

(h) The term "certified applicator" means any individual who is certified to use or supervise the use of any restricted use pesticide covered by his certification.

(i) The term "commercial applicator" means a certified applicator (whether or not he is a private applicator with respect to some uses) who uses or supervises the use of any pesticide which is classified for restricted use for any purpose or on any property other than as provided by the definition of "private applicator."

(j) The term "compatibility" means that property of a pesticide that permits its use with other chemicals without undesirable results being caused by the combination.

(k) The term "competent" means proficiency in the performance of functions associated with pesticide application, the degree of proficiency required being directly related to the nature of the activity and the associated responsibility.

(l) The term "common exposure route" means a likely way (oral, dermal, respiratory) by which a pesticide may enter an organism.

(m) The term "environment" means water, air, land, and all plants and man and other animals living therein, and the interrelationships which exist among these.

(n) The term "farmer" means a person (farmer, rancher, plant propagator, Christmas tree grower, aquaculturist, floriculturist, orchardist, forester, or other) producing agricultural commodities having a gross value of at least $1,000 a year or which would normally be expected to be of that value or more at time of sale or use.

(o) The term "forest" means a concentration of trees and related vegetation in non-urban areas sparsely inhabited by and infrequently used by humans; characterized by natural terrain and drainage patterns.

(p) The term "hazard" means a probability that a given pesticide will have an adverse effect on man or the environment in a given situation, the relative likelihood of danger or ill effect being dependent on a number of interrelated factors present at any given time.

(q) The term "host" means any plant or animal on or in which another lives for nourishment, development, or protection.

(r) The term "non-target organism" means a plant or animal other than the one against which the pesticide is applied.

(s) The term "ornamental" means trees, shrubs and other plantings in and around habitations generally, but not necessarily, located in urban and suburban areas, including residences, parks, streets, retail outlets, industrial and institutional buildings.

(t) The term "practical knowledge" means the possession of pertinent facts and comprehension together with the ability to use them in dealing with specific problems and situations.

(u) The term "private applicator" means a certified applicator who uses or supervises the use of any pesticide which is classified for restricted use for purposes of producing any agricultural commodity on property owned or rented by him or his employer or (if applied without compensation other than trading of personal services between producers of agricultural commodities) on the property of another person. (See "Farmer", § 171.2(n).)

(v) The term "protective equipment" means clothing or any other materials or devices that shield against unintended exposure to pesticides.

(w) The term "regulated pest" means a specific organism considered by a State or Federal agency to be a pest requiring regulatory restrictions, regulations, or control procedures in order to protect the host, man and/or his environment.

(x) The term "restricted use pesticide" means a pesticide that is classified for restricted use under the provisions of Section 3(d)(1)(C) of the Act.

(y) The term "standard" means the measure of knowledge and ability which must be demonstrated as a requirement for certification.

(z) The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Trust Territory of the Pacific Islands, and American Samoa.

(aa) The term "susceptibility" means the degree to which an organism is affected by a pesticide at a particular level of exposure.

(bb) The term "toxicity" means the inherent capacity of a pesticide to cause physiological damage or change at a designated dose or rate of exposure.

(cc) The term "under the direct supervision of" means the act or process whereby the application of a pesticide is made by a competent person acting under the instructions and control of a certified applicator who is available if and when needed, even though such certified applicator is not physically present at the time and place the pesticide is applied.

§ 171.3 Categorization of commercial applicators of pesticides.

(a) *Procedure.* Categories of applicators (other than Private) using or supervising the use of restricted use pesticides are identified below. State systems of applicator identification shall adopt these categories with such appropriate subcategories as are necessary to meet the particular needs of the State.

(b) *Categories*—(1) *Agricultural pest control.* (i) *Plant.* This category includes commercial applicators using or supervising the use of restricted use pesticides in production of agricultural crops, including without limiting the foregoing, tobacco, peanuts, cotton, feed grains, soybeans and forage; vegetables; small fruits; tree fruits and nuts, as well as on grasslands and non-crop agricultural lands.

(ii) *Animal.* This category includes commercial applicators using or supervising the use of restricted use pesticides on animals, including, without limiting the foregoing, beef cattle, dairy cattle, swine, sheep, horses, goats, poultry and livestock, and to places on or in which animals are confined.

(2) *Forest pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides in forests, forest nurseries, and forest seed producing areas.

(3) *Ornamental and turf pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides to control pests in the maintenance and production of ornamental trees, shrubs, flowers and turf.

(4) *Seed treatment.* This category includes commercial applicators using or supervising the use of restricted use pesticides on seeds.

(5) *Aquatic pest control.* This category includes commercial applicators using or supervising the use of any restricted use pesticide purposefully applied to standing or running water, excluding applicators engaged in public health related activities included in Category 8 below.

(6) *Right-of-way pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides in the maintenance of public roads, electric power lines, pipelines, railway rights-of-way or other similar areas.

(7) *Industrial, institutional, structural and health related pest control.* This category includes commercial applicators using or supervising the use of restricted use pesticides in, on, or around food handling establishments, human dwellings, institutions such as schools and hospitals, industrial establishments including warehouses and grain elevators and any other structures and adjacent areas, public or private; and for the protection of stored, processed, or manufactured products.

(8) *Public health pest control.* This category includes State, Federal or other governmental employees using or supervising the use of restricted use pesticides in public health programs for the management and control of pests having medical and public health importance.

(9) *Regulatory pest control.* This category includes State, Federal or other governmental employees who use or supervise the use of restricted use pesticides in the control of regulated pests.

(10) *Demonstration pest control.* This category includes individuals who demonstrate to the public the proper use and techniques of application of pesticides (excluding those compounds and formulations covered by experimental permit) and, in doing so, use or supervise the use of restricted use pesticides. Included are such persons as extension specialists, commercial representatives demonstrating pesticide products, and those individuals demonstrating methods used in public programs.

(c) *Other categories and subcategories.*—Any State submitting a plan pursuant to section 4 for the certification of applicators, as provided for below, may designate such subcategories within the above 10 categories as it deems necessary. In addition, a State may request the Administrator's approval of additional major categories or may delete a category if not needed in that State.

§ 171.4 Standards for certification of commercial applicators.

(a) *Determination of competency.* Competence in the use and handling of pesticides shall be determined on the basis of written examinations and as appropriate, demonstration testing, based upon standards which meet or exceed those set forth below and which are approved by the Administrator. Such examination and testing shall include the general standards applicable to all categories (§ 171.4(b)); the additional standards specifically identified for each category or subcategory (if any) in which an applicator is to be classified (§ 171.4(c)); and, as appropriate, any special standards established pursuant to § 171.4(d). In developing the details of standards at the State level and in structuring examinations, it is important to recognize and reflect the extent of proficiency appropriate and necessary to a particular category.

(b) *General standards for all categories of certified commercial applicators.* (1) All commercial applicators shall demonstrate practical knowledge of the principles and practices of pest control and safe use of pesticides. Testing shall be based on examples of problems and situations appropriate to the particular category or subcategory of the applicators' certification and include where relevant the following areas of competency:

(i) *Label and labeling comprehension.* (*a*) The general format and terminology of pesticide labels and labeling;

(*b*) The understanding of instructions, warnings, terms, symbols, and other information commonly appearing on pesticide labels;

(*c*) Classification of the product, general or restricted; and

(*d*) Necessity for use consistent with the label.

(ii) *Safety.* Factors including:

(*a*) Pesticide toxicity and hazard to man and common exposure routes;

(*b*) Common types and causes of pesticide accidents;

(*c*) Precautions necessary to guard against injury to applicators and other individuals in or near treated areas;

(*d*) Need for and use of protective clothing and equipment;

(*e*) Symptoms of pesticide poisoning;

(*f*) First aid and other procedures to be followed in case of a pesticide accident; and

(*g*) Proper identification, storage, transport, handling, mixing and disposal methods for pesticides, including precautions to be taken to prevent children from having access to pesticides and pesticide containers.

(iii) *Environment.* The potential environmental consequences of the use and misuse of pesticides as may be influenced by such factors as:

(*a*) Weather and other climatic conditions;

(*b*) Types of terrain, soil or other substrate;

(*c*) Presence of non-target organisms; and

(*d*) Drainage patterns.

(iv) *Pests.* Factors such as:

(*a*) Common features of pest organisms and characteristics of damage needed for pest recognition;

(*b*) Recognition of relevant pests; and

(*c*) Pest development and biology as it may be relevant to problem identification and control.

(v) *Pesticides.* Factors such as:

(*a*) Types of pesticides;

(*b*) Types of formulations;

(*c*) Compatibility, synergism, persistence and toxicity of the formulations;

(*d*) Hazards and residues associated with use;

(*e*) Factors which influence effectiveness or lead to such problems as resistance to pesticides; and

(*f*) Dilution procedures.

(vi) *Equipment.* Factors including:

(*a*) Types of equipment and advantages and limitations of each type; and

(*b*) Uses, maintenance and calibration.

(vii) *Application techniques.* Factors including:

(*a*) Methods of procedure used to apply various formulations of pesticides, such as dusts, wettable powders, emulsions, solutions, and gases, together with a knowledge of which technique of application to use in a given situation;

(*b*) Relationship of discharge and placement of pesticides to proper use, unnecessary use, and misuse; and

(*c*) Prevention of drift and pesticide loss into the environment.

(viii) *Laws and Regulations.* Applicable State and Federal laws and regulations.

(c) *Specific standards of competency for each category of commercial applicators.* Certain of the above factors (§ 171.4(b)) are of particular importance because of the different types of activities carried out by applicators in each category. Such factors must be especially stressed and specifically reflected in State certification standards, as appropriate. For example, practical knowledge of drift problems should be required of agricultural applicators but not of seed treatment applicators. The latter, however, should be particularly knowledgeable of the hazards of the misuse of treated seed and the necessary precautionary techniques. Accordingly, commercial applicators in each category shall be particularly qualified with respect to the practical knowledge standards elaborated below:

(1) *Agricultural pest control*—(i) *Plant.* Applicators must demonstrate practical knowledge of the crops grown and the specific pests of those crops on which they may be using restricted use pesticides. The importance of such competency is amplified by the extensive areas involved, the quantities of pesticides needed, and the ultimate use of many commodities as food and feed. Practical knowledge is required concerning soil and water problems, pre-harvest intervals, reentry intervals, phytotoxicity, and potential for environmental contamination, non-target injury and community problems resulting from the use of restricted use pesticides in agricultural areas.

(ii) *Animal.* Applicators applying pesticides directly to animals must demonstrate practical knowledge of such animals and their associated pests. A practical knowledge is also required concerning specific pesticide toxicity since host animals will frequently be used for food. Further, the applicator must know the relative hazards associated with such factors as formulation, application techniques, age of animals, stress and extent of treatment.

(2) *Forest pest control.* Applicators shall demonstrate practical knowledge of the types of forests, forest nurseries, and seed production in their State and the pests involved. They should possess practical knowledge of the cyclic occurrence of certain pests and specific population dynamics as a basis for programing pesticide applications. A practical knowledge is required of the relative biotic agents and their vulnerability to the pesticides to be applied. Because forest stands may be large and frequently include natural aquatic habitats and harbor wildlife, the consequences of pesticide use may be difficult to assess. The applicator must therefore demonstrate practical knowledge of control methods which will minimize the possibility of secondary problems such as unintended effects on wildlife. Proper use of specialized equipment must be demonstrated, especially as it may relate to meteorological factors and adjacent land use.

(3) *Ornamental and turf pest control.* Applicators shall demonstrate practical knowledge of pesticide problems associated with the production and maintenance of ornamental trees, shrubs, plantings, and turf, including cognizance of potential phytotoxicity due to a wide variety of plant material, drift, and persistence beyond the intended period of pest control. Because of the frequent proximity of human habitations to application activities, applicators in this category must demonstrate practical knowledge of hazards to humans, pets, and other domestic animals.

(4) *Seed treatment.* Applicators shall demonstrate practical knowledge of types of seeds that require chemical protection against pests and factors such as seed coloration, carriers, and surface active agents which influence pesticide binding and may affect germination. They must demonstrate practical knowledge of hazards associated with handling, sorting and mixing, and misuse of treated seed such as introduction of treated seed into food and feed channels, as well as proper disposal of unused treated seeds.

(5) *Aquatic pest control.* Applicators shall demonstrate practical knowledge of the secondary effects which can be caused by improper application rates, incorrect formulations, and faulty application of restricted use pesticides used in this category. They shall demonstrate practical knowledge of various water use situations and the potential of downstream effects. Further, they must have practical knowledge concerning the causes of oxygen depletion and concerning potential pesticide effects on fish, birds, beneficial insects, and desirable plants and other organisms which may be present in aquatic environments. These applicators shall demonstrate practical knowledge of the principles of limited area application.

(6) *Right-of-way pest control.* Applicators shall demonstrate practical knowledge of a wide variety of environments since rights-of-way can traverse many different terrains, including waterways. They shall demonstrate practical knowledge of problems of runoff, drift, and excessive foliage destruction and ability to recognize target organisms. They shall also demonstrate practical knowledge of the nature of herbicides and the need for containment of these pesticides within the right-of-way area, and the impact of their application activities on the adjacent areas and communities.

(7) *Industrial, institutional, structural and health related pest control.* Applicators must demonstrate a practical knowledge of a wide variety of pests including their life cycles, as well as types of formulations appropriate for their control and methods of application that avoid contamination of food, damage and contamination of habitation,

and exposure of people and pets. Since human exposure, including babies, children and elderly people, is frequently a potential problem, applicators must demonstrate practical knowledge of the specific factors which may lead to a hazardous condition, including continuous exposure in the various situations encountered in this category. Because health related pest control may involve outdoor applications, applicators must also demonstrate practical knowledge of environmental conditions particularly related to this activity. Paragraphs (c) (8), (9), and (10) of this section will include many persons possessing college degrees although the latter is not a requirement of these regulations. Related professional standards recognized by appropriate scientific societies will be useful in identifying specific items for certification.

(8) *Public health pest control.* Applicators shall demonstrate practical knowledge of vector-disease transmission as it relates to and influences application programs. A wide variety of pests are involved, and it is essential that they be known and recognized, and appropriate life cycles and habitats be understood as a basis for control strategy. These applicators shall have practical knowledge of a great variety of environments ranging from streams to those conditions found in buildings. They should also have practical knowledge of the importance and employment of such non-chemical control methods as sanitation, waste disposal, and drainage.

(9) *Regulatory pest control.* Applicators shall demonstrate practical knowledge of regulated pests, applicable laws relating to quarantine and other regulation of pests, and the potential impact on the environment of restricted use pesticides used in suppression and eradication programs. They shall demonstrate knowledge of factors influencing introduction, spread, and population dynamics of relevant pests. Their knowledge shall extend beyond that required by their immediate duties since their services are frequently required in other areas of the country where emergency measures are invoked to control regulated pests and where individual judgments must be made in new situations.

(10) *Demonstration pest control.* Since persons in this category are involved in demonstrating the safe and effective use of pesticides to other applicators and the public, they will be expected to meet inclusive standards as evidenced by satisfying especially rigorous examinations. Many different pest problem situations will be encountered in the course of activities associated with demonstration, and practical knowledge of problems, pests, and population levels occurring in each demonstration situation is required. Further, they should demonstrate an understanding of pesticide-organism interactions and the importance of integrating pesticide use with other control methods. In general, it would be expected that applicators in this category would possess a practical knowledge of all of the standards detailed in § 171.4(b). In addition, they shall meet the specific standards required for paragraphs (c) (1) through (7) of this section as may be applicable to their particular activity.

(d) *Special standards.* When the Administrator determines that additional special identification and competency are necessary for an applicator using a particular pesticide, States shall insure that such applicators are properly identified within their appropriate category and are competent to use the particular pesticide as prescribed.

(e) State standards for the certification of commercial applicators may exceed the standards set forth above.

§ 171.5 Private applicators.

(a) Competence in the use and handling of pesticides by a private applicator will be determined by procedures set forth below. As a minimum requirement for certification, a private applicator must show that he possesses a practical knowledge of the pest problems associated with his farming operation and the proper storage, use, handling and disposal of the pesticides he will use for pest control. This practical knowledge includes ability to:

(1) Recognize common pests and damage caused by them.

(2) Read and understand label and labeling information the common name of the pesticide; the crop, animal, or site to which it will be applied; pest(s) to be controlled; when and how to apply; safety precautions; and any harvest or reentry restriction(s).

(3) Apply pesticides in accordance with label instructions and warnings, including the ability to prepare the proper concentration of pesticide to be used under particular circumstances taking into account such factors as area to be covered, speed at which application equipment will be driven, and the quantity dispersed in a given period of operation.

(4) Recognize environmental situations that must be considered during application to avoid contamination.

(5) Recognize poisoning symptoms and procedures to follow in case of a pesticide accident.

(b) Such competence of each private applicator shall be verified by the responsible State agency through the administration of a private applicator certification system which insures that the private applicator is competent, based upon the standards set forth above, to use the restricted use pesticides under limitations of applicable State and Federal laws and regulations. A certification system shall employ a written or oral testing procedure, or such other equivalent system as may be approved as part of a State plan.

§ 171.6 Standards for supervision of non-certified applicators by certified private and commercial applicators.

Certified applicators whose activities indicate a supervisory role must demonstrate a practical knowledge of Federal and State supervisory requirements regarding the application of restricted use pesticides by non-certified applicators. These would include the responsibility for providing (a) detailed guidance for applying the pesticide properly, and (b) provisions for contacting the certified applicator in the event he is needed.

[FR Doc.74-4266 Filed 2-21-74;8:45 am]

[40 CFR Part 180]

BHC AND LINDANE

Proposed Tolerances

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Stations of Arkansas, Louisiana, and Mississippi; the Texas Pecan Growers Association; Agricultural Research Service, the U.S. Department of Agriculture; and the Mississippi Department of Agriculture submitted two petitions PPs 4E1442 and 4E1443) proposing establishment of tolerances for negligible residues of the insecticides BHC (benzene hexachloride) and lindane (gamma isomer of benzene hexachloride) in or on the raw agricultural commodity pecans at 0.01 part per million.

Based on consideration given data submitted in the petitions and other relevant material, it is concluded that:

1. The insecticides are useful for the purpose for which the tolerances are proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry and § 180.6(a)(3) applies.

3. The proposed tolerances will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), it is proposed that Part 180 be amended as follows:

1. In § 180.133, by adding the following new paragraph to the end of the section:

§ 180.133 Lindane; tolerances for residues.

* * * * *

0.01 part per million (negligible residue) in or on pecans.

2. By revising § 180.140 to read as follows:

§ 180.140 BHC; tolerances for residues.

Tolerances are established for residues of the insecticide BHC (benzene hexachloride) in or on raw agricultural commodities as follows:

1 part per million in or on apples, apricots, asparagus, avocados, broccoli; brussels sprouts, cabbage, cauliflower, celery, cherries, collards, cucumbers, eggplants, grapes, kale, kohlrabi, lettuce, melons, mustard greens, nectarines, okra, onions (dry bulb only), peaches, pears, peppers, plums (fresh prunes), pumpkins, spinach, squash (summer and winter), strawberries, Swiss chard, and tomatoes.

0.01 part per million (negligible residue) in or on pecans.

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 March 25, 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 March 25, 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: February 12, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-4268 Filed 2-21-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 19939; RM-2222; FCC 74-149]

DOMESTIC PUBLIC LANDS MOBILE RADIO SERVICE

Signaling Communications

In re the amendment of Part 21 of rules and regulations, applicable to Domestic public land mobile radio service to allow "signaling communications" by sub-audible means of information intended for reception at multipoint mobile and/or fixed points.

1. The Commission has under consideration a petition for rulemaking in the above-entitled matter, which was submitted on July 3, 1973, by CSA Applications, Inc. (CSA). Also before us are comments filed by Airsignal International, Inc., the National Association of Radiotelephone Systems, Varian Microlinks Division, and a joint comment filed on behalf of seven radio common carriers located in several locations across the country.

CSA'S SUMMARY OF ITS PROPOSAL

2. Using facilities leased from mobile common carriers, CSA, which is a communications system corporation, seeks to offer one-way delivery of a "package" of digital information to a large number of mobile and/or fixed points. The digital information "package" is intended to be received at many hundreds of retail locations in a given metropolitan area by an "extremely low-cost" combination of a receiver and miniature computer designed and developed by CSA. This miniature computer can carry out simple "inquiry and response" functions necessary in ordinary retail transactions such as credit card verification. The system operates in the following manner:

3. CSA's receiver-terminals have the capability of storing vast quantities of data in an "extremely inexpensive" miniature computer/memory. A daily update of new information from a large mainframe computer memory is "broadcast" over the sub-audible portion of the mobile telephone band within a short period of time to thousands of retail sites and then "recorded" in the receiver/terminal memory for later use in a business transaction. When actually used at the retail location, the receiver/terminal can verify information related to the transaction. There is no need for any real-time, interactive access to remote computer facilities by means of two-way communications circuits; a receiver/terminal at the retail location and a one-way sub-audible circuit is sufficient to provide a retail clerk with access to all the information needed to validate a credit sale.

4. Once the necessary FCC authorization sought in this rulemaking is obtained, CSA expects mobile telephone carriers will file tariffs, for a sub-audible digital service to a multitude of fixed or mobile points.

5. The delivery of CSA's updating data need not take place in "real time" to the receiver/terminal because of the device's storage and computing capabilities. CSA could satisfactorily update its receiver/terminal on an interruptible basis during late night and early morning when the paging service activity is very low.

6. CSA's service can be used without interference to existing mobile telephone or paging services. By use of sub-audible transmission techniques, CSA's proposed service can be operated simultaneously with existing mobile telephone service. In addition, the sub-audible portion of the spectrum can be shared with sub-audible paging. The transmission of digital information can be automatically interrupted whenever the service is required for paging. Transmission would be resumed only when the circuits were again free of any other requirements.

7. Thus, CSA believes that its service, through the use of sub-audible techniques, will tap unused frequency resources represented by the Domestic Public Land Mobile Radio Service. No additional frequency assignments are required.

8. Presently, there is no part of the radio spectrum authorized for omnidirectional, one-way multipoint distribution to mobile and/or fixed points which meet the technical and economic criteria underlying CSA's communications requirements. Since CSA's receiver/terminals are to be used in a retail setting, they must be portable and unencumbered by an extensive antenna wiring system. Sub-audible transmission in the mobile telephone spectrum can be received off air with relative low-cost internal receiving antenna and allow access to many portable receiver/terminal devices simultaneously.

9. CSA submits that its proposed rules amendments of Part 21 will stimulate new interrelated uses of computers and communications and better utilization of existing radio spectrum and equipment.

DETAILS OF CSA'S PROPOSAL

10. CSA intends to contact credit card companies, banks, retail stores or other credit institutions at local, regional or national levels to provide credit card verification service at retail outlets across the country. CSA's clients will provide daily data to CSA's central computing facilities. This data will be processed, formatted and analysed, and then transmitted over carrier provided wirelines to local distribution sites in major metropolitan areas. There the data will be stored on a communications computer. Local distribution will be provided on facilities leased from carriers in the Domestic Public Land Mobile Radio Service. Receiver/terminals will be placed at retail locations. Each of these receiver/terminals will have a preprogrammed memory, updated by a daily transmission on the sub-audible portion of a mobile telephone base station transmitter, probably during late night or early morning hours, when paging activity is low. By use of key sets, wired to the receiver/terminal, and placed in various locations around the store, retail clerks will be able to determine the status of a credit card.

11. CSA decided on use of Domestic Public Land Mobile Radio Service facilities, rather than other systems, after an analysis of relative merits, which is set out in detail on pages 13 through 19 of the proposal. Basically, as we understand it, CSA found that Domestic Public Land Mobile Radio Service facilities are in existence and can be used quite economically. Wireline telephone service, CSA thinks, would be too costly, since each receiver/terminal would have to be reached independently through a separate communications circuit, whereas radio transmissions can reach multiple receiver/terminals simultaneously. Omnidirectional microwave was also considered, but rejected because such systems are not yet located in enough markets and are not likely to be established for some time. Also, CSA believes that multiple distribution systems would be too expensive due to a need for receiving antennas requiring roof mounting and a cost of $2.50 per ft. for antenna lead to the receiver/terminal. Further, CSA thinks that, even if several retail establishments could share a common antenna, it would still require an expensive internal wiring system to reach the areas where the CSA receiver/terminal would be located. Finally, CSA believes that its proposal requires that there be no wire distribution system from an external antenna to the CSA receiver/terminal because the receiver/terminals should be movable within the retail store and installation of a wiring system would be costly and inconvenient to the retailer.

12. CSA plans to utilize the sub-audible portion of Domestic Public Land Mobile Radio Service channels. These sub-audible techniques are now often used by Radio Common Carriers for one-way paging. Tests were conducted under developmental authorization KG1772 (Station KUA305, licensed to United Tele-

phone Company of Ohio) during the summer and fall of 1972, and although the formal report required of United Telephone Company has not yet been filed, CSA has provided a report that indicates these transmissions cause no harm to normal carrier sub-audbile or audible operations. This report is available for inspection in the Commission's offices in Washington, D.C. CSA does not think that there will be frequent use of these channels by the Radio Common Carriers during the hours it will transmit, but says that if there is any calling, its signal can be interrupted if necessary, without harm to the digital message upon resumption. Finally, CSA believes that its proposal will increase effective use of the spectrum, since it can be provided on existing frequencies.

COMMENTS SUBMITTED TO THE COMMISSION ON THE PROPOSAL

13. All comments referred to in paragraph 1 above favored CSA's proposal. Varian-Microlinks Division, however, stated that it believed that multipoint distribution system services and transmissions could be used to feed Domestic Public Land Mobile Radio Service stations clustered in major metropolitan areas, thereby making CSA's proposed service even more efficient. The National Association of Radiotelephone Systems (NARS) supported the proposal but requested that CSA provide more specific information as to the characteristics and costs of the equipment developed by CSA to place digital information on the subaudible portion of the mobile carriers transmissions since CSA said that this special transmission equipment would normally be operated by the carriers. NARS recognized that CSA indicated low costs (paragraph 3 above) but thought that CSA should be more exact. Finally, NARS also asked for clarification on whether the transmission equipment mentioned is the mini-communications computer (Radio Station Digital Equipment) or is a separate device.

COMMISSION COMMENTS

14. Since the service proposed by CSA could apparently be accommodated with no increased use of the radio spectrum, we find it is in the public interest to issue this notice of proposed rule making.

15. The text of the proposed amendments is set forth below. Authority for this proposed rule making is contained in sections 4(i), 303 and 403 of the Communications Act of 1934, as amended. All interested persons are invited to file written comments on these proposed rules on or before March 29, 1974, and reply comments on or before April 10, 1974. In reaching its decision in this matter the Commission may take into account any other relevant information before it in addition to the comments invited by this notice.

16. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: February 13, 1974.

Released: February 19, 1974.

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

The specific amendments proposed are as follows:

1. In Part 21, Subpart A, § 21.1 the definition of "signaling communications" would be amended to read as follows:

§ 21.1 Definitions.

* * * * *

Signaling communication. One-way communications from a base station to a mobile receiver or to multipoint mobile and/or fixed locations by subaudible means for the purpose of actuating a signaling device in the mobile unit, for communicating information to the desired mobile unit or for communicating information intended for reception at multipoint mobile and/or fixed locations.

* * * * *

2. Section 21.509(e) would be amended to change present paragraph (e) to paragraph (e)(1) and to add a new paragraph (e)(2) as follows:

§ 21.509 Permissible communications.

* * * * *

(e) * * *

(2) Base stations in this service may also be authorized to render one-way signaling communications service by subaudible means to multipoint mobile and/or fixed locations for purposes of communication information intended for reception at multipoint mobile and/or fixed locations.

* * * * *

[FR Doc.74-4206 Filed 2-21-74;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 528]

[Docket No. 73-64]

SELF-POLICING SYSTEMS

Notice of Proposed Rule-Making; Extension of Time

FEBRUARY 15, 1974.

Upon request of counsel for various conferences in the North Atlantic trades time within which comments may be filed in response to the notice of proposed rulemaking in this proceeding (38 FR 28841; 10-17-73) is enlarged to and including February 22, 1974. Reply of Hearing Counsel shall be filed on or before March 15, 1974. Answers to Hearing Counsel shall be filed on or before March 29, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-4232 Filed 2-21-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1100]

[Ex Parte No. 306]

FREIGHT RATES FOR RECYCLABLES

Notice of Proposed Rulemaking

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of February 1974.

The Interstate Commerce Commission having been charged with the responsibility expeditiously to adopt appropriate rules which will eliminate discrimination against the shipment of recyclable materials in rate structures and in other Commission practices where such discrimination exists, the following rules shall be and are hereby proposed for adoption:

1. A person seeking elimination of discrimination against shipments of recyclable materials shall file a formal complaint. Such complaint should be so drawn as to fully advise the parties defendant and the Commission of the discrimination against recyclables complained of; make specific reference to the tariffs or schedules containing the rates, fares or charges occasioning the discrimination against the shipment of recyclable materials, if the claimed discrimination is said to be occasioned by the rate structure; and in other respects comport with the requirements for the commencement of proceedings as set forth in the general rules of practice.

a. For the purpose of this rule, "discrimination" is understood to encompass, but not be limited to, situations in which carriers charge different rates and/or charges for substantially similar transportation services on recyclable materials which are competitive, in whole or in part, with virgin natural resource materials. Any complainant of the view that the "discrimination" referred to in section 603 of P.L. 93-236 is other than "unjust discrimination" proscribed by section 2 of the Interstate Commerce Act shall set forth the reasons therefor in said complaint.

b. For the purpose of this rule, the term "recyclable materials" as used in the statute refers to commodities shown in Standard Transportation Commodity Code Tariff No. 1-B, Traffic Executive Association—Eastern Railroads, Agent, I.C.C. No. C-998, issued jointly with other agents, effective January 1, 1974 (presently under postponement to April 1, 1974, per Supplement 2 thereto), including the following:

STCC No.	*Commodity*
22 941	Textile waste garneted or processed.
22 973 15	Noils, ramie.
22 973 25	Noils (combings or comber waste), cotton.
thru	
22 973 68	Rovings, jute and istle (ixtle).

STCC No.	Commodity
32 299 24	Cullet (broken glass).
33 119	Blast furnace or coke oven products, nec.
32 312	Copper matte, speiss, or flue dust.
33 322	Lead matte, speiss, or flue dust.
33 332	Zinc dross, residues, ashes.
33 342	Aluminum residues.
33 394	Miscellaneous nonferrous metal residues.
40 1	Ashes.
40 2	Waste or scrap.

2. Answers filed to claims of discrimination shall be so drawn as to fully advise the complainant, any other parties, and the Commission of the defense to the charge of discrimination against the shipment of recyclable materials that the respondent proposes to assert in its defense and otherwise conform to the requirements of the general rules of practice.

3. The proceeding following the commencement of the action as set forth in the foregoing rules 1 and 2 shall be handled under modified procedure and will be accorded expeditious handling.

4. The Environmental Protection Agency, the Council on Environmental Quality, other Governmental agencies having an interest in the proceeding, the Environmental Defense Fund, the Sierra Club and other public interest groups, the Institute of Scrap Iron and Steel, the National Association of Secondary Materials and other trade associations having an interest in the proceeding shall be afforded the opportunity to file statements and other pleadings at the time appropriate for the filing of such papers, without the need for petitioning to intervene in the proceeding as otherwise may be required by the general rules of practice, and thereafter in all respects they shall be treated as parties to the proceeding.

5. In all other particulars the proceeding shall be governed by the Commission's general rules of practice.

A copy of this notice of proposed rulemaking and order shall be served upon the Environmental Protection Agency, the Council on Environmental Quality, the Environmental Defense Fund, the Sierra Club, the Institute of Scrap Iron and Steel, and the National Association of Secondary Materials; and a copy shall be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER, as notice to all other interested persons.

No oral hearings shall be scheduled for the receipt of statements, arguments or other comments upon the proposed rules unless a need therefor should later appear, but anyone who wishes to do so may submit statements, arguments or other comments by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before April 1, 1974, an original and 15 copies, and thereafter such statements, arguments and other comments shall be available for inspection or copying as otherwise provided by the Commission's general rules of practice.

(Sec. 603, Regional Rail Reorganization Act of 1973, P.L. 93-236, and the provisions of the Interstate Commerce Act, 49 U.S.C. Section 1 et seq.)

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-4249 Filed 2-21-74;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

TRANSMISSION LINE, KING COUNTY, WASH.

Availability of Draft Supplement to Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a Draft Supplement to its Fiscal Year 1975 Environmental Statement. This Supplement describes the environmental impacts of a proposed 9.5-mile, 500-kv transmission line from Covington Substation to Raver Substation both located in King County, Washington.

Copies of the Draft Supplement are available for inspection in the library of the headquarters' office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and at the Seattle Area Office, 415 1st Avenue North, Room 250, Seattle, Washington 98109.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208, or to the Seattle Area Manager at the above address. Comments on the Supplement should be sent to the Environmental Office by April 12, 1974.

Dated: February 19, 1974.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.74-4277 Filed 2-21-74;8:45 am]

Bureau of Indian Affairs

VILLAGE OF AIAKTALIK ET AL.

Ineligibility as Native Villages

Final decision concerning the ineligibility of Aiaktalik, Ayakulik, Litnik, Little Afognak, Port William, and Uganik as native villages for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by Koniag, Inc., a Regional Corporation; by Aiaktalik, Inc., Ayakulik, Inc., Litnik, Inc., Kotoi, Inc., Shuyak, Inc., and Uganik, Inc., each being a village incorporated under the laws of Alaska, by and through their Counsel, Edward Weinberg of the law firm of Wyman, Bautzer, Rothman and Kuchel at Suite 1000, 600 New Hampshire Avenue, NW., Washington, D.C. 20037, hereinafter referred to as protestants. The protest of Koniag, Inc., was dated January 10, 1974 and received on January 14, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of Aiaktalik, Inc., et al, which joins in the protests filed by Koniag, Inc., was dated January 11, 1974 and was received January 15, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protestants object to the unlisted Native villages of Aiaktalik, Ayakulik, Litnik, Little Afognak, Port William and Uganik being determined to be ineligible; the protestants state because:

> There were timely filed with the Enrollment Coordinator applications for changes in enrollment by qualified Alaska Natives in sufficient numbers to establish the enrollment of at least twenty-five eligible Alaska Natives in each of such villages.

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

> Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—
>
> (a) Twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and
>
> (b) the village is not of a modern and urban character, and a majority of the residents are Natives.

Part 43h of Title 25 Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well. Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

The enrollment print-out of December 10, 1973 did not show anyone enrolled to Aiaktalik, Ayakulik, Litnik, Little Afognak, or Port William who had used the villages in 1970 but did show 12 Natives enrolled to Uganik. The enrollment print-out of January 10, 1974 does not reflect the required 25 Natives enrolled to each of subject villages. The Natives who used the villages for a period of time in 1970 have not been certified for enrollment to these villages. The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Villages of Aiaktalik, Ayakulik, Litnik, Little Afognak, Port William and Uganik are ineligible for land benefits under said Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

FEBRUARY 12, 1974.

[FR Doc.74-4209 Filed 2-21-74;8:45 am]

VILLAGE OF BELLS FLATS

Eligibility as Native Village

Final decision concerning the eligibility of Bells Flats as a native village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by The State of Alaska by Charles F. Herbert, Commissioner, Department of Natural Resources, Pouch M, Juneau, Alaska 99801; by the Alaska Chapter of the Sierra Club by Jack Hession, Alaska

Representative, 2400 Barrow, Anchorage, Alaska 99501; by the Alaska Wildlife Federation and Sportsman Council Inc. and Mr. Philip Holdsworth by and through James F. Clark of Robertson, Monagle, Eastaugh and Bradley, attorneys-at-law, P.O. Box 1211, Juneau, Alaska 99801; and by Bureau of Sport Fisheries and Wildlife, Department of the Interior by and through Area Director Gordon W. Watson, 813 D. Street, Anchorage, Alaska 99501; hereinafter referred to as protestants. The protest of the State of Alaska was dated January 17, 1974 and received January 17, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the Sierra Club was dated January 18, 1974 and was received on January 18, 1974 by the Director, Bureau of Indian Affairs. The protest of the Bureau of Sport Fisheries and Wildlife was dated January 18, 1974 and received January 21, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs. The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974 and received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by section 5(b) of the Alaska Native Claims Settlement Act. 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine their legal residence."

Protestant Alaska Chapter, Sierra Club states in part: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "The printout prepared by the Bureau of Indian Affairs on November 7, 1973 and that prepared November 8, 1973 show only 22 persons enrolled to Bell's Flats. Of the persons listed in the November 7 printout (which includes information concerning their permanent residence on the filing date, where they resided for two years as of April 1, 1970, where they resided for 10 years prior to that, their birth place and ancestral birth place) none showed any connection whatsoever with Bell's Flats, other than listing it as their permanent residence. Accordingly, even under the improper standard of "some ties" as printed on the instructions to enrollment form these individuals do not qualify for enrollment for Bell's Flats. Moreover, Bell's Flats is not listed as a village in the 1970 census."

Protestant Area Director, Bureau of Sport Fisheries and Wildlife, Department of the Interior states: "We contend that neither the identifiable physical locations of Bells Flats or Anton Larsen Bay, nor the minimum residence requirement in relation to identifiable physical village location has been established."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

> Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—
>
> (A) twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and
>
> (B) the village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 27 Natives had been approved for enrollment in the Native Village of Bells Flats. On July 17, 1973, a field investigation was completed of Bells Flats and at that time 15 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 27 Natives who have been approved for enrollment to Bells Flats, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of the eligibility of the enrolled Natives of Bells Flats.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Bells Flats is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

FEBRUARY 11, 1974.

[FR Doc.74-4213 Filed 2-21-74;8:45 am]

VILLAGE OF CHICKALOON

Eligibility as Native Village

Final decision concerning the eligibility of Chickaloon as a native village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, by the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Brad-

ley, P.O. Box 1211, Juneau, Alaska 99801; by Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M. Juneau, Alaska 99801; and by Matanuska-Susitna Borough, P.O. Box B, Palmer, Alaska 99645, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Commissioner, Department of Natural Resources, State of Alaska, was dated January 16, 1974, and was received on January 17, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Matanuska-Susitna Borough was dated January 17, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state, "The Bureau of Indian Affairs' printout run November 8, 1973 shows none of the enrollees to Chickaloon as residents there. Moreover Chickaloon is not listed as a village in the 1970 census. * * * The fact that no one lives there now in addition to the fact that Chickaloon does not appear on the 1970 census creates prima facie evidence that this village is ineligible for certification under the Act."

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by section 5(b) of the Alaska Native Claims Settlement Act (85 Stat. 690). The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine the legal residence."

Protestant Matanuska-Susitna Borough states in part as follows: "That thirteen persons enrolled to Chickaloon did not use Chickaloon as a place in which they actually lived in 1970 as required * * * and that Chickaloon is not nor was within the time frame of 43 CFR 2651.2 a Native village."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

> Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—
>
> (A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance: and
>
> (B) the village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 36 Natives had been approved for enrollment in the Native Village of Chickaloon. On September 24, 1973, a field investigation was completed of Chickaloon and at that time 13 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 36 Natives who have been approved for enrollment to Chickaloon, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of their eligibility of the enrolled Natives of Chickaloon.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Chickaloon is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

FEBRUARY 13, 1974.

[FR Doc.74-4195 Filed 2-21-74;8:45 am]

VILLAGE OF CHULOONAWICK

Eligibility as Native Village

Final decision concerning the eligibility of Chuloonawick (Chuloonavik) as a native village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, and Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and it was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "1970 census data showed that 25 Natives were not residents of these villages as of the date of the census."

Protestant Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows:

"Chuloonivik—The Bureau of Indian Affairs' printout dated November 8, 1973, shows only 7 persons presently residing in Chuloonivik. Moreover, Chuloonivik does not appear as a village in the 1970 census. For the reasons set forth with respect to Chuloonivik the Director is called upon to investigate to determine by other criteria of residence whether or not the persons enrolled to Chuloonivik were in fact residents as of April 1, 1970. For the foregoing reasons its inclusion as a village certified under the Act is protested."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance: and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 27 Natives had been approved for enrollment in the Native Village of Chuloonawick (Chuloonavik). On September 14, 1973, a field investigation was completed of Chuloonawick (Chuloonavik) and at that time 19 Natives who used the village for a period of time in 1970 were subsequently approved for enrollment on December 17, 1973. The 27 Natives who have been approved for enrollment to Chuloonawick (Chuloonavik), represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village as a place where they actually lived for a period of time as required by § 2651.2(b) of Title 43 of CFR.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Chuloonawick (Chuloonavik) is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

FEBRUARY 12, 1974.

[FR Doc.74-4212 Filed 2-21-74;8:45 am]

VILLAGE OF COUNCIL

Eligibility as Native Village

Final decision concerning the eligibility of Council as a native village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, by Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, and by Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska hereinafter referred to as protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Commissioner, Department of Natural Resources, State of Alaska, was dated January 16, 1974, and was received on January 17, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "* * * we disagree with the provisions that (1) Natives enrolled to a village, but not actually residing therein, are deemed residents of the village; and (2), that a village is considered eligible if 'at least thirteen persons who enrolled thereto * * * have used the village during 1970 as a place where they actually lived for a period of time.' Both provisions seem logically and perhaps legally inconsistent with the wording of the Alaska Native Claims Settlement Act itself. We think that Congress intended that eligible villages be those actually occupied by 25 or more qualified Natives."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "Council—The November 8, 1973 printout by the Bureau of Indian Affairs shows only 6 persons as presently living in Council. Council is not listed as a village in the 1970 census."

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by section 5(b) of the Alaska Native Claims Settlement Act. 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine the legal residence."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970

Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) The village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 71 Natives had been approved for enrollment in the Native Village of Council. On August 7, 1973, a field investigation was completed of Council and at that time 16 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 71 Natives who have been approved for enrollment to Council, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of their eligibility of the enrolled Natives of Council.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Council is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

FEBRUARY 11, 1974.

[FR Doc.74-4214 Filed 2-21-74;8:45 am]

VILLAGE OF HEALY LAKE

Eligibility as Native Village

Final decision concerning the eligibility of Healy Lake as a Native Village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by William H. Timme, General Counsel for Doyon, Limited, a Native regional corporation, 527 Third Avenue, Fairbanks, Alaska 99701, hereinafter referred to as protestant. The protest was dated January 16, 1974 and was timely received on January 18, 1974 by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Timme objects to the Native Village of Healy Lake being determined to be ineligible because protestant states that the Native Village of Healy Lake does meet the requirements of 43 CFR 2651.2(b) because:

"* * * the field report of the B.I.A. and the certified roll, clearly establish the fact that the village is eligible. The majority of the residents are Natives. Healy has none of the attributes of a modern and urban community, much less all of them. The village does have an identifiable physical location and has had one since the early part of this century. There is no question that it was in existence on April 1, 1970. As the B.I.A.'s field report indicates, there were also 13 persons who are enrolled to the village who actually lived in the village during 1970."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR, Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of December 1, 1973, 22 Natives had been certified for enrollment in the Native Village of Healy Lake. On August 8, 1973 a field investigation was completed of Healy Lake and at that time 22 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village. The 25 or more Natives who have now been approved for enrollment to Healy Lake as is shown on the January 21, 1974 enrollment printout represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least thirteen Natives enrolled thereto used the village during 1970 as a place where they actually lived for a period of time.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby reverse the decision made on December 10, 1973 and published on page 35028 in the FEDERAL REGISTER on December 21, 1973 determining that the Native village of Healy Lake is ineligible for land benefits under said Act.

The Director, Juneau Area Office, Bureau of Indian Affairs, therefore hereby determines the Native village of Healy Lake to now be eligible for land benefits under the Alaska Native Claims Settlement Act.

The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of

the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

FEBRUARY 12, 1974.

[FR Doc.74-4216 Filed 2-21-74;8:45 am]

VILLAGE OF MONTANA CREEK

Eligibility as Native Village

Final decision concerning the eligibility of Montana Creek (Montana) as a Native Village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR, Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510 by the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801; by Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska 99801; and by Matanuska-Susitna Borough, P.O. Box B, Palmer, Alaska 99645, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 18, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Matanuska-Susitna Borough was dated January 17, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "1970 census data showed that 25 Natives were not resident of these villages as of the date of the census."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state: "The Bureau of Indian Affairs printout run on November 7, 1973 shows only 8 persons presently living in Montana Creek."

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by section 5(b) of the Alaska Native Claims Settlement Act. 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll Family list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine the legal residence."

Protestant Matanuska-Susitna Borough states in part as follows: "That thirteen persons enrolled to Montana Creek (Montana) did not use Montana Creek (Montana) as a place in which they actually lived in 1970 as required * * *" and that "Mountana Creek (Montana) is not nor was within the time frame of 43 CFR 2651.2 a Native village."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688-716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

> Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—
>
> (A) twenty-five or more Natives were residents of an established village on the 1970 Census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and
>
> (B) The village is not of a modern and urban character and a majority of the residents are Natives.

The 1970 Census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 Census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 44 Natives had been approved for enrollment in the Native Village of Montana Creek (Montana). On August 29, 1973, a field investigation was completed of Montana Creek (Montana) and at that time 13 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 44 Natives who have been approved for enrollment to Montana Creek (Montana) represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of the eligibility of the enrolled Natives of Montana Creek (Montana).

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Montana Creek (Montana) is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the final decision and findings of fact upon which the final decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of their notices of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

FEBRUARY 12, 1974.

[FR Doc.74-4210 Filed 2-21-74;8:45 am]

VILLAGE OF SOLOMON

Eligibility as Native Village

Final decision concerning the eligibility of Solomon as a native village for purposes of ANCSA 1971 action upon protest.

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box

2025, Anchorage, Alaska 99510, by Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, and by Charles F. Herbert, Commissioner, Department of Natural Resources, State of Alaska, Pouch M, Juneau, Alaska 99801, hereinafter referred to as Protestants.

The protest of the Alaska Chapter, Sierra Club was dated January 18, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Commissioner, Department of Natural Resources, State of Alaska, was dated January 16, 1974, and was received on January 17, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "* * * we disagree with the provisions (1) that Natives enrolled to a village, but not actually residing therein, are deemed residents of the village; and (2) that a village is considered eligible if "at least thirteen persons who enrolled thereto * * * have used the village during 1970 as a place where they actually lived for a period of time." Both provisions seem logically and perhaps legally inconsistent with the wording of the Alaska Native Claims Settlement Act itself. We think that Congress intended that eligible villages be those actually occupied by 25 or more qualified Natives."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows: "Solomon—The Bureau of Indian Affairs printout run November 8, 1973 shows only 1 enrollee to Solomon as presently living there. Moreover, the 1970 census does not include it as a village."

Protestant Commissioner, Department of Natural Resources, State of Alaska, states in part as follows: "The findings of fact are defective in that no reasonable effort was made to determine if the persons enrolled to the villages were in fact residents of the villages as required by section 5(b) of the Alaska Native Claims Settlement Act. 85 Stat. 690. The findings are further defective in that an examination of the Alaska Native Roll list for these villages indicates on its face that less than twenty-five enrollees to each village have had adequate residence in their respective villages to be considered domiciled therein on April 1, 1970. To the contrary, the data on the Family List, developed from application forms upon which the enrollee himself furnished the information, indicates a different place of residency for almost all of the enrollees to each of these villages. The findings are further defective in that they do not include an examination of voting and licensing records of the enrollees to determine the legal residence."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

> Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—
>
> (A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and
>
> (B) the village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of residence (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 39 Natives had been approved for enrollment in the Native Village of Solomon. On August 7, 1973, a field investigation was completed of Solomon and at that time 13 Natives who used the village for a period of time in 1970 had been certified for enrollment to this village and such enrollment was approved on December 17, 1973. The 39 Natives who have been approved for enrollment to Solomon, represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and thirteen Natives enrolled thereto have used the village during 1970 as a place where they actually lived for a period of time. The voting and licensing records of the State of Alaska have no bearing on the determination of their eligibility of the enrolled Natives of Solomon.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Solomon is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

FEBRUARY 11, 1974.

[FR Doc.74-4211 Filed 2-21-74;8:45 am]

VILLAGE OF UMKUMUTE

Eligibility as Native Village

Final decision concerning the eligibility of Umkumute (Umkumiute) as a Native Village for purposes of ANCSA 1971, action upon protest.

This is a written decision on protests filed pursuant to 43 CFR Part 2650 by the Alaska Chapter, Sierra Club, P.O. Box 2025, Anchorage, Alaska 99510, and Alaska Wildlife Federation and Sportsman Counsel, Inc., and Philip Holdsworth by and through their Counsel, James F. Clark of the law firm of Robertson, Monagle, Eastaugh and Bradley, P.O. Box 1211, Juneau, Alaska 99801, hereinafter referred to as protestants.

The protest of the Alaska Chapter, Sierra Club, was dated January 18, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

The protest of the Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth was dated January 21, 1974, and it was received on January 21, 1974, by the Director, Juneau Area Office, Bureau of Indian Affairs.

Protestant Alaska Chapter, Sierra Club states in part as follows: "* * * we disagree with the provisions 1) that Natives enrolled to a village, but not actually residing therein, are deemed residents of the village; and 2), that a village is considered eligible if "at least thirteen persons who enrolled thereto * * * have used the village during 1970 as a place where they actually lived for a period of time." Both provisions seem logically

and perhaps legally inconsistent with the wording of the Alaska Native Claims Settlement Act itself. We think that Congress intended that eligible villages be those actually occupied by 25 or more qualified Natives."

Protestants Alaska Wildlife Federation and Sportsman Council, Inc., and Philip Holdsworth state in part as follows:

"Umkumiut—The Bureau of Indian Affairs printout run November 8, 1973 shows all of those enrolled to Umkumiut as living in Nightmute. Furthermore, Umkumiut is not listed as a village in the 1970 census."

The Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688–716), and 43 CFR Part 2650 provides for the settlement of certain land claims of Alaska Natives and for other purposes. Section 11(b)(3) of the Act is quoted as follows:

Native villages not listed in subsection (b)(1) hereof shall be eligible for land and benefits under this Act and lands shall be withdrawn pursuant to this section if the Secretary within two and one-half years from the date of enactment of this Act, determines that—

(A) twenty-five or more Natives were residents of an established village on the 1970 census enumeration date as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance; and

(B) the village is not of a modern and urban character, and a majority of the residents are Natives.

The 1970 census is not, therefore, the exclusive source of information for the determination of residency. Part 43h of Title 25 of the Code of Federal Regulations provides for the enrollment of the Natives. A main source of "other evidence satisfactory to the Secretary of the Interior" is the official enrollment which not only contains evidence of race but of resident (on the 1970 census date) as well.

Section 2651.2 of Title 43 CFR contains the authority for the Director, Juneau Area Office, Bureau of Indian Affairs, to act for the Secretary of the Interior in the determination of the eligibility of Natives for land benefits under the Act.

As of January 21, 1974, 27 Natives had been approved for enrollment in the Native Village of Umkumute (Umkumiute). On July 16, 1973, a field investigation was completed of Umkumute (Umkumiute) and at that time 27 Natives who used the village for a period of time in 1970 were subsequently approved for enrollment on December 17, 1973. The 27 Natives who have been approved for enrollment to Umkumute (Umkumiute), represent a majority of the residents of the village in 1970. It had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and more than thirteen Natives enrolled there to have used the village as a place where they actually lived for a period of time as required by § 2651.2(b) of Title 43 of CFR.

The Director, Juneau Area Office, Bureau of Indian Affairs, has examined and evaluated the protests together with his record of findings of fact and decision, and does hereby render a final decision determining that the Native Village of Umkumute (Umkumiute) is eligible for land benefits under said Act.

The final decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published n the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary of the Interior by a notice filed with the Ad Hoc Board as established in § 2651.2(a)(5) of Title 43 CFR, on or before March 25, 1974. Appellants shall have not more than 15 days from the date of receipt of the notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals.

All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the Ad Hoc Board shall be submitted to the Secretary of the Interior for his personal approval. The Ad Hoc Board is now known as the Alaska Native Claims Appeal Board and its address is P.O. Box 2433, Anchorage, Alaska 99510.

CLARENCE ANTIOQUIA,
Acting Director.

FEBRUARY 11, 1974.

[FR Doc.74-4215 Filed 2-21-74;8:45 am]

Bureau of Land Management

IDAHO STATE ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management, Idaho State Advisory Board will meet at 9:30 a.m. on March 12, 1974, at the Rodeway Inn, Boise, Idaho.

The agenda will include discussions of geothermal leasing, State selection and exchange program, wild horse regulations, proposed changes in regulations, proposed changes in district boundaries, BLM Five-Year Goals, and advisory board management.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public, but those wishing to make an oral statement must inform the Chairman in writing prior to the meeting. Interested persons may file a written statement with the Board for its consideration. These should be sent to Chairman, State Advisory Board, % State Director, Bureau of Land Management, 398 Federal Building, P.O. Box 042, 550 W. Fort Street, Boise, Idaho 83724.

WILLIAM L. MATHEWS,
State Director.

[FR Doc. 74-4194 Filed 2-21-74;8:45 am]

[Serial No. N-6002]

NEVADA

Designation of Lahontan Cutthroat Trout Natural Area

FEBRUARY 12, 1974.

Pursuant to the authority in 43 CFR Subpart 2070, and the authorization from the Director dated December 4, 1973, I hereby designate the public lands in the following described areas as the Lahontan Cutthroat Natural Area for habitat management of the Lahontan Cutthroat Trout and other appropriate multiple-use resource management practices.

MOUNT DIABLO MERIDIAN, NEVADA

T. 41 N., R. 26 E.,
Sec. 1, lots 1, 2, 3, 6, SE¼NW¼, SW¼SW¼, NE¼SW¼, SW¼SE¼;
Sec. 2, lots 1, 4, S½NE¼, SW¼NW¼, W½SW¼, SE¼;
Sec. 3, all;
Sec. 4, lots 1, 7, 16, SE¼NE¼;
Sec. 11, all;
Sec. 12, lots 1–4, inclusive, N½NE¼, SE¼NE¼, SE¼NW¼, W½NW¼, SW¼, SW¼SE¼.
T. 42 N., R. 26 E.,
Sec. 14, lots 5–8, inclusive, SW¼;
Sec. 15, lots 7–12, inclusive;
Sec. 22, N½, NE¼SW¼, NW¼SE¼;
Sec. 23, all;
Sec. 24, all;
Sec. 25, all;
Sec. 26, all;
Sec. 27, W½NE¼, SE¼NW¼, W½NW¼, S½;
Sec. 28, E½;
Sec. 33, E½E½;
Sec. 34, all;
Sec. 35, lots 5–20, inclusive;
Sec. 36, all;
T. 41 N., R. 27 E., unsurveyed,
Sec. 6, N½, SW¼.
T. 42 N., R. 27 E., unsurveyed,
Sec. 19, W½;
Sec. 29, W½SW¼;
Sec. 30, W½, SE¼;
Sec. 31, all;
Sec. 32, W½W½.

The area described aggregates approximately 12,316 acres of national resource lands.

E. I. ROWLAND,
State Director, Nevada.

[FR Doc.74-4219 Filed 2-21-74;8:45 am]

Fish and Wildlife Service

MARINE MAMMAL PERMIT

Notice of Receipt of Application and Notice of Public Hearing

Notice is hereby given that the following applicant has applied for a permit to take marine mammals for scientific research as authorized by section 101(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) gov-

erning the taking and importing of marine mammals. The director of the Bureau of Sport Fisheries and Wildlife, United States Fish and Wildlife Service, Department of the Interior, finds the following application sufficient for consideration.

Notice is also hereby given that, as authorized by § 104 of the Marine Mammal Protection Act of 1972, a hearing will be held at 10 a.m., local time, March 11, 1974, at the Bureau of Sport Fisheries and Wildlife conference room, 813 "D" Street, Anchorage, Alaska. The purpose of the hearing is to consider the following application for a scientific research permit.

The applicant, the Bureau of Sport Fisheries and Wildlife of the Department of the Interior, proposes a polar bear research program to:

(1) Immobilize, examine for marks or mark, and released up to 125 polar bear (*Ursus maritimus*) along the north coast and on the sea ice north of Alaska between March 1, 1974 and February 28, 1975. Polar bears killed during the immobilizing procedure will be retained. Mortalities are not expected, but the request is included to cover contingencies. Carcasses retained should number 5 or less.

(2) Obtain measurements, weights, blood samples from up to 25 polar bears; reproductive organs, skulls or a tooth from up to 50 polar bears killed by Eskimos under the native exemption provisions of the Marine Mammal Protection Act of 1972.

(3) To import the reproductive organs, skulls, or a tooth from up to 20 polar bears killed as authorized by Canadian authorities in or adjacent to northwestern Canada between December 21, 1972 and February 28, 1975.

The applicant requests this permit to allow studies now in progress on Alaska polar bears to continue. Alaskan polar bear research through 1972 was conducted by the Alaska Department of Fish and Game and the Bureau of Sport Fisheries and Wildlife. The Bureau increased its research effort under the mandate of the Marine Mammal Protection Act of 1972.

The applicant states that specimens obtained will be utilized to provide estimates of age, to determine if there are differences which indicate different subpopulations, and to provide data on productivity and breeding biology.

The applicant further states that the data will be used for the annual Department of the Interior status reports required by the Marine Mammal Protection Act and for evaluation of management plans which might be proposed. The studies proposed by the applicant are described as part of an international research effort coordinated by the Polar Bear Specialist Group of the International Union for the Conservation of Nature. The applicant also states that the studies will partially fulfill research obligations under Article VII of the Agreement on the Conservation of Polar Bears, signed at Oslo, Norway, in November 1973 (although not yet in effect).

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Director is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Documents submitted in connection with this application are available for public inspection during normal business hours at the Bureau's office in Suite 600, 1612 K Street NW., Washington, D.C. and at the office of the Alaska Area Director, 813 "D" Street, Anchorage, Alaska.

Interested persons may comment on this application by appearing at the hearing referred to above to present oral or written views, or by submitting written data or views, preferably in triplicate to the Director (FSF/LE), Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240. All relevant comments received no later than March 25, 1974, will be considered.

Dated: February 7, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74-3382 Filed 2-21-74;8:45 am]

Office of the Secretary

[Secretarial Order 2962]

GEOTHERMAL RESOURCES—GEOTHERMAL ENVIRONMENTAL ADVISORY PANEL

Establishment

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a)(1). The Acting Secretary of the Interior has issued Order No. 2962 dated February 6, 1974, creating an interagency environmental advisory panel to advise the Department on the environmental aspects of operations under geothermal leases. The Order is published in its entirety below. Further information regarding the Order may be obtained from Mr. Reid Stone, Geothermal Coordinator, Room 4351, Main Interior Building, U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-7511.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

FEBRUARY 14, 1974.

Subject: Geothermal Resources—Geothermal Environmental Advisory Panel

FEBRUARY 6, 1974.

SECTION 1. *Purpose.* The purpose of this Order is to establish a Geothermal Environmental Advisory Panel (Panel) to advise the Supervisors of Geological Survey and the Authorized Officers of the Bureau of Land Management or any other land managing agencies in carrying out their responsibilities related to environmental impacts resulting from exploration and development in connection with operations under leases issued under the Geothermal Steam Act of 1970 (30 U.S.C. Secs. 1001-1025).

SEC. 2. *Policy.* The Panel shall be responsible for advising the Supervisors of the Geological Survey and the Authorized Officers of the surface managing agency on the environmental aspects of exploration or development plans for leases in new geological or geographical areas submitted for approval under regulations 30 CFR 270 and 271 and 43 CFR 3200. In addition, the Panel shall be available, upon request of the Supervisor or the Authorized Officer, for additional advice or consultation regarding operations under any lease which may affect the environment.

SEC. 3. *Organization.* The Director, Geological Survey, after consultation with the Director, Bureau of Land Management, shall appoint an employee of the Department of the Interior as Chairman of the Panel with headquarters in California for the coordination of the Panel's activities. In addition, each of the following may appoint one member to the Panel: Bureau of Land Management, Geological Survey, Bureau of Sport Fisheries and Wildlife, Bureau of Mines, Bureau of Reclamation, Bureau of Indian Affairs, Bureau of Outdoor Recreation, National Park Service, and Office of the Solicitor. The heads of other Executive Departments and the Administrator of the Environmental Protection Agency will each be authorized to appoint one member to the Panel. Any agency, either inside or outside the Department of the Interior, authorized to appoint a member to the Panel may provide that the person so appointed shall act as a member of the Panel only when lands subject to the jurisdiction of that agency are involved.

SEC. 4. *Operation*—(a) *Supervisor.* The Supervisor for the Geological Survey shall submit for environmental advice the exploration or development plans within the area of operation under leases in any new geological or geographical areas to the Panel prior to his approval of such plans.

(b) *Authorized Officer.* The Authorized Officer of the surface managing agency shall submit to the Panel for environmental advice the plans or permits for activities which are outside the area of operations, but which are directly related to operations under leases in any new geological or geographical areas, prior to his approval of such plans.

(c) *Panel Chairman.* (1) The Chairman, not later than 15 days after receiving notification of a proposed action, shall inform the Supervisor or Authorized Officer whether the Panel intends to provide advice in that particular case. The Supervisor or Authorized Officer shall not delay action for more than 30 days from receipt of plan by the Chairman, unless requested to do so by the Secretary of the Interior.

(2) The Chairman shall coordinate all requests from the Supervisors and the Authorized Officers and furnish each Panel member with plans or necessary information. He shall coordinate replies from Panel members and notify the Supervisor or Authorized Officer of specific recommendations or advice.

(d) *Panel members.* Each member shall be responsible for obtaining the views of his own agency and equivalent State or local organizations on the proposed plan or action.

(e) *Requests for advice.* Where violations of law, regulations, or lease terms which threaten damage to the environment occur or appear likely, the Panel shall, if requested, respond immediately to a request for advice.

SEC. 5. *Meetings.*—(a) The Chairman shall call meetings at locations deemed by him to have the greatest importance to geothermal activity at the time. When it is desirable to do so, the Chairman shall call meetings at operational sites or at areas of particular environmental concern.

(b) The Chairman shall notify the Supervisor and the Authorized Officer of all Panel meetings and may invite them to attend such meetings to present or discuss special aspects of plans or problems submitted to the Panel.

SEC. 6. *Information.* All reports and other documents, including maps, submitted by a geothermal resources lessee to the Super-

visor or the Authorized Officer shall be made available to members of the Panel except information and other material which is not subject to public inspection without the consent of the lessee under 30 CFR 270.79. If the Chairman of the Panel shall request that any material excepted from disclosure to members pursuant to the foregoing sentence be made available to a member or members of the Panel because it is needed in connection with environmental evaluation, and the Supervisor having responsibility for the material shall consent, that material shall be made available to the member or members; however, any member who shall be permitted to inspect that material shall treat it as confidential and shall not make copies of it or reveal its contents to any persons not authorized to inspect it; no person not an employee of the Federal Government shall be at any time authorized to inspect such material. Any other information made available to the Panel shall, at the request of any member of the Panel, be made available to the general public.

SEC. 7. *Reimbursement*—(a) Each agency shall assume responsibility for expenses incurred by its members for carrying out his obligations to the Panel.

(b) The Geological Survey shall provide for the funding, space, and staff support for the Chairman to carry out his responsibilities to the Panel.

SEC. 8. *Term*. The Panel will become effective upon the issuance of this Order. It shall function until such time as the Secretary determines that the officers administering the geothermal resources leasing program no longer need the assistance of a Panel of specially qualified experts to advise them on the potential environmental impacts of operations in new or other areas.

SEC. 9. *Effective date*. This order is effective immediately.

[FR Doc.74-4166 Filed 2-21-74;8:45 am]

[Secretarial Order 2961]

TRANS-ALASKA PIPELINE

Contracting Authority

This notice is issued in accordance with the provisions of 5 U.S.C. 552(a)(1). The Acting Secretary of the Interior has issued Order No. 2961 dated February 6, 1974, regarding contracting authority associated with the construction of the Trans-Alaska Pipeline. The Order is published in its entirety below. Further information regarding the Order may be obtained from Mr. John Latz, Technical Assistant to the Under Secretary (Pipeline), U.S. Department of the Interior, Washington, D.C. 20240, telephone 202-343-2038.

JAMES T. CLARKE,
Assistant Secretary of the Interior.

FEBRUARY 14, 1974.

[Order No. 2961]

Subject: Trans-Alaska Pipeline—Contracting Authority

FEBRUARY 6, 1974.

SEC. 1 *Purpose*. The purpose of this Order is to grant contracting authority to the Authorized Officer, established in Secretarial Order 2960, issued January 23, 1974.

SEC. 2 *Authority*. This Order is issued in accordance with the authority provided by Section 2 of Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

SEC. 3 *Secretarial Delegation of Authority*. The Authorized Officer, referred to in the "Agreement and Grant of Right-of-way of Trans-Alaska Pipeline," and in the stipulations thereto, is delegated the authority, subject to the limitation contained in Part 205 of the Departmental Manual, to enter into procurement contracts and amendments or modifications thereof.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

FEBRUARY 6, 1974.

[FR Doc.74-4218 Filed 2-21-74;8:45 am]

[Order No. 2508, Amdt. 103]

SPECIFIC LEGISLATION

Delegation of Authority

Section 30 of Order 2508, as amended, is further amended by the addition under paragraph (a) of a new subparagraph to read as follows:

SEC. 30. *Authority under specific acts*. (a) In addition to any authority delegated elsewhere in this order, the Commissioner of Indian Affairs, except as provided in paragraph (b) of this section, is authorized to perform the functions and exercise the authority vested in the Secretary of the Interior by the following acts or portions of acts or any acts amendatory thereof:

* * * * *

(5) Section 1, Section 4, and Section 5 of the Act of September 21, 1972 (86 Stat. 719), which establishes title in the United States in trust for the land area known as the "McQuinn Strip" for the use and benefit of the Confederated Tribes of the Warm Springs Reservation of Oregon.

Actions taken by the Area Director, Portland, pursuant to the memorandum of March 13, 1973, from Deputy Assistant Secretary William L. Rogers are hereby ratified.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

FEBRUARY 13, 1974.

[FR Doc.74-4217 Filed 2-21-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

[Region 2]

MEDICINE BOW NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Medicine Bow National Forest Grazing Advisory Board will meet at 10 a.m. February 27, 1974 and Supervisor's Office, 605 Skyline Drive, Laramie.

The purpose of this meeting is to discuss the following items:

1. Coordinated resource planning as it involves range management planning.
2. Management of wild horses.
3. Fencing policy on the Forest.
4. Transfer of a temporary permit involving the upper limit.
5. Allocation of surplus range.

The meeting will be open to the public. Persons who wish to attend should notify Medicine Bow National Forest at 605 Skyline Drive, Laramie, Wyoming 82070, Phone 745-7308 area code 307. Written statements may be filed with the committee before or after the meeting.

WALTER E. SCHLUMPF,
Acting Forest Supervisor.

FEBRUARY 11, 1974.

[FR Doc.74-4225 Filed 2-21-74;8:45 am]

ROOSEVELT NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Roosevelt National Forest Grazing Advisory Board will meet at 10 a.m., March 26, 1974, in Room 225 Federal Building, 301 So. Howes, Fort Collins, Colorado.

The purpose of this meeting is to conduct the annual business meeting of the Board. Items to be discussed will include grazing fee for 1974; recent changes in grazing permits; areas where grazing of livestock is conflicting with other uses; and other routine matters.

The meeting will be open to the public. Persons who wish to attend should notify Dale L. Wills, P.O. Box 1366, Fort Collins, Colorado 80521, phone 482-5155. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public attendants may present opinion or statement on Board discussion only during a set period of time prior to the Board vote on the matter. Each presentation shall be limited to two (2) minutes for each individual unless more time is granted by the Board.

P. E. HAGER,
Acting Forest Supervisor, Rocky Mountain Region.

FEBRUARY 15, 1974.

[FR Doc.74-4220 Filed 2-21-74;8:45 am]

BIG LEVELS UNIT

Notice of Availability of Draft 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 draft environmental statement for the Big Levels Planning Unit, George Washington National Forest, Virginia, USDA-FS-R8-DES (Adm.)-74-2.

This environmental statement concerns the proposed management direction and resource allocation for a portion of the Pedlar Ranger District, George Washington National Forest, known as the Big Levels Planning Unit.

This draft environmental statement was transmitted to CEQ on February 14, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Road, N.W., Room 804
Atlanta, Georgia 30309

USDA, Forest Service
District Ranger
Pedlar Ranger District
Federal Building
Buena Vista, Virginia 24416

A limited number of single copies are available upon request to Robert W. Cermak, Forest Supervisor, George Washington National Forest, P.O. Box 233, Harrisonburg, Virginia 22801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Robert W. Cermak, George Washington National Forest, Harrisonburg, Virginia. Comments must be received by April 15, 1974 in order to be considered in the preparation of the final environmental statement.

HANS R. RAUM,
Acting Regional Forester.

[FR Doc.74-4162 Filed 2-21-74;8:45 am]

NORWOOD DISTRICT G-10 GRAZING ADVISORY BOARD

Notice of Meeting

The G-10 Advisory Board will meet at 1 p.m., March 9, 1974 at the Norwood Forest Service Office in Norwood, Colorado. The purpose of this meeting is to discuss matters pertaining to livestock grazing on the Norwood Ranger District.

The meeting will be open to the public. Persons who wish to attend should notify the Norwood District Ranger, Norwood, Colorado, telephone 303 327-4343. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: General public comments will be accepted anytime during the meeting.

Dated: February 12, 1974.

JOHN T. MINOW,
Forest Supervisor.

[FR Doc.74-4174 Filed 2-21-74;8:45 am]

TOIYABE NATIONAL FOREST LIVESTOCK ADVISORY BOARD

Notice of Meeting

The Toiyabe National Forest Livestock Advisory Board—Mono Division will meet on March 25, 1974 at the Douglas County Courthouse at 1:30 p.m.

The purpose of the meeting is to discuss livestock grazing on Forest rangelands, to update the Board on recent Forest Service activities and land use planning, and to elect new officers of the Board.

The meeting will be open to the public. Persons who wish to attend should notify Forest Supervisor Jack Lavin, 111 No. Virginia St., Reno, NV 89501, Telephone 784-5331. Written statements may be filed with the Board before or after the meeting. Individuals may participate in discussions at anytime during the meeting.

Dated: February 14, 1974.

ORLO JOHNSON,
Acting Forest Supervisor, Intermountain Region.

[FR Doc.74-4176 Filed 2-21-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order 47-1, Amdt. 1]

DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL ECONOMIC POLICY AND RESEARCH

Delegation of Authority

This order effective January 14, 1974 amends the material appearing at 39 FR 1649 of January 11, 1974.

DIBA Organization and Function Order 47-1, dated November 12, 1973, is hereby amended as follows:

1. In SEC. 2. *Delegations*, Sec. 2.01 b and c are added to read:

b. Section 4221 of the Internal Revenue Code of 1954, as amended, and the Tariff Act of 1930, as amended (19 U.S.C. 1309), insofar as they relate to findings with respect to exemptions from taxes and import duties on supplies and equipment for aircraft;

c. Such provisions as are necessary to the performance of the Deputy Assistant Secretary's functions of the Trade Expansion Act of 1962 (19 U.S.C. 1801 et seq.) ("TEA"), and Executive Order 11075 of January 15, 1963, as amended by Executive Order 11106 of April 18, 1963, with respect to foreign trade agreements and tariff matters except Chapters 1 and 2 of Title III of the TEA dealing with the furnishing of adjustment assistance, Section 401 of Title IV of the TEA authorizing the issuance of regulations and delegation of functions, and Section 361 of the TEA dealing with the Adjustment Assistance Advisory Board.

TILTON H. DOBBIN,
Assistant Secretary for Domestic and International Business.

[FR Doc.74-4156 Filed 2-21-74;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 12

Notice of Meeting

Pursuant to Pub. L. 92-463 and Executive Order 11686, notice is hereby given that the Federal Information Processing Standards Task Group 12—Significance and Impact of ASCII as a Federal Standard will hold a meeting from 10 a.m. to 3 p.m. on Friday, March 1, 1974, in Lecture Room B, Building 101 of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of the meeting is to review results obtained from ASCII survey questionnaires and to consider matters related to the findings.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify the Executive Secretary, Mr. John Little, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3723).

Dated: February 19, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-4275 Filed 2-21-74;8:45 am]

Office of the Secretary

[Dept. Admin. Order 208-2, Transmittal 194; Dept. Admin. Order 208-2, Amdt. 1, Transmittal 197]

CHIEF, PROCUREMENT DIVISION

Delegation of Authority

This order, effective January 2, 1974 (and its amendment of February 4, 1974, attached) supersedes the material appearing at 37 FR 8013 of April 22, 1972 and 38 FR 10167 of April 25, 1973.

SECTION 1. *Purpose.* .01 This order further delegates certain procurement authority of the Assistant Secretary for Administration delegated to him in Department Organization Order 10-5.

.02 This revision provides for delegation of procurement authority from the Director, Office of Administrative Services and Procurement directly to the Chief, Procurement Division, rather than through the Deputy Director for Operations.

SEC. 2. *Definitions.* .01 *"Procurement"* means the acquisition (and directly related matters), from non-Federal sources, of personal property, personal and nonpersonal services (including construction) by such means as purchasing, renting, leasing (including real property), contracting, or bartering, but not seizure, condemnation, donation, or requisition.

.02 *"Procurement authority"* means the powers of an executive agency and of an agency head to perform procurement as set forth in Chapter 4, Title 41 of the U.S. Code or other law. It also includes the power to authorize the publication of advertisements, notices, or proposals in a newspaper required by 44 U.S.C. 3702, which is delegable under 5

U.S.C. 302(b)(2). It does not include the authority to decide the objects of procurement, i.e., what procurement items or services are required. The latter is implicit in the managerial authorities of officials of the Department as delegated or assigned to them.

.03 *"Contracting Officer"* means an official who by delegation or designation has authority to enter into or administer procurement contracts on behalf of the Government and to make related findings and determinations, to the extent and within the limitations of the authority specified in said delegation or designation. Contracting officer includes a person authorized to make small purchases of property or services which in any one transaction do not exceed $2,500.

.04 *"Field Office"* means, for the purpose of this order, any organizational element in a city or locality outside the Washington Metropolitan area, whose head reports to an official in a different city or locality, including the Washington area.

.05 *"Management consulting services"* means any survey, research study, analysis, or consultation concerned primarily with improving the management system or practices of the Department as a whole or of any of its organizational units.

SEC. 3. *Procurement Authority of Office of Administrative Services and Procurement.* .01 Except as provided in section 4 and subject to the limitations contained in section 5 of this order, the Departmental Office of Administrative Services and Procurement shall perform procurement for all elements of the Department. For this purpose procurement authority is herewith delegated to the Director, Office of Administrative Services and Procurement without limitation. Additionally, procurement authority is herewith delegated to the Chief, Procurement Division, Office of Administrative Services and Procurement, subject to any conditions and limitations imposed by the Director, Office of Administrative Services and Procurement.

.02 The Chief, Procurement Division, may further delegate such authority or any aspect thereof, subject to further conditions or limitations, to other employees within the Division. Each such delegation shall be made by specific written delegation or designation, and shall include or make specific reference to any conditions or limitations on the scope of authority to be exercised. The Chief, Procurement Division, shall be the chief officer responsible for procurement for the Department, subject to the general supervision of the Director, for purposes of 41 U.S.C. 257(b), except as provided in section 4 of this order.

SEC. 4. *Procurement Authority of Operating Units.* .01. The head of each operating unit, or his designee, may give to heads of field offices, with power of redelegation, authority to purchase from commercial sources, supplies, materials and services not to exceed normal imprest fund limitations.

.02 The head of each operating unit is authorized to delegate procurement authority to the head of a field office that has program responsibilities which require the field office to perform procurement beyond that specified in paragraph .01 of this section. Each such delegation shall:

a. Require the advance approval of the Assistant Secretary for Administration, who will review the need for the field office's proposed procurement activity and determine whether staffing arrangements will permit selection and designation of qualified contracting officers for the designated procurement authority.

b. Specify the kinds of procurement actions and classses of procurement items to which exercise of the authority shall be limited; the extent of redelegation and authority that is authorized, and such other conditions and limitations on the scope of authority as the head of the operating unit may desire or be required to impose.

c. Be subject to the conditions and limitations provided in section 5 of this order.

d. Provide that the head of a field office to whom procurement authority is delegated shall be the chief officer responsible for procurement (41 U.S.C. 257(b)) for that field office, and that he may by written delegation or designation redelegate his procurement authority to other contracting officers within the field office, subject to such conditions and limitations on the scope of their authority as he may provide.

.03 The Director, Office of Administrative Services and Procurement, may give specified procurement authority to a designated person or persons in the headquarters of operating units whose headquarters are principally located outside the Main Commerce building. The granting of procurement authority under this provision shall be limited to the kinds and amounts of procurement that the Director, Office of Administrative Services and Procurement, determines can be procured for the operating units more advantageously under such an arrangement, all factors considered, than through the centralized procurement unit of his office. The granting of such procurement authority and the designation of a person or persons in an operating unit headquarters to serve as a contracting officer for such purpose shall be subject to the concurrence of the head of the operating unit involved, or his designee.

.04 The Assistant Secretary for Maritime Affairs is delegated procurement authority, subject to the conditions and limitations provided in section 5 of this order, for (a) general agency services for operating ships, (b) ship construction for the Government's account, and (c) ship construction subsidy contracts under section 502 of the Merchant Marine Act, as amended. The Assistant Secretary for Maritime Affairs may redelegate such authority to a chief officer responsible for procurement for purposes of 41 U.S.C. 257(b) and to other contracting officers within the Maritime Administration, by written delegation or designation, subject to such conditions and limitations on the scope of their authority as he may provide.

.05 The Assistant Secretary for Administration may in the interests of economy and efficiency, by arrangement with affected heads of operating units, designate certain units to perform centralized field procurement, and make appropriate delegations of procurement authority to effect such operations.

SEC. 5. *Limitations relating to delegated procurement authority.* .01 The Assistant Secretary for Administration, designated in Department Organization Order 10-5 to serve as "agency head," shall make the determinations and decisions specified in 41 U.S.C. 252(c) (12) and (13), and in 41 U.S.C. 252(c)(11) for each contract or supplement thereto which requires the expenditure of more than $25,000. If the expenditure under (c)(11) is $25,000 or less, the determination shall be made only by a chief officer responsible for procurement indicated in sections 3 and 4 of this order. A determination for advance payments (41 U.S.C. 255) shall also be made by a chief officer responsible for procurement.

.02 With respect to the procurement of management consulting services by contract where the total cost of the contract or any supplement thereto is expected to be greater than $10,000, the approval of the proposed procurement shall be obtained from the Assistant Secretary for Administration prior to submission of the procurement request.

.03 Invitations for bids, requests for proposals, contractual documents, including supplements thereto, notices terminating contracts, and final determinations made by contracting officers under the disputes clause, shall be subject to such legal clearance as specified in instructions to be issued by the General Counsel or his designee with the concurrence of the Assistant Secretary for Administration or his designee. Legal advice shall be sought before other actions are taken in connection with contract awards or contract administration wherever it is apparent that such actions may have potential legal consequences of substance.

.04 Procurement authority shall be exercised in accord with applicable statutory requirements, Executive Orders, the Federal Procurement Regulations and implementing Departmental regulations, policies, and instructions, and other related laws and regulations.

SEC. 6. *Recording delegations of procurement authority.* Contracting Officers other than those designated in this order shall be selected, designated and their designations terminated in accord with 41 CFR 1-1.404. A file of each instrument of designation and termination of designation shall be maintained by the head of each office where procurement is performed. A copy of such instrument shall be forwarded promptly to the Director, Office of Administrative Services and Procurement, who shall arrange to maintain a central record of contracting officers of the Department author-

ized to exercise procurement authority covered by this order.

Department Administrative Order 208-2, dated January 2, 1974, is hereby amended as follows:

In sec. 5. *Limitations relating to delegated procurement authority,* renumber the present paragraph .04 as .05 and insert a new paragraph .04, to read as follows:

.04 All Department findings and determinations justifying sole source procurement of Automated Data Processing Equipment (ADPE) in excess of $10,000 by either lease or purchase shall be submitted to the Director, Office of Administrative Services and Procurement. Review and approval of these findings and determinations shall be made in accordance with the provisions of the Office of Management and Budget Circular No. A-54, Federal Property Management Temporary Regulation E-25, 37 F.R. 197, October 11, 1972 and DAO 212-1. In conducting such reviews, advice shall be obtained from the ADP Management Division, Office of Organization and Management Systems.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74-4230 Filed 2-21-74; 8:45 am]

[Dept. Organization Order 25-5A, Amdt. 3; Transmittal 189]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

This order effective February 4, 1974, amends the material appearing at 37 FR 12245 of June 21, 1972; 37 FR 26745 of December 15, 1972; and 38 FR 5277 of February 27, 1973.

Department Organization Order 25-5A, dated May 19, 1972, is hereby further amended as follows:

Sec. 3. *Delegation of authority,* the following new subparagraphs are added under paragraph .01:

x. The functions prescribed by Public Law 93-205, the Endangered Species Act of 1973.

y. The functions prescribed by Public Law 93-242, the Offshore Shrimp Fisheries Act of 1973.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74-4229 Filed 2-21-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration

NATIONAL ADVISORY BODIES

Meetings

The Administrator, Health Resources Administration, announces the meeting dates and other required information for the following National Advisory bodies scheduled to assemble the month of March 1974:

Council name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Health Professions Education.	March 11-12, 8:30 a.m., Conference Room No. 10, Bldg., 31-C, National Institutes of Health, 9000 Rockville Pike, Bethesda, Md.	Open—March 11, 1974, 8:30 a.m.-10:30 a.m., Closed—remainder of meeting. Contact Ms. Lynn Stevens, Bldg. 31-C, National Institutes of Health, Room 4C-06, 9000 Rockville Pike, Bethesda, Md. Code 301-496-5353.

Purpose: Advises the Secretary with respect to the administration of programs of financial assistance for the health professions, including construction of facilities, student loans and scholarships, capitation for the support of educational programs, special projects and other purposes to improve the quality of education and conducts the final review of grant applications in these areas.

Agenda: The Council will discuss administrative and staff support and this portion will be open to the public. The Council will review grant applications, and this portion will be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92-463, section 10(d).

Council name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Nurse Training.	March 11-13, 1974, 10:30 a.m., Conference Room 4, Bldg. 31, National Institutes of Health, Bethesda, Md.	Open March 11, 10:30 a.m.—noon, Closed remainder of meeting. Contact Dr. Mary S. Hill, Federal Bldg., Room 6C-08, 9000 Rockville Pike Bethesda, Md. 20014. Code 301-496-6935

Purpose: Performs final review of applications for construction projects, special projects for the improvement of nurse training, and research grants. Recommends approval, disapproval, or deferral action to the Administrator of Health Resources Administration.

Agenda: Agenda items for open portion of meeting will cover introduction of new member; consideration of minutes of previous meeting; consideration of meeting dates for 1974 and 1975; and administrative and staff reports. During the remainder of meeting, the Council will conduct a final review of grant applications for Federal assistance and will not be open to the public in accordance with the determination by the Administrator, Health Resources Administration, pursuant to the provisions of Pub. L. 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

Portions of the meetings are open to the public for observation and participation. Anyone wishing to participate should contact the above individuals.

Dated: February 14, 1974.

KENNETH M. ENDICOTT,
Administrator, Health Resources Administration.

[FR Doc.74-4203 Filed 2-21-74;8:45 am]

National Institutes of Health

NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Diagnostic Radiology Committee, National Cancer Institute, March 13, 1974, 9 a.m., National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public from 9 a.m. to 4 p.m., March 13, 1974, to discuss new requests for proposals in the area of radiological diagnosis research. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496-5708) will furnish summaries of the open meeting and roster of committee members.

Ihor J. Masnyk, Ph.D., Executive Secretary, Building 31, Room 3A06, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1591) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.925, National Institutes of Health)

Dated: February 14, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, NIH.

[FR Doc.74-4170 Filed 2-21-74;8:45 am]

NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Subcommittee of the Cancer Treatment Advisory Committee, National Cancer Institute, March 22, 1974, 9 a.m. to 5 p.m., National Institutes of Health, Building 31, Conference Room 2. The meeting will be open to the public and is being set up to discuss the National Cancer Program responsibilities of the Division of Cancer Treatment in therapeutic trials involving surgery, radiation, chemotherapy or immunotherapy. Also on the agenda will be discussion of the peer review for Division contracts. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open meeting and roster of subcommittee members.

Dr. C. Gordon Zubrod, Executive Secretary, Building 31, Room 3A52, National

Institutes of Health, Bethesda, Maryland 20014 (301/496-4291) will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: February 14, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, NIH.

[FR Doc.74-4168 Filed 2-21-74;8:45 am]

NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, April 2, 1974, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9:30 a.m. to adjournment for a report from the Chairman, President's Cancer Panel and a report from the Director, National Cancer Institute. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: February 14, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, NIH.

[FR Doc.74-4171 Filed 2-21-74;8:45 am]

NATIONAL CANCER INSTITUTE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, April 23, 1974, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9:30 a.m. to adjournment for a report from the Chairman, President's Cancer Panel and a report from the Director, National Cancer Institute. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5854) will provide substantive program information.

Dated: February 14, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, NIH.

[FR Doc.74-4172 Filed 2-21-74;8:45 am]

NATIONAL HEART AND LUNG INSTITUTE

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Hypertension Information and Education Advisory Committee, National Heart and Lung Institute, April 2, 1974, 9 a.m., National Institutes of Health, Building 31, Conference Room 6. This meeting will be open to the public from 9 a.m. to 5 p.m., April 2, 1974. The agenda will include progress reports on various aspects of the National High Blood Pressure Education Program. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, Information Officer, NHLI, NIH Landow Building, Room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive information may be obtained from the Executive Secretary, Dr. John B. Stokes III, NHLI, NIH Building 31, Room 4B44, phone 496-2311.

Dated: February 14, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, NIH.

[FR Doc.74-4169 Filed 2-21-74;8:45 am]

Office of Education

ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Notice of Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that a meeting of the Advisory Council on Financial Aid to Students will be held on February 28, 1974 at 9 a.m.-4:30 p.m., on March 1 at 9 a.m.-4:30 p.m., and on March 2, 1974 at 9 a.m.-2 p.m., in Room 4004, Office Building #6, 400 Maryland Avenue, SW., Washington, D.C.

The Advisory Council on Financial Aid to Students is established under Pub. L. 92-318, Section 137(b), June 23, 1972. The Council is established to advise the U.S. Commissioner on matters of general policy arising in his administration of programs relating to financial assistance to students and on evaluation of the effectiveness of these programs.

The meeting of the Council shall be open to the public. The proposed agenda includes:

FEBRUARY 28

1. Review of comments regarding previous meeting of Council.
2. Discussion of Transcript of previous Council meeting (copies will be available).

MARCH 1

General Discussion (the Council has been invited to attend a conference sponsored by the National Association of Student Financial Aid Administrators, to be held at the L'Enfant Plaza Hotel from 9:00 a.m.-4:30 p.m., and will base its discussion schedule around this conference).

MARCH 2

1. Review of topics discussed at Conference of National Association of Student Financial Aid Administrators, and related matters.
2. Discussion of recommendations for annual report of Council to the U.S. Commissioner of Education.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of Dr. Richard L. McVity, OE Council Delegate, located in Room 4525, Regional Office Building No. 3, 7th and D Streets, SW., Washington, D.C.

Signed at Washington, D.C. on February 19, 1974.

RICHARD L. MCVITY,
OE Council Delegate.

[FR Doc.74-4231 Filed 2-21-74;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 meet from 9 a.m. to 4 p.m. on March 29 and March 30, 1974 in the Council Room of the Sheraton-Carlton Hotel, 923 16th Street, NW., Washington, D.C.

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, legislative recommendations for fiscal year 1975, cite selection for Council member visits.

Signed at Washington, D.C. on February 15, 1974.

HERMAN R. GOLDBERG,
Associate Commissioner, Office of Equal Educational Opportunity.

[FR Doc.74-4191 Filed 2-21-74;8:45 am]

Office of the Secretary

OFFICE OF THE ASSISTANT SECRETARY, COMPTROLLER

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Secretary, is revised to add a new section 1W, Office of the Assistant Secretary,

Comptroller. The principal components of the Office will be treated in separate sub-sections. The new section reads as follows:

SECTION 1W.00 *Mission.* The Assistant Secretary, Comptroller is the principal advisor to the Secretary in the financial management of the Department. The Office of the Assistant Secretary, Comptroller provides leadership in establishing basic Department policy in the area of financial management.

SEC. 1W.10 *Organization.* A. The Assistant Secretary, Comptroller reports to the Secretary.

B. The Office of the Assistant Secretary, Comptroller includes:

1. The Immediate Office of the Assistant Secretary, Comptroller
2. The Deputy Assistant Secretary, Budget
3. The Deputy Assistant Secretary, Finance
4. HEW Audit Agency
5. Division of Financial Management Standards and Procedures

C. In the absence of the Assistant Secretary, Comptroller, the following officials, in the order shown, act as Comptroller:

Deputy Assistant Secretary, Comptroller
Deputy Assistant Secretary, Budget
Deputy Assistant Secretary, Finance
Director, HEW Audit Agency

SEC. 1W.20 *Functions.* A. The Assistant Secretary, Comptroller:

1. Directs and coordinates all financial management activities of the Department.
2. Together with the Assistant Secretary for Administration and Management, cooperates with the Assistant Secretary for Planning and Evaluation in carrying out responsibility for developing the Department five-year program and financial plan and the development and administration of the Department's planning and budgeting system.
3. Represents or designates representatives for the Department in its relationships on financial management matters with the Office of Management and Budget, Treasury Department, General Accounting Office, and other Federal agencies, inter-departmental committees and boards, and intra-agency advisory committees or groups.

B. Deputy Assistant Secretary, Comptroller:

1. Serves as principal adviser to the Assistant Secretary, Comptroller on all aspects of financial management and provides leadership to all functions of the Comptroller's office.
2. Integrates output of accounting, budgeting and financial reporting functions to serve the needs of the Secretary and Under Secretary.
3. Exercises oversight and leadership to achieve priority Secretarial objectives in the field of financial management.
4. Oversees planning of resource allocations for the Department. Oversees the programming and control of funds for the Department.
5. Acts as a principal HEW negotiator with top OMB staff. Represents the Department at appropriation hearings and bears primary responsibility for negotiating with members and staff of Congressional Appropriations Subcommittees.
6. Serves as principal spokesman for the Comptroller's Office with outside groups and the press.
7. Supervises budget formulation and execution for the Office of the Secretary.

C. The Deputy Assistant Secretary, Budget:

1. Oversees preparation and execution of budgets, estimates and forecasts of resources required to support programs and activities of the Department, including forecasts of resources required to support short and long-range plans.
2. Analyzes, in coordination with other staff advisors to the Secretary, plans and proposals for new or alternative legislation, programs or activities to determine their budgetary and financial management implications.
3. Appraises programs, activities and operations in terms of their contribution to policies, goals and objectives of the Department as a basis for evaluating budgetary requirements. In the case of on-going programs, makes appraisals to determine whether programs have remained in keeping with original objectives as stated in budget requests and other representations to the Office of Management and Budget and to the Congress. Conducts specific studies and appraisals of program needs and performance in areas identified by the Secretary, the Under Secretary and other top management officials.
4. Operates the HEW integrated funding system, whereby grantees with projects cutting across categorical program lines are funded by integrating funds from different HEW sources into one grant award.
5. Represents or designates representatives for the Department in its relationships on financial management matters with Congressional appropriations committees.
6. Develops and administers policies and procedures for allocation and control of employment ceilings in conjunction with the Office of the Assistant Secretary for Administration and Management. Monitors agency staffing levels, and reviews and recommends action on proposed changes in agency staffing levels in accordance with manpower utilization studies approved by the Under Secretary.

D. The Deputy Assistant Secretary, Finance:

1. Oversees development and execution of Department-wide policies and procedures to regulate fiscal, cost control, travel and accounting activities.
2. Develops and executes policies and procedures on expenditure and collection of funds administered by the Department.
3. Establishes and maintains a Department-wide system for financial reporting.
4. Assists HEW components in the design, installation and improvement of their accounting systems and operations. Reviews DHEW accounting systems to assure compliance with Department accounting systems concepts and legal and General Accounting Office requirements.
5. Establishes uniform standards, classifications, terminologies and policies to be used throughout the Department in its financial management activities.
6. Develops and maintains management data collection and reporting systems concerning programs, activities and operations of the Department (including the operating agencies) as may be necessary to insure sound financial management of the Department.
7. Provides fiscal and accounting services for the Office of the Secretary, and, upon arrangement, for the operating agencies.

E. The Director, HEW Audit Agency:

1. Exercises responsibility for conducting comprehensive audits of all Department programs, functions and activities, including those conducted by the Department's various grantees and contractors. Also, in accordance with OMB directives, performs audits for other Federal agencies at certain universities and State and local governments for which the HEW Audit Agency has been assigned audit cognizance.
2. Develops policies, procedures, standards and criteria relating to audit activities at all levels within the Department.
3. Determines when audits can be most appropriately carried out by Federal organizations outside the HEW Audit Agency or by private organizations and evaluates the results performed by other organizations.
4. Provides Department liaison with the General Accounting Office and other Federal, State and private auditing organizations on all matters pertaining to audits.

F. The Division of Financial Management Standards and Procedures:

1. Develops policy covering reimbursement of indirect costs incurred by DHEW grantees and contractors and coordinates Regional functions responsible for applying the policies. These policies apply to such matters as hospitalization rates for research patients, indirect cost rates for grants and contracts with non-profit institutions, State departments, and local governments; and cover approval of state-wide cost allocation plans on behalf of the Department's operating agencies and other Federal Departments.
2. Serves as a source of technical advice and expertise available to other parts of the Office of the Secretary, to the National Institutes of Health, to the Office of Education, to State and local governments, and to universities. This work entails determining most appropriate methods of allocating operational costs; refining and clarifying methodology of cost allocation studies; developing tests on reliability of effort reporting; conducting in-depth studies at institutions which used the cost allocation management techniques; and extending the cost analysis approach to other health professions and allied health schools as well as to other parts of the university.

SEC. 1W.30 *Delegations of authority.* A. Except as specifically delegated or as-

signed to other officials of the Department (not under the supervision of the Assistant Secretary, Comptroller) or reserved elsewhere in the Organization Manual, the Assistant Secretary, Comptroller, is authorized to perform all functions of the Secretary in the field of financial management. These functions shall include, but not be restricted to, the authority to:

1. Review and approve the following for the Department prior to submission to the Office of Management and Budget and the Congress: Apportionment and Reapportionment Schedules (SF 132 or SF 142) and Status of Apportionment Accounts (SF-133 or SF-143), provided that those indicating a need for a deficiency or supplemental appropriation shall be approved by the Secretary prior to submission.

2. Make primary allotment for appropriations made to organizational units of the Office of the Secretary.

3. Allocate to operating agencies and other organizational units of the Department funds for programs in which more than one operating agency of the Department participates.

4. Approve appropriation transfer authorizations involving intra- and interdepartmental transfers of funds.

5. Approve the establishment of working funds and working capital funds within the Department.

6. Designate certifying officers in the Department pursuant to Public Law 389, approved December 29, 1941, and to revoke such authorizations. To designate such officers and employees of the Department as are required to be bonded to the United States and to certify such officers and employees to the disbursing office of the Treasury Department, and to revoke such designations.

7. Authorize travel advances (see Travel Manual, Chapter 2-10).

8. Review all reports of violations in the Department under the Administrative Control of Funds regulations.

9. Determine the appropriation or fund to be charged with any award, compromise, or settlement made by the Attorney General pursuant to 28 U.S.C. 2677, if such award, compromise, or settlement cannot reasonably be charged in its entirety to the appropriation or fund which finances the organization or activity which employs the individuals whose negligence resulted in the claim or suit.

10. Approve the reprogramming and/or redistribution of funds between projects, programs and activities within a single appropriation fund or account.

11. Establish a consolidated appropriation in each agency for discretionary funds to be used in support of integrated funding for projects which cut across categorical program lines.

12. Approve the issuance of Department manuals relating to audit, budget, accounting, travel and transportation, and any other Department manuals prescribing policies and procedures relating to budgetary and financial management.

B. In exercising the authority described in Section 1W.30, the Assistant Secretary, Comptroller, as he deems appropriate, may:

1. Redelegate any portion thereof;

2. Authorize further redelegations;

3. Supersede or modify, in whole or in part, in accordance with established procedures, any directives (orders, instructions, delegations, etc.) issued prior to this date by the Secretary or the Federal Security Administrator relating to such subject matter.

CHAPTER 1W0501—DIVISION OF OS BUDGET SERVICES

SECTION 1W0501.00 *Mission.* The Division of OS Budget Services is responsible for the formulation, presentation, and execution of the Office of the Secretary budget and is the focal point for all budget and fiscal matters for the various offices that comprise the Office of the Secretary.

SEC. 1W0501.20 *Functions.* A. The Director, Division of OS Budget Services reports directly to the Deputy Assistant Secretary, Comptroller.

SEC. 1W0501.20 *Functions,* A. The Director, Division of OS Budget Services, serves as budget officer and principal financial management advisor to Office and Division Chiefs within the Office of the Secretary.

B. In performance of its function the Division:

1. Participates in planning, directing and coordinating financial and budgetary programs of the Office of the Secretary.

2. Directs and provides technical guidance to administrative officers in preparing budgets. Coordinates individual budgets for preparation of a single budget document for presentation to Departmental management, the Office of Management and Budget and the Congress.

3. Assists in planning and presentation of the budget before the Office of Management and Budget and the Congress and develops materials for key members of the Office of the Secretary in testimony at hearings before these bodies.

4. Reviews the budget as approved by Congress and recommends a financial plan for its execution. Makes allocations to constituent offices within the guidelines of the approved financial plan.

5. Allocates employment ceilings for OS components and develops and monitors the Office of the Secretary average grade plan.

6. Develops and maintains budgetary controls to insure observance of established ceilings on both funds and personnel.

7. Prepares requests for apportionment of appropriated funds. Maintains control of allotted funds against current obligations. Maintains and monitors subsidiary expenditure controls for appropriations in the Office of the Secretary, including separate plans for each of the Regional Offices.

8. Provides analysis and coordination of accounting reports of the various accounting points in the Office of the Secretary.

9. Develops financial operating procedures and manuals. Assures implementation within the Office of the Secretary of Departmental and Federal fiscal policies and procedures.

DEPUTY ASSISTANT SECRETARY, BUDGET

SECTION 1W10.00 *Mission.* The Deputy Assistant Secretary, Budget is the principal advisory to the Assistant Secretary, Comptroller on matters pertaining to formulation, analysis, presentation, and execution of budgets, apportionments, reprogrammings, consolidated funding, and other mechanisms relating to the optimum direction and coordination of the financial resources of the Department.

SEC. 1W10.10 *Organization.* The Deputy Assistant Secretary, Budget reports to the Assistant Secretary, Comptroller and his Office includes the following:

1. Immediate Office
2. Division of Budget Operations
3. Division of Health Budget Analysis
4. Division of Education Budget Analysis
5. Division of Welfare Budget Analysis
6. Division of Budget Standards and Presentation

SEC. 1W10.20 *Functions.* The Deputy Assistant Secretary, Budget:

A. Encourages sound budgetary practices throughout the Department, including the provision of technical guidance and training to agency budget staffs.

B. Prepares and issues Department-wide budgetary policies.

C. Promulgates uniform budgetary standards, classifications, and terminologies.

D. Evaluates budgetary proposals, including the identification of major issues, and formulates, where appropriate alternatives budgetary strategies.

E. Develops the annual budget and other budgetary and financial documents as required.

F. Explains and interprets the HEW budget and other appropriations matters to the Office of Management and Budget, Committees of the Congress, and other interested parties.

G. Participates in the Department's planning and evaluation process, particularly in the establishment of long-range resource requirements, the setting of agency planning ceilings, and the identification and resolution of policy issues which cut across agency lines. Comments on draft regulations and reorganization proposals.

H. Maintains Department-wide systems for budget execution, expenditure reporting, and administration of employment ceilings.

I. Reviews and approves Requests for Treasury warrants, apportionments, reprogrammings, transfers of funds, and other mechanisms relating to the funding of approved programs.

J. Conducts special studies and analyses of budgetary and related processes.

K. Plans, implements, and coordinates a Department-wide system designed to provide consolidated funding support for integrated social research and services projects.

CHAPTER 1W1003—DIVISION OF BUDGET OPERATIONS

SECTION 1W1003.00 *Mission.* The Division of Budget Operations has Department-wide responsibility for the review, analysis and appraisal of financial elements of program execution, and for development and execution of policies related to the efficient and effective allocation, expenditure and control of funds. In addition, the Division is responsible for developing and maintaining a Department-wide system designed to provide consolidated funding support for integrated social research and services projects.

SEC. 1W1003.10 *Organization.* The Division of Budget Operations is headed by a Director who operates under the general direction of the Deputy Assistant Secretary, Budget. The Director is assisted by a staff of analysts and supporting staff organized into three major functional areas: expenditure estimation and control, manpower and special projects, and consolidated and special funding.

SEC. 1W1003.20 *Functions.* The Division of Budget Operations

A. Develops and executes Department-wide policies for efficient and effective allocation and expenditure of funds administered by the Department. Performs special studies of organizations and processes for the purpose of improving methods and procedures from the standpoint of better financial management and of more effective HEW operations.

B. Establishes and maintains a Department-wide budget execution system. Develops and issues uniform standards, classifications, and procedures which will (1) distribute and apply resources consistent with Departmental policy and with the budget as approved by the Congress; (2) assure adequate controls of such resources at the operating agency level; and (3) provide adequate opportunity for shifts in direction or scope and for financing needs not anticipated at the time the original budget was presented to the Congress.

C. Establishes and maintains a system of cost estimates and projections. Develops and maintains a Department-wide system of controls over outlays to assure adherence to Congressional and Presidential ceilings and cutbacks on outlays. Prepares cutback plans, as required, which minimize adverse impact on the Department's programs and the Secretary's priorities.

D. Develops and administers policies and procedures for Departmental operations under Continuing Resolutions pending enactment of regular appropriations.

E. Reviews agency Treasury warrant requests and apportionment and reapportionment schedules and develops recommendations to the Deputy Assistant Secretary, Budget before their submission to the Department of the Treasury and the Office of Management. Reviews and recommends action on agency requests for reprogramming and/or redistribution of funds.

F. Plans, organizes, and directs special studies of organizations and processes for the purpose of improving methods and procedures from the standpoint of better financial management and more effective HEW operations. Conducts special studies and analyses in support of the budget process as the need arises and in the interest of sound financial management.

G. Prepares periodic and special reports on the status of Departmental budget execution. Develops sound reporting practices.

H. Develops and administers policy and procedures for interagency and interdepartmental arrangements and agreements for transfer of funds.

I. Develops and administers policies and procedures for allocation and control of employment ceilings in conjunction with the Office of the Assistant Secretary for Administration and Management. Monitors agency staffing levels, and reviews and recommends action on proposed changes in agency staffing levels in accordance with manpower utilization studies approved by the Under Secretary.

J. Responds to inquiries from the Congress, the Executive Branch, and the public for information on funds expended by the Department, the status of programs or projects, and other matters related to budget execution.

K. Plans, implements, and coordinates a Department-wide system designed to provide consolidated funding support for integrated social research and services projects which will allow a prospective grantee seeking support for a project requiring funding from several DHEW sources to submit one application, obtain approval and funding through one system, and be subject to one set of reporting and monitoring requirements. Develops policy and procedures for application, reporting, management, and appraisal of projects receiving consolidated funding support.

L. Reviews and evaluates consolidated funding applications; assures that consultation is provided to prospective grantees; identifies programs with interest in the proposal; develops funding matrix; and assigns applications to appropriate agencies and staff elements and review.

M. Administers a formal Departmental review and approval process for consolidated funding projects, including establishment of priorities for the types of projects to be funded. Approves or disapproves applications subject to the grantmaking authorities of the agency heads.

CHAPTER 1W1006—DIVISION OF HEALTH BUDGET ANALYSIS

CHAPTER 1W1007—DIVISION OF EDUCATION BUDGET ANALYSIS

CHAPTER 1W1008—DIVISION OF WELFARE BUDGET ANALYSIS

SECTION 1W1006–1008.00 *Mission.* The Divisions of Budget Analysis direct and coordinate development and preparation of budgets, estimates and forecasts of resources required to support operations and activities of a given program area of the Department. The Divisions assist the Deputy Assistant Secretary, Budget and, through him, the Assistant Secretary, Comptroller and top management of the Department in evaluating and acting upon program and budget proposals. Division staff members assist the Secretary in presenting and justifying budgets submitted to OMB and to Congressional Committees on Appropriations.

SEC. 1W1006–1008.10 *Organization.* The Divisions of Budget Analysis are headed by Directors who report to the Deputy Assistant Secretary, Budget. The Directors are assisted by a staff of budget analysts and supporting personnel who are assigned responsibility for specific programs of the Department.

SEC. 1W1006–1008.20 *Functions.* The Divisions of Budget Analysis provide staff assistance to the Secretary, the Under Secretary, the Comptroller and heads of operating agencies in the budgetary management of the Department. In the performance of this function, the Divisions:

1. Direct and coordinate the preparation of budget policies, estimates and forecasts of resources required to support programs and activities of the Department; concurrent with development of the regular budget, work together with the Office of the Assistant Secretary for Planning and Evaluation to prepare the five-year program and financial plan and other long-range financial plans and revisions. Participate in the DHEW planning and evaluation process. Prepare recommendations for the DAS, Budget on draft regulations and reorganization proposals.

2. Assist the Deputy Assistant Secretary, Budget, the Assistant Secretary, Comptroller, heads of operating agencies, the Under Secretary and the Secretary in the evaluation of programs and budgetary proposals with emphasis given to identification of issues, development of alternative proposals, development of reliable cost projections to price out legislative and planning proposals, and appraisal of proposals for consistency with approved plans and policies.

3. Work in conjunction with the Division of Budget Operations to encourage sound financial planning and budgetary management in staff offices of OS and in the HEW operating agencies.

4. Advise and assist agency heads in establishment and organization of budget staffs.

5. Provide substantive guidance, advice, assistance, and training to budget formulation staff offices and operating agencies.

6. Prepare special analyses as necessary in the process of budget formulation and presentation.

7. Keep staff offices and operating agencies currently informed on substantive budget developments in their program areas.

8. Assist the Secretary and operating agency heads by serving as primary liaison for the Department in presentation and interpretation of estimates and poli-

cies to OMB and Congressional Committees on Appropriations.

CHAPTER 1W1009—DIVISION OF BUDGET STANDARDS AND PRESENTATION

SECTION 1W1009.00 *Mission.* The Division of Budget Standards and Presentation is responsible for analyzing the overall budget process and for coordinating and presenting the Departmental budget.

SEC. 1W1009.10 *Organization.* The Division is headed by a Director who reports to the Deputy Assistant Secretary, Budget. The Director supervises a staff of budget analysts and supporting personnel.

SEC. 1W1009.20 *Functions.* Conducts a systematic analysis of the overall Department budget process and analyzes and recommends alternative procedures. In cooperation with the Division of Budget Operations, develops and manages the (Department) Budget Information system.

2. Assists the Deputy Assistant Secretary, Budget and the Deputy Assistant Secretary, Comptroller in development of overall budget planning figures to be issued to the operating agencies. Develops and issues directives to operating agencies specifying material to be submitted to the Office of the Secretary, the Office of Management and Budget and the Congress. Establishes and maintains controls on agency budget submissions. Coordinates formulation of the overall Department budget document.

3. Coordinates presentation of the Department budget request to OMB. Reviews and recommends appropriate changes in the appropriation structure and the bill language. Establishes and maintains controls on exhibits and special material required by OMB. Coordinates and prepares the Department appeal upon issuance of the OMB allowance. Coordinates the budget review of the Department's legislative program.

4. Coordinates and reviews material to be released by the Department at the press conference and press release on the President's budget.

5. Coordinates the Department budget presentation to both Houses of the Congress. Prepares the opening statement and back-up material to be used by the Secretary in his appearance before the Appropriations Committees. Coordinates and reviews material prepared for Appropriations Committees and serves as a focal point or liaison between Committee staff and the Department. Coordinates and reviews material prepared on the effect of House action for use by the Senate Appropriations Committee. Prepares the Department's appeal letter to the Senate. Coordinates and reviews the material on the effect of Senate action and other material required.

6. Responsible for establishing and maintaining liaison with budget components of the Department, other components of the Office of the Secretary, the Office of Management and Budget, and the Congressional Appropriations Committees as an ongoing responsibility.

7. Participates in planning and evaluation system. Reviews and/or directs the review of program and financial plans of the Department; coordinates and reviews program memoranda which are part of the Department's long-range plan and participates in the development of analyses dealing with broad program areas of Department interest.

DEPUTY ASSISTANT SECRETARY, FINANCE

SECTION 1W09.00 *Mission.* The Deputy Assistant Secretary, Finance provides guidance and leadership on accounting systems, financing, and financial and cost reporting. He is the principal advisor to the Assistant Secretary, Comptroller in these areas.

SEC. 1W09.10 *Organization.* A. The Deputy Assistant Secretary, Finance reports to the Assistant Secretary, Comptroller and his Office includes:

1. Immediate Office
2. Division of Accounting Operations.
3. Division of Accounting Systems and Procedures
4. Division of Financial and Management Reporting

B. In the absence of the Deputy Assistant Secretary, Finance, the Director, Accounting Systems and Procedures; the Departmental Fiscal Policy Officer; the Director, Financial and Management Reporting; or the Director, Accounting Operations, in that order, act for him.

SEC. 1W09.20 *Functions.* The Deputy Assistant Secretary, Finance:

A. Develops and issues Department-wide policies and procedures relating to fiscal, cost, travel, and accounting activities, including the Department Accounting Manual. Also, coordinates and approves individual agency accounting manuals and systems and relationships with the General Accounting Office concerning these manuals and systems.

B. Develops and executes policies and procedures relating to the expenditure and collection of funds administered by the Department, including fiscal, accounting, and related reporting policies and procedures which apply to recipients of HEW grants, contracts and loans.

C. Establishes uniform standards, policies, classifications, and terminologies to be used throughout the Department in its financial and cost reporting.

D. Establishes and maintains a Department-wide system for financial and cost reporting.

E. Develops and maintains management data collection and reporting system concerning programs, activities, and operations of the Department (including the operating agencies) as may be necessary to insure sound financial management of the Department.

F. Represents the Department in its relationships with the Office of Management and Budget, Treasury Department, General Accounting Office, General Services Administration, and other Federal agencies, inter-departmental committees and boards, intraagency advisory committees or groups on accounting and financial reporting. Is responsible for Departmental implementation of central agency directives relating to the fiscal and accounting areas.

G. Provides accounting and related services for the Office of the Secretary, and upon request, for the operating agencies.

SEC. 1W09.30 *Delegations of authority.* A. Except as specifically delegated or assigned to other officials of the Department (not under the supervision of the Deputy Assistant Secretary, Finance) or reserved elsewhere in this Manual, the Deputy Assistant Secretary, Finance is authorized to perform all functions of the Assistant Secretary, Comptroller in the area of accounting and financial reporting. These functions shall include, but not be restricted to, the authority to:

1. Approve the issuance of Department manuals relating to accounting, payroll, travel and transportation, and any other Department manuals prescribing policies and procedures relating to accounting and financial reporting.

2. Designate cashiers and certifying officers in the Department and revoke such designations; certify such officers and employees to the disbursing office of the Treasury Department, and revoke such designations; and resolve by appropriate administrative action cash and fund loss irregularities amounting to less than $150.

3. Approve appropriation transfer authorizations involving intra- and inter-departmental transfers of funds.

B. In exercising the authority described in this Section, the Deputy Assistant Secretary, Finance may:

1. Redelegate any portion thereof;
2. Authorize further redelegations;
3. Supersede or modify in whole or in part any directives (orders, instructions, delegations, etc.) heretofore issued.

CHAPTER 1W0902—DIVISION OF ACCOUNTING OPERATIONS

SECTION 1W0902.00 *Mission.* The Division of Accounting Operations provides accounting, financial reporting, and fiscal services for the Office of the Secretary, which includes the Working Capital and Consolidated Funds, Office of Child Development, Departmental Management, and the Office of Civil Rights.

SEC. 1W0902.10 *Organization.* A. The Division of Accounting Operations is composed of a staff of accountants and supporting personnel under the direction of the Director, Division of Accounting Operations, who reports to the Deputy Assistant Secretary, Finance.

B. In the absence of the Director, Division of Accounting Operations, the Deputy Director, Division of Accounting Operations, acts for him.

SEC. 1W0902.20 *Functions.* A. The Division of Accounting Operations:

1. Develops and maintains the accounting manual for the Office of the Secretary in conformance with the Department Accounting Manual.

2. Maintains official records and accounts for the Office of the Secretary.

3. Maintains appropriation and obligation records and accounts for the Office of the Secretary.

4. Establishes and maintains financial controls over cash, accounts receivable, property and other assets.

5. Develops reporting systems and prepares financial and cost reports covering activities of the Office of the Secretary.

6. Examines and pays vendor invoices, transportation and other bills.

7. Examines and pays travel vouchers for employees in the Office of the Secretary.

8. Provides cashier services to the Office of the Secretary.

9. Provides billing activities for the Department Working Capital Fund.

10. Provides accounting and reporting activities for the Department's Centralized Payroll.

CHAPTER 1W0903—DIVISION OF ACCOUNTING SYSTEMS AND PROCEDURES

SECTION 1W0903.00 *Mission.* The Division of Accounting Systems and Procedures performs staff work for the Department in the development of accounting policy, systems, and procedures. It monitors agency systems to insure conformance with Departmental policy and advises the Deputy Assistant Secretary, Finance and the Assistant Secretary, Comptroller on questions pertaining to financial operations.

SEC. 1W0903.10 *Organization.* The Division of Accounting Systems and Procedures consists of a staff of systems and operating accountants and supporting staff and is headed by a Director who reports to the Deputy Assistant Secretary, Finance.

SEC. 1W0903.20 *Functions.* The Division of Accounting Systems and Procedures provides Department-wide leadership for accounting policy, systems, and procedures as well as policy relative to grantee and contractor accounting requirements and reporting. The Division performs the following functions:

1. Develops fiscal and accounting policy and procedures for Department-wide appliaction, promulgates these procedures, as well as other Government-wide financial procedures, through the Department manual system. Has specific responsibility for developing and issuing Department Accounting Manuals to prescribe principles and standards governing DHEW accounting activities in the areas of fiscal and fund accounting, aspects of financial reporting, general ledger, cost accounting, accrual accounting, property accounting and grantee and contractor accounting and reporting.

2. Conducts financial management studies and surveys relative to the above areas and assists staff offices and operating agencies in the design, installation and improvement of their accounting systems and operations.

3. Provides advice and assistance to staff offices and operating agencies on accounting and fiscal matters.

4. Serves as principal staff advisor to the Deputy Assistant Secretary, Finance on accounting and fiscal matters.

5. Maintains liaison with the Office of Management and Budget, the General Accounting Office, and the Treasury Department and other agencies on matters involving accounting policy and procedures or grantee or contractor accounting or reporting and such other matters as the Deputy Assistant Secretary, Finance may designate.

6. Reviews and drafts Department reports on Congressional bills affecting aspects of financial management.

7. Maintains continual review of agency accounting systems to assure compliance with Department accounting systems concepts, and legal and General Accounting Office requirements.

8. Conducts or performs research projects in fiscal accounting and topics of financial management.

9. Develops and issues policy concerning fiscal and other financial management matters involving the HEW Regional accounting operations and has technical jurisdiction over such matters as concern the Regional operations.

10. Provides financial technical assistance to Regional operations, agencies, grants management fund, central payroll, financial management information systems development and other central systems as may be necessary.

CHAPTER 1W0904—DIVISION OF FINANCIAL AND MANAGEMENT REPORTING

SEC. 1W0904.00 *Mission.* The Division of Financial and Management Reporting performs staff work for the Department in the development and operation of financial management information reporting systems and establishes policies and procedures to satisfy fiscal reporting requirements. The Division also establishes fiscal policy and procedures on Travel and Voucher Examination for Department-wide application and compliance.

SEC. 1W0904.10 *Organization.* The Division of Financial and Management Reporting consists of a staff of systems and operating accountants and other specialists under the supervision of a Director responsible to the Deputy Assistant Secretary, Finance.

SEC. 1W0904.20 *Functions.* The Division of Financial and Management Reporting provides Departmental leadership in the areas of financial management information systems, fiscal reporting, expenditure control and policy and procedures on Travel and Voucher Examination. The Division performs the following functions:

1. Develops travel and transportation policies for Department-wide application and promulgates these policies through the Department manual system. Develops and issues the HEW Travel Manual, which identifies and prescribes the full range of policies and procedures to apply to travel, transportation and related activities of all HEW.

2. Develops fiscal policies and procedures on voucher examination and related activities for Department-wide application and promulgates these policies through the Department manual system. Issues the HEW Voucher Examination Manual to prescribe policies and procedures governing fiscal activities of all HEW Voucher Examination offices.

3. Represents HEW with the Office of Management and Budget, the General Accounting Office, the Department of the Treasury, the General Services Administration and other Federal agencies on financial management matters.

4. Reviews and drafts Department reports on Congressional bills affecting financial management matters.

5. Develops fiscal reporting procedures for Department-wide application.

6. Develops expenditure control policy and procedures for Department-wide application in collaboration with the Division of Budget Operations.

7. Establishes and maintains a Department-wide system for the reporting of actual expenditures compared to planned expenditures for top Departmental Management.

8. Develops and maintains information reporting systems to provide specialized, timely, accurate and meaningful financial data for top Departmental management.

9. Directs the development and implementation of reporting systems reports, methods and techniques to respond to the many requests, both recurring and one-time "flash", for financial data pertaining to Departmental funds.

HEW AUDIT AGENCY

SECTION 1W13.00 *Mission.* The HEW Audit Agency is responsible for the development and maintenance of a comprehensive audit program for the Department and its operating agencies. In brief, the Agency's mission is to determine whether the Department's operations are being conducted economically and efficiently, and to provide a reasonable degree of assurance that Federal funds, are being expended properly and for the purpose for which they were appropriated. The HEW Audit Agency serves as principal advisor to the Secretary and top Department officials in this area.

SEC. 1W13.10 *Organization.* A. The HEW Audit Agency is comprised of a staff of auditors and supporting administrative personnel under the supervision of a Director responsible to the Assistant Secretary, Comptroller. The Director shall have direct access to the Secretary, however, when he deems this necessary to the fulfillment of his responsibilities. The Agency consists of

1. Immediate Office of the Director
2. Division of State and Local Audits
3. Division of University and Nonprofit Audits
4. Division of Social Security Audits
5. Division of Audit Coordination
6. Regional Audit Directors, Washington Area Audit Director, and their staffs.

B. During the absence of the Director, the Deputy Director serves as Acting Director.

SEC. 1W13.20 *Functions.* A. The HEW Audit Agency provides staff assistance to the Secretary, Assistant Secretaries, and operating agency officials in the development and conduct of comprehensive audits which include examinations of the Department and its grantees and contractors.

B. In the performance of its mission, the Audit Agency:

1. Develops policies, procedures, standards, and criteria relating to audit activities at all levels within the Department.

2. Develops general and special audit programs as may be necessary to provide appropriate audit and examination of programs and activities performed by the Department and its operating agencies.

3. Determines when audits and examinations can be most appropriately carried out by organizations outside of the HEW Audit Agency, including other agencies of Government, or by private organizations.

4. Evaluates the adequacy of audits performed for the Department by organizations outside the HEW Audit Agency to determine that such audits are being conducted in consonance with Department objectives.

5. Conducts comprehensive audits of all Department program, activities, and functions including those carried out by and through the Department's grantees and contractors.

6. Prepares and disseminates reports of audits, examinations, and studies to the Secretary, operating agencies, and others who may be concerned in a particular audit or study.

7. Accumulates and provides operating agencies with data concerning audit reports and uncleared audit findings. This data serves as the basis for each operating agency's Stewardship Report to the Secretary. Evaluates the Stewardship Reports and provides the Secretary and other key Department officials with an analysis of the significant management decisions being made as a result of audit.

8. Conducts followups and special analyses to determine propriety of action taken on previous audit findings and recommendations.

C. Reviews legislative and program proposals for audit implications and evaluates their conformity and consistency with established audit policy.

D. As requested by the Department's operating agencies, performs special reviews of grant or contract proposals for the purpose of determining financial capabilities of grantees or contractors.

E. In the interest of economy and interdepartmental cooperation, performs audits of programs and activities administered by other Federal departments and agencies that involve participation by institutions of higher education and State and local governments.

F. Provides necessary Departmental liaison with the General Accounting Office and other Federal, State, and private auditing organizations on all matters pertaining to audits. With respect to General Accounting Office audits and investigations of Department Activities:

1. Reviews drafts and final reports covering Department activities and advises the Secretary and his staff of significant findings.

2. Reviews all replies to GAO reports prior to release and secures necessary clearance within the Office of the Secretary.

3. Performs followup reviews to determine propriety of action taken with respect to GAO recommendations.

4. Maintains liaison with representatives of the Office of Management and Budget and others regarding General Accounting Office reports.

G. Collaborates with and provides assistance to the Office of Grant and Procurement Policy in the execution of its responsibilities for the development of grant management and administration policy. Supports the Division of Financial Management Standards and Procedures in its responsibility for formulating policy to govern establishment of indirect cost rates.

H. Functions of Audit Agency Division are as follows:

1. Division of Audit Coordination

a. Develops agencywide audit policies, procedures and instructions.

b. Develops agencywide work plans, audit schedules and audit priority adjustments for budgetary and operating purposes.

c. Coordinates processing of GAO reports and letters.

d. Maintains liaison with other Federal audit organizations in determining audit cognizance and arranging for cross-servicing.

2. Division of Social Security Audits

a. Develops technical standards and policies for audit of programs and activities of the Social Security Administration.

b. Develops audit programs to evaluate effectiveness of all aspects of the administration of Social Security programs.

c. Reviews issued audit reports and visits regional offices and audit sites to appraise technical adequacy of and provide technical assistance on Social Security audits.

d. Develops consolidated reports to top management based on audit findings on Social Security activities.

e. Maintains liaison with headquarters officials on Social Security audit matters.

3. Division of State and Local Audits, Division of University and Nonprofit Audits.

Each of the above Divisions is responsible, in its assigned area, for:

a. Developing technical standards and policies for audits.

b. Developing audit programs to evaluate effectiveness of operations.

c. Reviewing issued audit reports and visiting regional offices and audit sites to appraise technical adequacy of audits and to provide technical assistance on audits.

d. Developing consolidated reports and other reports to top management based on audit findings.

e. Maintaining liaison with headquarters officials on audit matters.

DIVISION OF FINANCIAL MANAGEMENT STANDARDS AND PROCEDURES

SECTION 1W14.00 *Mission*. The Division of Financial Management Standards and Procedures is responsible for developing, reviewing and monitoring the implementation of Department policies and procedures on reimbursement of indirect costs incurred by DHEW grantees and contractors.

SEC. 1W14.10 *Organization*. The Division of Financial Management Standards and Procedures consists of the Director of that office, who is responsible to the Assistant Secretary, Comptroller, and of a staff of accountants and supporting personnel.

SEC. 1W14.20 *Functions*. In fulfilling its mission, the Division performs the following functions:

1. Formulates policies and procedures for determining and reimbursing the costs of grantee/contractor institutions applicable to DHEW awards, including such procedures as are necessary for indirect cost and similar cost negotiations. Performs such functions for all other Federal agencies as delegated by the General Services Administration or the Office of Management and Budget.

2. Monitors and provides assistance relative to the activities of Regional Offices and operating agencies in implementing policies and procedures formulated by the Division; works to assure compliance and uniform interpretation.

3. Provides guidance to grantees and contractors on problems concerning cost allocations to DHEW grants and contracts.

4. Conducts and participates in selected studies and projects relating primarily to questions on indirect costs such as the development of program cost-finding systems, financial management problems of grantee/contractor institutions, and the effects of legislation and Department policies on the operations and financial health of grantee/contractor institutions.

5. Reviews new or proposed legislation and program regulations to assure compliance with Department financial policies and compatibility with Department financial management objectives; identifies the need for new or revised Department financial policies and procedures.

6. Maintains liaison with the Office of Grants and Procurement Policy to assure that financial management policies are consistent with and conform to general grant and contract policies and procedures as established by the Assistant Secretary for Administration and Management; provides recommendations to the Office of Administration and Management on the development of general grant/contract policies.

7. Serves as the Department's liaison with and provides recommendations through the Assistant Secretary, Comptroller to the Office of Management and Budget, General Services Administration, Cost Accounting Standards Board, and other Federal agencies on the development of Government-wide financial management policies related to the administration of grant/contract programs; participates in the formulation of these policies.

Dated: February 15, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-4244 Filed 2-21-74;8:45 am]

PUBLIC HEALTH SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 1 in the Statement of Organization, Functions, and Delegations of Authority of the Department, Chapter 1N, entitled Executive Secretariat (38 FR 18571, 7/12/73) is amended.

In section 1N.20 *Functions*, Subsection 1N.20B2b is amended to revise the functional statement for the Executive Secretariat and to establish two branches within the Executive Secretariat as follows:

b. *Executive Secretariat (1N02)*. The Executive Secretary: serves as the focal point for the control of correspondence and action items of the Assistant Secretary for Health, Deputy Assistant Secretary for Health, and Executive Officer/PHS, including substantive policy review and evaluation, action assignment, followup to insure timely and appropriate action, and clearances; establishes procedures for the preparation and management of written communications involving the Office of the Assistant Secretary for Health; coordinates the development of meeting agendas; reports on meetings of the Assistant Secretary for Health and follows up on action items resulting from these meetings; maintains or assigns responsibility for the maintenance of the official files of the Assistant Secretary for Health; assures rapid communications between the Office of the Assistant Secretary for Health and the PHS agencies.

Policy Monitoring Branch (1N0203). The Branch: (1) reviews for policy implications and coordinates the clearance of correspondence and action documents involving the Assistant Secretary for Health, Deputy Assistant Secretary for Health, and the Executive Officer/PHS; (2) keeps PHS agencies informed of the Assistant Secretary for Health's decisions; (3) follows through on Assistant Secretary for Health's inquiries; (4) provides advice and assistance on preparation of documents; (5) coordinates preparation of agendas and briefing materials for the Assistant Secretary for Health's meetings; (6) attends meetings of the Assistant Secretary for Health for the purpose of recording and following up on decisions or action items; (7) coordinates Office of the Assistant Secretary for Health's weekly activity reports and Executive Secretariat Issue Lists; (8) prepares replies to correspondence when appropriate; (9) modifies replies prepared in PHS to conform with established policy.

Correspondence Operations Branch (1N0205). The Branch: (1) Provides direction for document control in all organizational elements of the Executive Secretariat; (2) assigns correspondence and action items to the relevant component of PHS for appropriate action; (3) generates and maintains records of assigned correspondence; (4) insures that correspondence is acted upon in a timely manner; (5) provides statistical measurements of correspondence management; (6) reviews replies to insure compatibility with style and format; (7) obtains necessary clearances; (8) assures rapid communications between the Office of the Assistant Secretary for Health and the PHS agencies and provides a messenger service system in the Office of the Assistant Secretary for Health; (9) provides typing support for the Executive Secretariat; (10) provides guidance to PHS in correspondence management; (11) maintains or assigns responsibility for the maintenance, storage, and retrieval of internal documents, general files, and the health reference materials files of the Assistant Secretary for Health; (12) assists in the development of procedures and guidelines for the preparation of correspondence.

Dated: February 15, 1974.

THOMAS S. MCFEE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.74-4245 Filed 2-21-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

STATE PARTICIPATION PROGRAM

Procedural Guidelines

The Federal Railroad Administration (FRA) has recently completed rule making proceedings on State Participation pursuant to sections 202 and 206 of the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq.) (the Act) with the publication of a final rule in 38 FR 34782, December 18, 1973, as corrected by the notice in 39 FR 1772, January 14, 1974.

The purpose of this notice is to publish a document which sets forth a statement of FRA policy, as well as procedural guidelines to assist State agencies in preparing submissions for Certification or Agreement, and in applying for and administering Federal payments authorized under section 206(d) of the Act. The document also includes the prescribed forms in which submissions for Certification or Agreement, and applications for Federal payments must be made, as well as the prescribed Payment Agreement. The FRA will provide each appropriate State agency with a similar package which will include complete information on the State Participation Program.

In fulfillment of its statutory duty pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the FRA has considered the environmental impact of the State Participation Program. It is the judgment of this agency, based on available information, that no significant environmental impact will result from execution of the State Participation Program.

These guidelines shall become effective on February 13, 1974.

JOHN W. INGRAM,
Administrator.

STATE PARTICIPATION PROGRAM
PROCEDURAL GUIDELINES

I. *Purpose*. These guidelines are designed to assist State agencies in preparing submissions for Certification or Agreement and in applying for and administering Federal payments authorized under section 206(d) of the Federal Railroad Safety Act of 1970 (hereafter referred to as "the Act").

II. *Package contents*. The attached package includes the forms required to be submitted for the State Participation Program:

1. Form for submission for Certification or Agreement;
2. Application for Federal Payment, Payment Agreement and Terms and Conditions;
3. Questionnaire on Source of State Funds;
4. Summary of Program Costs.

III. *Policy*. In developing the State Participation Program, the FRA has sought to reflect the intent of Congress that the cooperative Federal-State rail safety effort result in a safety enforcement program which is as uniform as possible throughout the country. Consequently, additional subparts of section 212, Title 49 of the Code of Federal Regulations will set out in detail the technical qualifications which will be required of all State inspectors who will be conducting the investigative and surveillance activities prescribed for each Federal safety rule. To further insure uniformity under subpart C qualifications for State track inspectors and junior track inspectors are identical to those qualifications required for Federal inspectors. Thus, inspections will be conducted throughout the country by similarly qualified personnel, whether they be State or Federal employees.

Uniformity will also be sought through policies concerning the Federal payments made available under the Federal Railroad Safety Act of 1970 (the Act). Section 206(d) of the Act authorizes Federal payments of "up to 50 per centum of the cost of the personnel, equipment, and activities of such State agency reasonably required, during the ensuing fiscal year, to carry out a safety program under such certification or agreement." Subject to the availability of funds and upon approval of an application in the attached prescribed form, the Administrator will provide 50 per centum of the salary costs of the minimum number of inspectors determined by him to be necessary for an effective State program. This number of inspectors has been prescribed for the Track Safety Standards in 49 CFR Part 212, Subpart C. Similarly, a minimum number of inspectors will be prescribed for each additional railroad safety regulation promulgated under the Act. In addition, Federal share payments will only be applicable to salary costs of State inspectors up to compensation levels which do not exceed those of similarly qualified Federal inspectors. Salary costs above Federal compensation levels will be borne solely by the State.

Beyond salary costs, Federal payments will be available for up to 50 per centum of such other costs as are determined by the Administrator to be reasonably required to carry out the State program. Such costs of the program may include equipment and travel expenses of State inspectors, support costs such as administrative and secretarial services, office space, equipment and supplies directly involved in the conduct of the State Participation Program. These latter costs may include the cost of the preparation of reports required by the Act, FRA regulations or the terms and conditions of the Payment Agreement. The "Summary of Estimated Program Costs" included in the Payment Application will be reviewed by the FRA as a proposed budget, and may be subject to discussions and negotiations between the FRA

and the State agency. The Administrator shall make the final determination as to the reasonableness of estimated program costs and the apportionment to be paid to each State agency.

IV. *Submission for certification/agreement.* The enclosed form entitled "State Participation Program" is the prescribed form for a submission for Certification or Agreement under section 206 of the Act and 49 CFR Part 212. The information required in this form is that information which is specified in 49 CFR 212.13 for an Initial Certification and Report.

The completed form should be returned to the Docket Clerk, Federal Railroad Administration, 400 Seventh Street SW., Washington, D.C. 20590, as soon as possible after the date of the FRA information meeting attended by representatives of your State. State agencies must be certified or enter into an agreement before they become eligible for Federal payments under section 206(d) of the Act and 49 CFR 212.33. A closing date of April 15, 1974 has been established for applications for Federal payments for the State participation activities to be conducted in fiscal year 1975. Although submissions for Certification or Agreement received after April 15, 1974 will be accepted and may be approved, no applications for Federal payments will be accepted after that closing date. As a result, Federal funds for the State Participation Program for 1975 will not be available to those States which submit applications after April 15, 1974. Therefore, States are encouraged to submit this completed form as early as possible.

The following instructions are furnished for completing the submission for Certification or Agreement:

This Initial Certification will be for fiscal year 1975 (July 1, 1974 to June 30, 1975), and will relate to the FRA Track Safety Standards, 49 CFR Part 213.

Item Number 3 (page 2, section 5) of the Initial Certification Report requires the State to designate a State Participation Program coordinator. This person will function as the State agency's contact point for liaison and correspondence between the FRA and the State agency. Therefore, it is important that his correct title, full address and telephone number (including area code and extension) be included in the Report.

Item Number 4 (page 2, section 5) of the Initial Certification Report requires a description of the State agency's present railroad safety program. The form itself gives a broad indication of the types of information to be included. In addition to this information, the State agency should include copies of its statutory and regulatory authority over rail operations within the State, including operations of rail rapid transit and municipal or State-owned railroads.

Item Number 5 (page 2, section 5) of the Initial Certification Report requires a list of State employees to be assigned as railroad safety inspectors with respect to 49 CFR Part 213. Section 212.53 of 49 CFR requires a State agency to have at least one track inspector before an Initial Certification is submitted. This track inspector may already be hired or must be hired within 30 days after Certification or Agreement. If the candidate for the track inspector position is not a State employee at the time of the submission of the Report, the State agency should include, in addition to the information specified in the form, an address at which the candidate can be reached.

The Opinion of Counsel which concludes the Initial Certification form should include a copy of the appropriate State statute or regulation which confers upon the State agency the authority specified in paragraph 1–3 (page 3, section 5).

V. *Eligibility for Federal payment.* To qualify for Federal funds, a State agency, which has jurisdiction over the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within the State, must be certified or must enter into an agreement as provided by section 206 of the Act and 49 CFR Part 212. In addition, the State agency must give assurances that it will provide the funds necessary to finance all costs in excess of Federal payments, and that the aggregate expenditure of State funds (exclusive of Federal payments) for railroad safety programs will be maintained at a level which does not fall below the average level of expenditures for railroad safety programs during the two fiscal years immediately preceding October 16, 1970, the date of enactment of the Federal Railroad Safety Act.

VI. *Payment application.* The applicant must be the State agency which has jurisdiction over railroad facilities, equipment, rolling stock, and operations within the State, and which has been certified or entered into an agreement under section 206 of the Act and 49 CFR Part 212. Application for a Federal payment must be made in the prescribed form which is attached below.

Federal appropriations for the State Participation Program are made on a fiscal year basis for activities to be conducted in the ensuing fiscal year. For example, the appropriation made available to FRA in fiscal year 1974 (FY 74—July 1, 1973 to June 30, 1974) will be obligated within that year to be expended on the program for the following year, fiscal year 1975 (FY 75—July 1, 1974 to June 30, 1975). Any funds not obligated by the end of FY 74, June 30, 1974, will lapse. For this reason it is important that the enclosed Payment Application be received no later than the closing date of April 15, 1974. This will allow adequate time for processing and review and will insure that final Payment Agreements can be signed and funds thereby obligated prior to July 1, 1974. Again State agencies are encouraged to return the executed Payment Application to the Docket Clerk, Federal Railroad Administration, 400 Seventh Street, SW., Washington, D.C. 20590 as early as possible. Each State will be notified within 60 days of the closing date for applications of the amount of Federal payment which will be provided.

The following instructions are furnished for completing the Payment Application:

The applicant must be the State agency which has submitted the completed forms for certification or agreement.

Number 2 (page 1, section 6) of the Payment Application requires the State agency to certify what the average level of State expenditures was for the last two fiscal years preceding October 16, 1970, the date of enactment of the Act. This figure will constitute the base figure for State expenditures on railroad safety in the future. It was established by Congress in section 206(d) of the Act. The fiscal years to which the Act refers are FY 69 and 70, the Federal fiscal year which runs from July 1 to June 30. If State operations are based on a different fiscal year, include an attachment, numbered "2a", which explains the time period covered by the figure for expenditures. If exact figures are not available, the average may be based on best estimates of State expenditures. If a best estimate is used, include an attachment numbered "2b", which explains the basis for the estimated figure.

Number 4 (page 1, section 6) of the Payment Application requires the State agency to complete the attached "Summary of Estimated Program Costs". Page 3, section 6 of the application provides the necessary form. As was stated in section III above, this information is to be completed in the form of a proposed budget. These costs should reflect the activities included in the Description of State Participation Program on page 2 of the application.

Number 5 (page 1, section 6) of the Payment Application states the specific assurances which the Congress has made the preconditions to a Federal payment under section 206(d) of the Act.

The Description of the State Participation Program on page 2 of the Application gives guidance as to the type of information to be included. It should be noted that this description differs from that required under number 4 (page 2, section 5) of the Initial Certification Report. The Initial Certification Report describes the existing State rail safety program. The description included in the Payment Application refers to the activities contemplated for FY 75 in carrying out the investigation and surveillance prescribed for the Track Safety Standards.

VII. *Payment agreement and terms and conditions.* The Payment Agreement and Terms and Conditions form Part II of the combined Payment Application and Agreement package and should be completed, signed and returned with the Payment Application. If review of the material submitted in the Application/Agreement package requires clarification or changes the State agency will be contacted by the FRA. When the final terms have been agreed upon, the Agreement will be signed by the appropriate FRA official and a copy of the executed Agreement will be returned to the State Participation Program coordinator.

The Terms and Conditions of the Payment Agreement are based upon Federal requirements for the administration of programs of assistance to State and local governments. Portions of Office of Management and Budget Circulars, as well as statutes and regulations referred to in the Terms and Conditions are included in the Appendices to the package.

The State is responsible for insuring that the actions listed in the executed Payment Application and Agreement forms are fulfilled and that the Terms and Conditions are met. The State agency must submit a Semiannual Progress Report as specified in paragraph 1 of the Terms and Conditions. The reports are to detail the activities of the State agency related to the State Participation Program, and are to cover the periods July 1 through December 31 and January 1 through June 30. The report must be submitted to the FRA by February 1 and August 1 for the appropriate six-month period. The reports will be cumulative and will cover all actions of the program for the entire fiscal year.

The Act authorizes the Administrator to pay up to 50 per centum of the costs of the personnel, equipment and activities reasonably required to carry out the State Participation Program. The amount of Federal payment specified in paragraph 4 of the Payment Agreement is the greatest amount of Federal funds which the FRA will pay for investigative and surveillance activities during that fiscal year. For example, if the Payment Agreement specifies a Federal payment in the amount of $10,000, and the total cost of the State program for the entire fiscal year is $25,000, the State will receive the $10,000 amount specified in the Payment Agreement—even though this amount is less than 50 per centum of actual program costs. On the other hand, if the total cost of the State program is only $18,000, then the Federal payment must be reduced to $9,000. This will be accomplished either by a reduction in the final reimbursement or by a refund from the State to the Federal Government from funds advanced.

VIII. *Questionnaire on source of State funds.* The purpose of this questionnaire is to gather some important information on the nature of State funding procedures. This information will be of great assistance to the FRA in the preparation of future budget requests for the State Participation Program. It must be submitted to the Docket Clerk (see page 3 above) no later than April 15, 1974.

Name and Telephone Number of Person to be contacted if additional information should be needed as specified on the form should be the State Participation Program coordinator designated in the Initial Certification Report. We have chosen to use the same State official so that contact points between the Federal Government and the State agency can be kept to the minimum. This will enable both the FRA and the State agency to keep more accurate records as to the communications which will go on between them. The State Participation Program coordinator may refer the inquiring Federal official to the appropriate State official.

IX. *Summary of program costs.* The purpose of this form is two-fold. First, it will give FRA specific breakdown of the average level of State expenditures on railroad safety for the last two fiscal years preceding the enactment of the Act. These figures are the basis for the figure in number 2 on page 1 of the Payment Application. The "cost" column for FY 69 and 70 should reflect actual costs. If actual cost figures are unavailable, best estimates may be used. A notation should be included as to whether FY 69 and 70 figures are "actual" or "best estimate" costs.

The second purpose of this form is to provide FRA with estimates as to the program costs in coming years. This information will assist us in our budgetary planning for the State Participation Program. Since this appropriation is a fiscal year appropriation, we will have to prepare an appropriation request for the program each year. These figures will provide a basis and justification for the requested level of funding.

Note that the column designated for FY 75 is identical to the Summary of Estimated Program Costs Fiscal Year 1975 included in the Payment Application.

STATE PARTICIPATION PROGRAM

The State of _____, by and through the _____ (the State agency), hereby submits to the Federal Railroad Administrator (the Administrator) the following information:

( ) As an initial certification, for the fiscal year 19____ with respect to 49 CFR ____, pursuant to the requirements of section 206 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435) and 49 CFR Part 212.

( ) As an application for an agreement for the fiscal year 19____ to carry on certain investigative and surveillance activities, with respect to 49 CFR ____, pursuant to the requirements of section 206 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435) and 49 CFR Part 212.

I. REPORT

1. The State agency has been furnished a copy of 49 CFR ____.

2. The following railroads operate the stated number of miles of main and branch lines within the State of _____:

Railroad	Number of miles operated	
	Main line	Branch line
1.		
2.		
3.		
4.		
5.		
Total		

Total number of miles operated _____ (If additional pages are needed, designate as #2a, 2b, 2c, etc.)

3. _____, _____ has been designated the State participation program coordinator for the State of _____. The State participation program coordinator maintains offices at _____
(Name) (Title)

_____
(Full Address and Telephone Number)

4. Description of State agency railroad safety program:

This section should include a detailed description of the existing organization, programs, and functions of the State agency with respect to railroad safety within the State. The description should include, but not be limited to, information on personnel (safety inspectors, administrative, supervisory and clerical employees assigned full time or part time [including estimated man years] to the railroad safety program), equipment (such as testing devices, motor vehicles, typewriters, file cabinets, and related items required for use on the railroad safety program), activities (such as safety regulations presently enforced, nature, number and frequency of inspections, role in accident investigation), and any additional pertinent information which will demonstrate the State agency's capability to conduct the investigative and surveillance activities prescribed by the Administrator.

5. The following State employees will be assigned as railroad safety inspectors to perform the investigative and surveillance activities prescribed by the Administrator with respect to 49 CFR _____:

List the name, State employee identification number, if any, and qualifications of each such employee.

6. Railroad safety inspectors assigned to perform the investigative and surveillance activities prescribed by the Administrator with respect to 49 CFR ____ shall be paid at the following compensation levels:

List the compensation level for each employee included in paragraph 5 of this report.

II. OPINION OF COUNSEL

I, _____, acting as Counsel for the State agency, this _____ day of _____, 19____, do certify the following:

1. _____, has legal jurisdiction over
(State Agency)
safety practices applicable to railroad facilities, equipment, rolling stock, and operations within the State of _____;

2. _____, has the legal authority
(State Agency)
to conduct investigative and surveillance activities in connection with the rules, regulations, orders, and standards issued by the Federal Railroad Administrator under the Federal Railroad Safety Act of 1970; and

3. State funds may be used for the purpose of carrying out investigative and surveillance activities prescribed by the Federal Railroad Administrator under the Federal Railroad Safety Act of 1970.

PAYMENT APPLICATION AND AGREEMENT
STATE PARTICIPATION PROGRAM

PART I—PAYMENT APPLICATION

1. *Program.* The _____ (the State agency) hereby applies to the Federal Railroad Administration (the Administration) for a Federal payment under section 206(d) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435(d)) (the Act) and 49 CFR 212.33 to carry out the investigative and surveillance activities prescribed by the Federal Railroad Administrator (the Administrator) for each Federal safety rule, regulation, order, and standard as set forth in this application. The State agency:

( ) Has submitted to the Administrator under section 206 (a) and (b) of the Act and 49 CFR Part 212 an initial certification to carry out the investigative and surveillance activities prescribed by the Administrator with respect to 49 CFR _____ for the fiscal year 19____.

( ) Intends to enter into an agreement with the Administrator under section 206(c) of the Act and 49 CFR Part 212.

2. The State agency certifies that the average level of expenditures by the State of _____ for railroad safety programs during the two fiscal years immediately preceding October 16, 1970, amounted to $_____ _____ per year.

3. The State agency plans to carry out the investigative and surveillance activities prescribed by the Administrator with respect to 49 CFR ____ during the fiscal year 19__.

4. To accomplish the investigative and surveillance activities referred to in paragraph 3, the State agency proposes to expend funds as set forth in the attached "Summary of Estimated Program Costs".

5. *State expenditures.* The State agency assures that it will provide the funds necessary to finance all costs in excess of Federal payments, and that the aggregate expenditure of State funds (exclusive of Federal payments) for railroad safety programs will be maintained at a level which does not fall below the average level of expenditures set forth in paragraph 2 of this application.

Description of State Participation Program
Fiscal Year 19__

This page, and any needed additional pages (designated as Page No. 3a, 3b, 3c, etc.), should include a description of the State's planned program with respect to the investigative and surveillance activities prescribed for each Federal railroad safety rule, regulation, order, or standard for which a certification is submitted or an agreement is entered into. The description should include information on:

Personnel. Number of inspectors, supervisory and clerical employees assigned full time or part time to the program, with respect to general administrative personnel, the position title, the activities and time devoted to the program; contribution of those employees who work part time on the program should be estimated in man years.

Equipment. Testing devices, motor vehicles, typewriters, file cabinets, telephones, and general office supplies required for pur-

chase or use on the program (when such equipment is also used for purposes other than the activities of the program show that portion of the cost allocable to the program).

Activities. The investigative and surveillance activities contemplated, the extent of territory to be covered in the course of these activities, mode of transportation, reports to be submitted, etc.

Summary of estimated program costs, fiscal year 1975

	Number	Man-years [1]	Estimated costs
A. Personnel:			
(1) Technical. Personnel directly engaged in the railroad safety program. This category will usually be limited to inspectors who conduct investigative and surveillance activities. Entries under this heading should be identified in an attachment by job title and a description of the activities charged to the program			$
Total technical personnel			
(2) Administrative. Personnel indirectly involved in the railroad safety program. Entries under this heading should be identified in an attachment by job title and a description of the activities charged to the program			
Total administrative personnel			
(3) Clerical and other—(specify type of activity and basis for calculating cost)			
Total clerical and other			
Total personnel			
B. Equipment:			
(1) Motor vehicle			
(2) Office equipment			
(3) Other (identify in detail in an attachment)			
Total equipment			
C. Activities:			
(1) Travel expense			
(2) Expenses at seminars and training sessions			
Total activities			
D. Other expenses (specify)			

[1] Use decimal point to show fraction of man-year where applicable.

Payment Agreement No. __

Amount $____

PART II—PAYMENT AGREEMENT

1. *Agreement.* The State agency agrees to carry out investigative and surveillance activities and the Administration agrees to reimburse the State agency for a portion of the costs of carrying out such investigative and surveillance activities. This Agreement is made for the purpose of providing Federal funds pursuant to section 206(d) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 435(d)) and 49 CFR 212.33.

2. *Project.* The State agency agrees to undertake the investigative and surveillance activities (herein called the Program) proposed in "Part I—Application," in accordance with the "terms and conditions" attached to and incorporated into this Payment Agreement.

3. *Financial Management System.* (a) The State agency certifies that its Financial Management System ( ) does ( ) does not satisfy the requirements of paragraph 3 of the Terms and Conditions.

(b) The State agency certifies that:

( ) Its procurement standards comply with Attachment O of Office of Management and Budget Circular (OMB Circular) A-102. (See Appendix A.)

( ) Its procurement standards do not comply with Attachment O of OMB Circular A-102. (See Appendix A.)

(c) The State agency's Financial Management System is maintained by _____ (Commission or other Agency)

This unit has recently been reviewed by _____ (DOT element or other Federal Government Agency, if available, or State Agency) on _____ (Date)

4. *Federal funds.* The Administration agrees to reimburse the State agency in the sum of $_____, or one half of the costs incurred for carrying out the Program during fiscal year 19__, whichever is less. This Payment Agreement expires June 30, 19__. The Administration is not obligated under this Agreement to reimburse the State agency for any obligations incurred after that date.

State Agency _____

By _____

Title _____

Date _____

FEDERAL RAILROAD ADMINISTRATION

By _____

Signature of Contracting Officer

_____ Date _____

Name of Contracting Officer

Certification

I, _____, acting as Attorney for the State agency, this _____ day of _____, 19__, do certify that I have examined the Payment Agreement and find that acceptance by the State agency has been authorized, and that the execution thereof is proper and in accordance with the laws of the State of _____, and that, in my opinion, the State agency has legal authority to carry out the Payment Agreement in accordance with the terms thereof.

_____

Attorney for the State Agency

PAYMENT AGREEMENT

STATE PARTICIPATION PROGRAM

TERMS AND CONDITIONS

1. *Program accomplishment.* The State agency shall submit to the Administration a completed copy of the Semiannual Progress Report on Railroad Safety for the periods of July 1 through December 31 and January 1 through June 30 for each fiscal year or portion thereof that the Administration provides funds to aid the State in conducting the investigative and surveillance activities specified in Part I—Application. This report must be submitted by February 1 for the period of July 1 through December 31, and by August 1 for the period of January 1 through June 30.

2. *Program budget.* a. The State agency shall incur obligations against, and make disbursements of, Program funds in general conformity with the proposed actions and estimated costs listed in Part I—Application.

b. The State agency shall request prior approval from the Administration for Budget Revisions whenever:

(1) The cumulative amount of transfers among budget categories listed on the Summary of Estimated Program Costs for Fiscal Year 19__ exceeds or is expected to exceed five percent of the payment budget; or

(2) The revisions pertain to the addition of items requiring approval in accordance with the provisions of OMB Circular A-87. (See Appendix B).

c. The State shall notify the Administration promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the State agency by more than $5,000 or 5 percent of the Payment Agreement, whichever is greater.

d. When requesting approval for budget revisions, the State agency shall submit an Interim Progress Report, using the Semiannual Progress Report Form, and an explanation justifying the request. However, the State agency may request by letter the approvals required by the provisions of OMB Circular A-87. (See Appendix B)

e. Within 30 days from the date of receipt of the request for budget revisions, the Administration will review the request and notify the State agency whether or not the budget revisions have been approved, or, if the revision is still under consideration, when to expect a decision.

3. *Financial management.* a. The State agency shall maintain a Financial Management System which is in compliance with the standards listed in Attachment G to OMB Circular A-102. (See Appendix C)

b. Financial records of the State agency related to the Program, including books of original entry, source documents, supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and other related documents and records, must be retained by the State agency for a period of three (3) years following the submittal of the last Financial Status Report for the fiscal year, with the following qualifications:

(1) The records shall be retained beyond the three-year period if audit findings have not been resolved;

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for three years after its final disposition;

(3) When records are transferred to or maintained by the Administration, the three-year retention requirement does not apply.

c. The State agency is authorized to substitute microfilm copies in lieu of original records.

d. The Administration shall request the State agency to transfer certain records to Federal custody when the administration determines that the records possess long-term retention value. However, in order to avoid duplicate recordkeeping the Administration will make arrangements with the State agency to retain any records which are continuously needed for joint use.

e. The State agency's financial procedures shall require audits to be made by the State agency, or at its direction, to determine, at

a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements, and with the requirements contained in OMB Circular A-102, Attachment G. (See Appendix C) The State agency will schedule such audits with reasonable frequency considering the nature, size, and complexity of the activity, usually annually, but not less frequently than once every two years. When making an audit report, the State agency is encouraged to follow the guidelines listed in the General Accounting Office booklet titled, "Standards for Audit of Governmental Organizations, Programs, Activities and Functions." The report must reflect in detail the use of Federal funds and State funds.

f. The State agency is required to submit a copy of its latest audit report as evidence that it complies with the requirements listed in paragraph e above. If the State agency has not performed an audit, or if an audit reveals that the requirements in paragraph e are not being met, the State agency will have six (6) months from the date of the award of funds to submit an audit report, or to correct reported deficiencies.

5. *Government review and approval.* a. The State agency shall permit authorized representatives of the Administration or other Federal government agencies to review the investigative and surveillance activities and to inspect payrolls, personnel records, invoices of material and equipment, and other relevant data and records pertaining to this Payment Agreement and the State agency's implementation of the investigative and surveillance activities prescribed by the Administrator.

b. The State agency shall obtain written approval of the Contracting Office of all proposed contracts to be awarded on a sole-source basis which are expected to exceed $5,000.

5. *Payment methods.* a. The Administration will make payments on the reimbursement by Treasury check method or the advance by Treasury check method. However, the reimbursement method will continue to be used as the principal payment method until such time as the Administration determines that a State agency is qualified to receive advance payments. To qualify, a State agency must demonstrate that it complies with the requirements listed in Attachment G to OMB Circular A-102. (See Appendix C) Such compliance includes the ability to estimate annual program expenditures accurately.

b. The Administration will make payments on a monthly basis when a State agency so requests. However, the Administration prefers to make payment on the semi-annual basis because of the administrative savings that can be realized by processing payment requests two rather than twelve times a year.

c. Payment requests shall be made on the "Request for Advance or Reimbursement" form. The original and three copies shall be submitted.

6. *Close-out procedures.* a. If, at the end of the fiscal year, the total costs of the Program are not equal to twice the amount already paid under this Payment Agreement, the State agency shall promptly remit to the Administration an amount equal to the difference between 50 percent of the costs of the Program and the amount previously paid to the State agency under this Payment Agreement.

b. With the final progress report, the State agency shall identify the nonexpendable personal property to be retained to accomplish the purpose of the Program and the nonexpendable personal property that is no longer needed by the State agency to support Federal grant projects.

c. After all reports are received and reviewed, the Administration will make final payment adjustments to the Federal share of the Program.

d. In the event a final audit has not been performed prior to the closing-out of the Payment Agreement the Administration retains the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from a final audit.

7. *Termination.* a. If it appears that the State agency has failed to comply with any provision of this Payment Agreement, or is not satisfactorily complying with the investigative and surveillance activities prescribed by the Administrator, the Administration may issue a written notice specifying the circumstances which indicate noncompliance, and suspend the Payment Agreement. In the event the State agency has not complied with any provisions of this Payment Agreement, or a certification has been rejected or an agreement terminated in accordance with the Act and 49 CFR Part 212, the Administration may, with a written notice, terminate this Payment Agreement and receive remittance determined by the method of termination. The methods are as follows:

(1) *Termination for cause.* The Administration may terminate a Payment Agreement in whole, or in part, at any time before the date of completion, whenever it determines that the State agency has failed to comply with the conditions of the Payment Agreement or when a certification has been rejected or an agreement terminated in accordance with the Act and 49 CFR Part 212. Payments made to the State agency or recoveries by the Administration shall be in accord with the legal rights and liabilities of the parties.

(2) *Termination on motion of the State Agency.* Whenever the State agency has submitted to the Administrator a written notice of termination of this Payment Agreement, in whole or in part, or a written notice of termination of a certification or agreement in accordance with 49 CFR 212.35, the Administration may terminate this Payment Agreement. The State agency shall not incur new obligations for the terminated portion of this Payment Agreement, and shall cancel as many outstanding obligations as possible. The Administration shall allow full credit to the State agency for the Federal share of the noncancellable obligations properly incurred by the State agency prior to termination. Other payments made to the State agency or recoveries by the Department shall be in accord with the legal rights and liabilities of the parties.

b. The State agency may submit to the Administrator a written appeal of a suspension or termination of this Payment Agreement. Such an appeal must be submitted within 45 days of receipt of notification of suspension or termination. The State agency will be notified, by the Administrator, within 30 days of receipt of the appeal, of the decision on the appeal, or if the appeal is still under consideration, when to expect a decision.

8. *Property management*—a. *Nonexpendable personal property acquired with Federal funds.* Nonexpendable personal property is any tangible personal property having a useful life of more than one year and an acquisition cost of $300 or more per unit. Whenever nonexpendable personal property is acquired by a State agency, wholly or in part with Federal funds, the title shall be vested in the State agency subject to the restrictions on use and disposition of the property listed in paragraph 4a of Attachment N of OMB Circular A-102. (See Appendix D.)

b. The State Agency shall notify the Administration, within 15 days, of any change of status of nonexpendable personal property acquired with Federal funds.

c. Income received from the sale of personal property shall be deducted from the total project costs for the purpose of determining the net cost on which the Federal share of costs will be based.

10. *Title VI—Civil Rights Act of 1964.* The State agency shall comply with title VI of the Civil Rights Act of 1964 (78 Stat. 252), the regulations of the Department of Transportation issued under that Act (49 CFR Part 21), and the assurance given by the State agency under those regulations. (See Appendix E.)

11. *Equal Employment Opportunity Clause.* a. The State agency will, in all solicitations or advertisements for employees placed by or on behalf of the State agency, state that all qualified applicants will receive equal consideration for employment without regard to race, color, religion, sex, or national origin.

b. The State agency will comply with all provisions of Executive Order No. 11246 of September 24, 1965, (See Appendix F) and of the rules, regulations, and relevant orders of the Secretary of Labor.

c. The State agency will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by rules, regulations, and orders of the Secretary of Labor pursuant thereto, and will permit access to its books, records, and accounts by the Administration and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

d. In the event of the State agency's noncompliance with the Equal Employment Opportunity clause of this Payment Agreement or with any rule, regulation, or order incorporated herein under b and c, this Payment Agreement may be canceled, terminated, or suspended in whole or in part and the State agency may be declared ineligible for further Federal government fund agreements in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

e. The State agency will include the provisions of this Equal Employment Opportunity clause in every subcontract or purchase order which utilizes funds provided under this Payment Agreement unless the subcontract or purchase order is exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965. The clause will be included so as to be binding upon each subcontractor or vendor. The State agency will take action with respect to any subcontract or purchase order as the Administration may direct as a means of enforcing this clause, including sanctions for noncompliance. In the event that the State agency becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of action so directed by the Administration, the State agency may request the United States to participate in the litigation to protect the interest of the United States.

QUESTIONNAIRE ON SOURCE OR SOURCES OF STATE FUNDS

Name of State agency _____

Name and telephone number of person to be contacted if additional information should be needed.

_____
Name

_____ _____
Title or Position Telephone No.

Part I General Questions:

(1) State funds for the railroad safety program are:

☐ Appropriated by the legislature from general funds.
☐ Appropriated by the legislature from special funds.
☐ Administratively allocated from special funds.

(2) Any unexpended balance at the end of the fiscal year:
☐ Reverts to the Treasury.
☐ Remains available until expended.
☐ Reverts to the special fund.
☐ Other (explain) _____

_____

(3) The appropriation/allocation of railroad safety funds to the State agency is:
☐ Separate from other funds available to the agency for administration and regulation.
☐ Not separate from such other funds (If not separate, explain the purposes of the entire appropriation/allocation).

_____

(4) If funding is by legislative appropriation, is it:
☐ Annual ☐ Biennial

Part II—Answer only if appropriation/allocation for railroad safety program is from a special fund.

(5) Explain in detail the source or sources from which the special fund is obtained.

_____

(6) How and when in the State's fiscal year is the amount to be made available for railroad safety determined?

_____

NOTE: If additional space is required, attach separate sheet.

SUMMARY OF PROGRAM COSTS

Name of State Agency

	FY 1969			FY 1970			FY 1974			FY 1975			FY 1976			FY 1977		
	No.	Man* Years	Actual Cost	No.	Man* Years	Actual Cost	No.	Man* Years	Estimated Cost	No.	Man* Years	Estimated Cost	No.	Man* Years	Estimated Cost	No.	Man* Years	Estimated Cost
A. PERSONNEL																		
1) Technical																		
Personnel directly engaged in the railroad safety program. This category will usually be limited to inspectors who conduct investigative and surveillance activities. Entries under this heading should be identified in an attachment by job title and a description of the activities charged to the program.																		
TOTAL TECHNICAL PERSONNEL																		
2) Administrative																		
Personnel indirectly involved in the railroad safety program. Entries under this heading should be identified in an attachment by job title and a description of the activities charged to the program.																		
TOTAL ADMINISTRATIVE PERSONNEL																		
3) Clerical and Other - (specify type of activity and basis for calculating cost).																		
TOTAL CLERICAL AND OTHER																		
TOTAL PERSONNEL																		
B. EQUIPMENT																		
1) Motor Vehicle																		
2) Office Equipment																		
3) Other (identify in detail in an attachment)																		
TOTAL EQUIPMENT																		
C. ACTIVITIES																		
1) Travel Expense																		
2) Expenses at Seminars & Training Sessions																		
TOTAL ACTIVITIES																		
D. OTHER EXPENSES (Specify)																		

* Use decimal point to show fraction of man-year where applicable.

[FR Doc.74-3955 Filed 2-21-74;8:45 am]

National Highway Traffic Safety Administration

[Docket No. 74-8; Notice 1]

HIGH SPEED WARNING

Request for Comments on Speedometer Limitation

The purpose of this notice is to request comments from interested persons on the maximum speed to be indicated on speedometers. This request for comments does not constitute a step in a rulemaking procedure and no final action will be taken without further notice and opportunity for comment.

On December 1, 1970, the NHTSA issued a notice proposing an 85-mph speedometer limitation, a 95-mph maximum speed capability, and a system of warning lights and horns which would operate at 81 to 85 mph on vehicles capable of speeds above 80 mph. On the basis of comments received and information gathered, this agency has determined that the practicability of the speed limitation and warning system has not been sufficiently established. The NHTSA has made a preliminary judgment, however, that limiting the maximum indication on speedometers may be useful in effectively counteracting excessive speeds.

In its December 1, 1970, proposal, the NHTSA suggested that a speed of 85 mph be the maximum indicated on a speedometer. However, due to the lower

highway speed limits that have been imposed because of the gasoline shortage the number of fatalities appears to be declining, and the most effective means of ameliorating the problem of speed-related fatalities at high speeds may consequently be changing. The effect of the speed limit reduction on high-speed-related fatalities is not as yet clear, although statistics for the months of November and December 1973 indicate a correlation. In December, 18 States had reduced their speed limits to 50 or 55 miles per hour. In those States highway fatalities were 25.1 percent lower than for the corresponding month in 1972. In the other 32 States, fatalities were reduced 12.5 percent. Since the compilation of these data, a nationwide speed limit of 55 miles per hour has been imposed. Speed reduction may therefore bring about an overall nationwide reduction of highway fatalities.

These factors may indicate the advisability of a lower speedometer limitation than that previously endorsed by the NHTSA. Comments are therefore requested on (1) whether there should be a rule on maximum speedometer indication and, if so, (2) what is the most appropriate maximum speedometer indication, taking into account the current lower speed limits, the possible corresponding highway fatality reduction, effectiveness, and driver convenience.

Interested persons are invited to submit comments on the matters discussed above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. The Administration will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Comment closing date: April 23, 1974.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on February 15, 1974.

ROBERT L. CARTER,
Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-4192 Filed 2-21-74;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON TRANSPORTATION—RELATED SIGNS AND SYMBOLS

Notice of Public Meeting

February 27, 1974, the Advisory Committee on Transportation—Related Signs and Symbols will hold a public meeting beginning at 10 a.m. in Room 10330, Department of Transportation Building, 400 Seventh Street SW., Washington, D.C. The purpose of the meeting, which is the first organizational meeting of the Committee, is to establish the timetable for accomplishing the Committee's mission, which is to develop a comprehensive system of signs and symbols to serve United States domestic and international transportation needs which, after proper testing, can be recommended as a uniform standard.

The Committee is a broadly technical advisory committee with representatives principally from Federal agencies, transportation-oriented industries and associations, and qualified sources outside Government. The Committee's functions are solely advisory and its advice and recommendations are the result of its independent judgment. Its membership is comprised of approximately 50 percent from Government agencies and 50 percent from industry sources.

For further information contact the Committee's Executive Director, William R. Myers, Office of Facilitation, TES-50, Department of Transportation, Room 10308, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202-426-4584.

This notice is issued pursuant to section 10, Federal Advisory Committee Act (Pub. L. 92-463) and Executive Order 11686 (37 FR 21421).

Issued in Washington, D.C., on February 15, 1974.

BENJAMIN O. DAVIS, Jr.,
Assistant Secretary for Environment, Safety and Consumer Affairs.

[FR Doc.74-4223 Filed 2-21-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

FEBRUARY 19, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards will hold a meeting on March 7-9, 1974, in Room 1046, 1717 H Street, NW, Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

(1) Thursday, March 7, 1974: 9:30 a.m.-12:30 p.m. 1:30 p.m.-6:00 p.m. Grand Gulf Nuclear Station Units 1 and 2—The Committee will consider the construction permit application for this plant. This will include presentations by representatives and consultants of the AEC Regulatory Staff and the Mississippi Power and Light Company and discussions with these groups. Closed sessions will be held during this period, if required, to discuss proprietary information related to fuel element, design, fabrication and operation, including loss-of-coolant accident analysis and security plans for this facility.

(2) Friday, March 8, 1974; 9:30 a.m.-10:30 a.m.: Meeting with AEC Regulatory Staff—To hear presentations and discuss matters related to reactor operating experience and licensing activities, including:

Zion Station—Neutron flux tilt, performance of diesel-generators, and control rods.

Oconee Nuclear Station Unit 2—Primary coolant pump failure

Shippingport Nuclear Station—Failure of turbine-generator

Performance of Diesel-Generators at Nuclear Plants

(3) 4:00 p.m.-6:45 p.m.: Meeting on North Anna Power Station Units 3 and 4—The Committee will hear presentations from and hold discussions with representatives of the AEC Regulatory Staff and the Virginia Electric Power Company regarding the application for a construction permit for this facility, particularly the seismic conditions at the site.

This meeting will include closed sessions, if required, to discuss security plans for this facility and privileged information related to the reactor fuel.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than February 27, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and as follows:

Grand Gulf Nuclear Station, Units 1 and 2
Deputy Chancery Clerk
Claiborne County Courthouse
Port Gibson, Mississippi 39150

North Anna Nuclear Station
Office of Mr. Dean Agee
Executive Secretary
Board of Supervisors
Louisa County Courthouse
Louisa, Virginia 23093

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written

statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on March 6, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5651) between 8:30 AM and 5:15 PM daylight saving time.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW, Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW, Washington, D.C., on or after May 10, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-4319 Filed 2-20-74;12:05 pm]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS

Change in Location of Local Public Document Room

In the matter of Offshore Power Systems (Floating Nuclear Power Plants).

In the notice of hearing on application for manufacturing license published in the FEDERAL REGISTER on December 10, 1973 (38 FR 34008), addresses of three local public document rooms were given where members of the public could go to inspect documents in the captioned matter. Notice is hereby given that as of February 13, 1974, the Wallace R. Holst Community Library, North School, Lafayette and Evans Avenues, Brigantine, New Jersey, no longer serves as a local public document room in the above matter. All available documents have been transferred to the Stockton State College Library, Pomona, New Jersey 08240. Copies of available documents may be inspected by members of the public at the Stockton State College Library between the hours of 8 a.m. and 10 p.m. Monday through Thursday; 8 a.m. and 6 p.m. on Friday; 9 a.m. and 4 p.m. on Saturday; and 2 p.m. and 10 p.m. on Sunday.

Other than the above mentioned change, additional locations where documents may be inspected by members of the public, as stated in the Notice of Hearing, remain the same.

Dated at Bethesda, Maryland, this 15th day of February 1974.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Light Water Reactors Group 1-3 Directorate of Licensing.

[FR Doc.74-4154 Filed 2-21-74;8:45 am]

[Docket No. 50-395; Construction Permit No. CPPR-94]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Recision of Order Suspending Certain Construction Activities

In the matter of South Carolina Electric and Gas Company (Virgil C. Summer Nuclear Station, Unit 1).

By order dated December 7, 1973, South Carolina Electric and Gas Company, Post Office Box 764, Columbia, South Carolina ("the licensee"), was ordered to show cause why further construction at the site of Seismic Category I structures under Construction Permit No. CPPR-94 should not be suspended pending completion of an investigation and evaluation of geologic faults at the construction site.

Pursuant to 10 CFR 2.202 the licensee on January 2, 1974 filed an answer consenting to the entry of an order in accordance with the Order to Show Cause of December 7, 1973.

By order dated January 10, 1974, the licensee was ordered to suspend further construction of Seismic Category I structures at the plant site of the Virgil C. Summer Nuclear Station, Unit 1, pending completion of the investigation and evaluation of the geologic faults in accordance with the Order to Show Cause of December 7, 1973.

On January 15, 1974, the licensee submitted to the Regulatory Staff a report of the geologic investigation at the Virgil C. Summer plant site. This report concluded that the geologic faults discovered during construction excavation which were the basis for the Order to Show Cause are presently inactive and, in all probability, have been inactive for approximately 100 million years. This report, and a subsequent review by an independent panel of reviewers engaged by the licensee to review the investigation, concluded that the geologic evidence shows that the faults discovered during construction excavation at the Virgil C. Summer Nuclear Station, Unit 1 plant site are not "capable" faults as defined in 10 CFR 100, Appendix A, "Seismic and Geologic Siting Criteria for Nuclear Power Plants". After an intensive technical review by the Regulatory Staff and its consultants of the report submitted by the licensee, the Regulatory Staff concurs with the conclusion that the aforementioned geologic faults are not "capable" faults as defined in 10 CFR 100, Appendix A. The results of this review are discussed in the Staff Evaluation of the Geologic Investigation Program Conducted at the Virgil C. Summer Nuclear Station, Unit 1, dated February 12, 1974. This verifies the suitability of the Virgil C. Summer Nuclear Station, Unit 1 site for a nuclear power plant and confirms the suitability of the plant design bases established in consideration of the seismic and geologic characteristics of the site as described in the Preliminary Safety Analysis Report.

In view of the foregoing and pursuant to the Atomic Energy Act of 1954, as amended, and the regulations in 10 CFR Parts 2 and 50, *it is hereby ordered*, That: The Order of January 10, 1974 suspending further construction of Seismic Category I structures at the plant site of the Virgil C. Summer Nuclear Station, Unit 1, is rescinded, effective immediately.

Dated at Bethesda, Maryland, this 15th day of February, 1974.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-4153 Filed 2-21-74;8:45 am]

[Docket Nos. 50-434, 50-435]

VIRGINIA ELECTRIC AND POWER CO.

Notice of Availability of Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Surry Power Station Units 3 and 4, to be constructed by Virginia Electric and Power Company on the applicant's site on the James River in Surry County, Virginia 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 Swem Library, College of William and Mary, Williamsburg, Virginia 23185. The Draft Statement is also being made available at the Council on the Environment, Eighth Street Office Building, Richmond, Virginia 23219. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Applicant's Environmental Report, as supplemented, submitted by Virginia Electric and Power 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 November 2, 1973 (38 FR 30294).

Pursuant to 10 CFR Part 50, Appendix D, interested persons may submit comments on the Applicant's Environmental Report, as supplemented, and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by April 8, 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 the Swem Library, College of William and Mary, Williamsburg, Virginia 23185. Upon consideration of comments submitted with respect to the draft 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 13th day of February 1974.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Directorate of Licensing.

[FR Doc.74-4152 Filed 2-21-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON BABCOCK & WILCOX WATER REACTORS

Postponement of Meeting

FEBRUARY 20, 1974.

The meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on Babcock & Wilcox Water Reactors, notice of which was published in the FEDERAL REGISTER on February 20, 1974, 39 FR 6548, has been postponed until further notice.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-4376 Filed 2-21-74;10:03 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON GRAND GULF NUCLEAR STATION

Rescheduling of Meeting

FEBRUARY 20, 1974.

The meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on the Grand Gulf Nuclear Station, notice of which was published in the FEDERAL REGISTER on February 11, 1974, 39 FR 5222, has been rescheduled for March 6, 1974, from 1:30 p.m. to 5:30 p.m. instead of March 4, 1974.

All other aspects of the notice published on February 11, 1974, remain the same, including the determination to close portions of the meeting, with the exception that the date of availability of the minutes will be May 8, 1974, instead of May 6, 1974. Inquiry regarding schedule or cancellation may be made on March 4, 1974. Written statements by the public will be accepted through February 27, 1974.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-4377 Filed 2-21-74;10:03 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON THE NORTH ANNA POWER STATION

Rescheduling and Relocation of Meeting

FEBRUARY 20, 1974.

The meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on the North Anna Power Station, notice of which was published in the FEDERAL REGISTER on February 20, 1974, 39 FR 6548, has been rescheduled for March 6, 1974, in Room 1046, 1717 H Street NW., Washington, D.C., from 9 a.m. to 12 noon, instead of in Madison Heights, Virginia, on March 5, 1974.

All other aspects of the notice published on February 20, 1974, remain the same, including the determination to close portions of the meeting.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-4378 Filed 2-21-74;10:04 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON REACTOR FUELS

Meeting

FEBRUARY 20, 1974.

The FEDERAL REGISTER notice published at 39 FR 5223 on February 11, 1974, concerning the February 28–March 1, 1974, meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Fuels is revised as follows:

(a) The meeting will be shortened to one day only, February 28, 1974.

(b) The meeting will be held at the Seven Continents Restaurant, O'Hare Airport, Chicago, Illinois, instead of in Washington, D.C.

(c) The subject matter for the meeting will be limited to plutonium recycle and reactor vendor power distribution calculations, the previously scheduled discussions with Combustion Engineering and Exxon Nuclear Company having been postponed until further notice.

A revised agenda of the portion of the meeting which will be open to the public is set forth below:

THURSDAY, FEBRUARY 28, 1974—2 pm-6 pm
Discussion with AEC Regulatory Staff on Plutonium Recycle.

All other aspects of the notice published at 39 FR 5223 concerning the meeting of the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Fuels remain the same.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-4374 Filed 2-21-74;10:03 am]

LABOR-MANAGEMENT ADVISORY COMMITTEE

Notice of Meeting

FEBRUARY 20, 1974.

The Atomic Energy Commission's Atomic Energy Labor-Management Advisory Committee will hold a meeting on March 21, 1974, at the AEC's Washington office, Room No. 1146, 1717 H Street NW., Washington, D.C. The meeting will be open to the public; it will begin at 10 a.m. and end at approximately 1 p.m. Practical considerations may require alterations in the agenda or schedule.

The following agenda items are scheduled for discussion:

1. Discussion of AEC Immediate Action Directive (IAD) 0504-33, issued December 20, 1973, which effectuates the AEC's exercise of Section 4(b)(1) of the Occupational Safety and Health Act of 1970 in declaring its inapplicability to contractor employees working at AEC's Government-owned, contractor-operated (GOCO) facilities. The IAD prescribes safety and health standards and employees' rights which will make AEC's safety program compatible with the requirements of the Occupational Safety and Health Act, while precluding the exercise of state jurisdiction over GOCO facilities in agreement states.

2. Manpower Supplies for Future AEC and Nuclear Plant Construction.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 10 copies thereof, postmarked, if possible, no later than March 1, 1974, to Mr. H. T. Herrick, Chairman, Atomic Energy Labor-Management Advisory Committee, Division of Labor Relations, U.S. Atomic Energy Commission, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a total period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among

those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Chairman of the Committee named in paragraph (a), above. His telephone number is Area Code 301-973-5083.

(e) Questions at the meeting may be asked only by members of the Advisory Committee.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of the meeting will be made available for copying, following their acceptance by the Committee, in accordance with the Federal Advisory Committee Act, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, upon payment of all charges required by law.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-4375 Filed 2-21-74;10:03 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280; Order 74-2-48]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority, February 14, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA) and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreements, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters both dated January 31, 1974, set forth a new item description and rate, applicable over the North Atlantic, and name three additional rates under existing commodity descriptions as outlined in the attachment hereto.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreements are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 24193 and Agreement C.A.B. 24194, R-1 and R-2, be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained herein for purposes of tariff publication, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing; and

2. The findings and approval herein shall not be deemed to modify the findings and Orders of the Board in its decision in Agreements Adopted by IATA Relating to North Atlantic Cargo Rates, Order 73-2-24 of February 6, 1973, Order 73-7-9 of July 5, 1973, and Order 73-9-109 of September 28, 1973, and are subject, where applicable, to all provisions of such orders.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, Passenger and Cargo Rates Division, Bureau of Economics.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-4237 Filed 2-21-74;8:45 am]

[1] Filed as part of the original document.

FEDERAL MARITIME COMMISSION

[Docket No. 74-7]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA ET AL.

Order of Investigation

Trans-Pacific Freight Conference of Japan/Korea, Pacific Westbound Conference, Japan/Korea-Atlantic and Gulf Freight Conference and Far East Conference are composed of common carriers in the trades between the United States and Japan/Korea. For over one year it has been widely alleged that malpractices, particularly rebates, have become commonplace in the United States-Japan/Korea trades. Information available to the Commission strongly suggests that these malpractices may be reaching such serious proportions as to threaten the stability of these trades. However, while carriers are prone to complain freely of this situation, they are more than reluctant to provide specific data.

All of the conferences in the trades between the United States and Japan/Korea have self-policing provisions in their basic conference agreements as required by section 15 of the Shipping Act, 1916, and 46 CFR Part 528. Moreover, the inbound conferences (Trans-Pacific Freight Conference of Japan/Korea, Japan/Korea-Atlantic and Gulf Freight Conference) have recently agreed to strengthen their neutral body systems. However, a review of the self-policing reports filed with the Commission by the four conferences and the allegations of malpractices indicates that the self-policing activity may be inadequate. We are unable to reconcile this level of self-policing activity with the information concerning alleged malpractices mentioned above.

Section 15 of the Shipping Act, 1916, requires the Commission to disapprove any conference agreement, after notice and hearing, on a finding of inadequate policing of the obligations thereunder. Therefore, the Commission is of the opinion that an investigation should be undertaken in order to determine whether the conferences named above are failing to adequately police the obligations under the agreements in violation of section 15 of the Shipping Act, 1916. This investigation should consist initially of investigation by Hearing Counsel and field investigators of importers, exporters, and common carriers in the trades between the United States and Japan/Korea.

Now therefore, it is ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916, as amended, an investigation and hearing is hereby instituted to determine whether the self-policing practices and procedures of Trans-Pacific Freight Conference of Japan/Korea, Pacific Westbound Conference, Japan/Korea-Atlantic and Gulf Freight Conference and Far East Conference are adequate and whether the agreements should be disapproved, cancelled or modified pursuant to section 15, Shipping Act, 1916; and

It is further ordered, That Trans-Pacific Freight Conference of Japan/Korea, Pacific Westbound Conference, Japan/Korea-Atlantic and Gulf Freight Conference, and Far East Conference, and members thereof as shown in the Appendix hereto, be made respondents in this proceeding; and

It is further ordered, That this proceeding be referred for public hearing before an administrative law judge of the Commission's Office of Administrative Law Judges and that the hearing be held at a date and place to be determined and announced by the presiding administrative law judge consistent with the procedure set out hereinabove; and

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER; and

It is further ordered, That all persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein should notify the Secretary of the Commission immediately and file Petition for Leave to Intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72), with a notice to all parties to this proceeding;

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding should be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX

Far East Conference
Gerald J. Flynn, Chairman
11 Broadway, Room 760
New York, New York 10004

Pacific Westbound Conference
D. D. Day, Jr., Chairman
635 Sacramento Street
San Francisco, California 94111

Trans-Pacific Freight Conference of Japan/Korea
James E. Mazure, Chairman
Simitomo Seimei Yaesu Building
2nd Floor
3, 4-Chome, Yaesu
Chuo-Ku, Tokyo
JAPAN

Japan/Korea—Atlantic & Gulf Freight Conference
James E. Muzure, Chairman
Sumitomo Seimei Yaesu Building
2nd Floor
3, 4-Chome, Yaesu
Chuo-Ku, Tokyo
JAPAN

American Export Lines, Inc.
17 Battery Place
New York, New York 10004

American President Lines, Ltd.
601 California Street
San Francisco, California 94108

Blue Sea Line (Joint Service)
Furness, Withy Agencies (U.S.A.)
General Agents
5 World Trade Center
Suite 7411
New York, New York 10048

Barber Lines, A/S
Barber Steamship Lines, Inc.
Agent
17 Battery Place
New York, New York 10004

Compania Peruana De Vapores
Kerr Steamship Company, 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

Lykes Bros. Steamship Company, Inc.
Lykes Center
300 Poydras Street
New Orleans, Louisiana 70138

Maersk Line
Moller Steamship Company, Inc.
General Agents
One World Trade Center
Suite 3527
New York, New York 10048

Maritime Company of the Philippines, Inc.
North American Maritime Agencies
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 Lines, 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

Scindia Steam Navigation Company, Ltd.
United States Navigation, Inc.
General Agents
17 Battery Place
New York, New York 10004

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 Company, Ltd.
Norton, Lilly & Company, Inc.
General Agents
425 California Street
San Francisco, California 94104

States Steamship Company
320 California Street
San Francisco, California 94104

Transportation Maritima Mexicana, S.A.
Williams, Dimond & Company, Inc.
General Agents
215 Market Street
San Francisco, California 94105

United Philippine Lines, Inc.
United States Navigation Company, Inc.
General Agents
17 Battery Place
New York, New York 10004

United States Lines, Inc.
One Broadway
New York, New York 10004

Waterman Steamship Corporation
120 Wall Street
New York, New York 10005

Yamashita-Shinnihon Steamship Company, Ltd.
Texas Transport & Terminal Company, 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.74-4233 Filed 2-21-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

FEBRUARY 19, 1974.

On October 4, 1973, there was published in the FEDERAL REGISTER (38 FR 27546), a letter dated September 28, 1973, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in the Republic of Korea and exported to the United States during the twelve-month period beginning October 1, 1973. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 17 of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea, which provides for the limited carryover of shortfalls in certain categories to the next agreement year.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of February 19, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textile products in Category 26/27 (other than duck fabric and printcloth) for the twelve-month period which began on October 1, 1973.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: On September 28, 1973, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning October 1, 1973 of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in the Republic of Korea, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Pursuant to paragraph 17 of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the level of restraint established in the aforesaid directive of September 28, 1973 for cotton textile products in Category 26/27 (other than duck fabric and printcloth)[2] to 2,929,344 square yards for the twelve-month period beginning October 1, 1973.[3]

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and

[1] The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of December 30, 1971, as amended, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

[2] In Category 26, all T.S.U.S.A. Nos. except the following:

320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

320...34 326...34
321...34 327...34
322...34 328...34

[3] This level has not been adjusted to reflect any entries made on or after October 1, 1973.

cotton textile products from the Republic of Korea have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely yours,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc. 74-4246 Filed 2-21-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PEDAL-POWERED VEHICLES

Notice of Public Hearing

Notice is given that a public hearing will be held on Thursday, March 21, 1974, at 10 a.m. in the hearing room, Consumer Product Safety Commission, 6th floor, 1750 K Street NW., Washington, D.C., to discuss a petition submitted by Consumers Union of United States, Inc., requesting the Commission to promulgate regulations for the safety of pedal-powered vehicles and other similar type vehicles. The hearing will be held pursuant to section 27(a) of the Consumer Product Safety Act (Pub. L. 92-573, section 27(a), 86 Stat. 1227; 15 U.S.C. 2076 (a)).

The Commission received the petition on December 5, 1973, along with a copy of an article written by Consumers Union in Consumer Reports, October, 1973. The petition is set forth below. The petition, article, and a pedal-powered vehicle manufacturer's reply to the article are available for inspection at the Office of the Secretary, Consumer Product Safety Commission, 10th floor, 1750 K Street NW., Washington, D.C.

Among the reasons given in support of the petition are alleged power train defects, speed limitations, braking defects, design defects, and stability defects making the vehicles unsuitable for use on public roads.

The petitioner requests that the Commission develop a consumer product safety standard for pedal-powered vehicles, devise appropriate labeling to keep these products off the public roads, and mandate substantially upgraded performance requirements.

The hearing is to be held to help the Commission determine whether or not the petition or any part of the petition should be granted. Information, views, and arguments relevant to the material covered in the petition are sought, particularly the views of individual consumers.

Persons interested in attending the hearing are requested to write or call Mr. Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207, (301) 496-7197. Those persons who wish to make a formal presentation are requested to submit a copy or outline of their presentation and the amount of time requested for such presentation. Persons unable to attend the hearing who wish to present written comments for the Commission's consideration are invited to do so. Written material should be accompanied by a summary of not more than 250 words. All comments should be received by close of business March 14, 1974.

The hearing will be a legislative-type proceeding conducted by a member or representative of the Commission and will be transcribed by a stenographer. Persons will have an opportunity to present their statements; there will be no provision for cross-examination of witnesses.

In the event the space available for the hearing will not accommodate everyone wishing to attend, attendance will be determined on the basis of when the request for attendance is received.

Dated: February 19, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

The subject petition reads as follows except that the product's trade name and manufacturer are not given and the attachments to the petition are not included:

Consumers Union/a Nonprofit Organization/Publisher of Consumer Reports
Washington Office: 1714 Massachusetts Avenue, Washington, D.C. 20036/202-785-1906

Mr. John O'Connor
Product Standards Division
Bureau of Engineering Sciences
Consumer Product Safety Commission
Washington, D.C. 20207

NOVEMBER 29, 1973.

Dear Mr. O'Connor:

I appreciated the opportunity to talk with you about possible Commission action on the apparent safety defects associated with pedal-powered vehicles. As you know, the Commission's General Counsel, Michael Brown, has indicated in his prior letter of October 18, 1973, that the pedal-powered vehicle described in the article we forwarded to him from the October issue of Consumer Reports is a "consumer product as that term is defined in section 3(a) of the Consumer Product Safety Act," and that the "Commission has the authority to regulate pedal-powered vehicles to the extent and in the manner provided for in the Act."

As you also know from the article we published, another copy of which is attached for your convenience, Consumers Union has adjudged the particular [pedal-powered vehicle] we tested as "not acceptable" for use on public roads.

The purpose of this letter is to request that the Commission undertake regulatory action under the Consumer Product Safety Act to eliminate the unreasonable risk of injury associated with this and related products. We have great confidence that you will move with dispatch to ameliorate the hazards posed by these products.

Consumers Union, the largest consumer group in the United States, is a nonprofit organization established in 1936. Consumers Union is the publisher of Consumer Reports, which now has a paid circulation of approximately 2.2 million. Consumers Union is supported solely by the subscribers to Consumers Reports, and accepts no commercial advertising or support. Consumers Union represents its approximately 375,000 members in administrative, judicial, and, upon invitation, legislative proceedings of concern to consumers.

The problem. The (pedal-powered vehicle which is the subject of the Consumer Reports story) is a three-wheeled vehicle with a low silhouette just over 6½ feet long, over four feet wide, and 135 pounds heavy. As noted in our article, it has an open-topped plastic body accommodating two side-by-side pedalers, though it can be operated by one. Steering is via a bicycle-type handlebar on the left side. A hand lever on the right handlebar engages the drum brake only on the front wheel. The three-speed gear shift, utilizing a sliding lever centrally mounted in a slot, has no clutch pedal and no reverse; to back up, you stick your foot over the side and push. The vehicle is pictured in the attached Consumer Reports article.

According to * * * advertising (pedal-powered vehicles), * * * (are) intended for use in resort areas, retirement villages, condominiums, and colleges campuses and for trips to the neighborhood store and commuting to work.

The following specific characteristics, some of which were reported in our article, make the (pedal-powered vehicles) unsuited for use on public roads.

(A) Power Train defects making the (pedal-powered vehicles) unsuited for use on public roads:

(1) No reverse.

(2) Inadequate low gear making a "short 8 percent grade" the effective upper limit to its hill-cresting abilities.

(3) Upon failure to make it to the top of a hill, pedals turning in reverse as vehicle rolls backward may painfully trap feet.

(4) Transmission chain tends to slip, fall off, or break during hard pedaling.

(5) Crankshaft drive bolts tend to shear.

(6) Shift lever tends to break.

(B) Speed defects making the PPV unsuited for use on public roads.

(1) Approximately 20 mph maximum speed on a level, smooth blacktop surface.

(2) Approximately 10 mph maximum speed that "(pedal-powered vehicles) can be pedaled for any length of time."

(C) Braking defects making the (pedal-powered vehicles) unsuited for use on public roads:

(1) On level concrete with two riders aboard, at 15 mph, stopping distance of about 30 to 35 feet.

(2) On 10 percent grade, with two riders rolling down at 15 mph, impossible to stop because of severe brake fade.

(D) Design defects making the (pedal-powered vehicles) unsuited for use on public roads:

(1) Over four-foot width makes it difficult to drive completely out of the way of ordinary vehicular traffic on right side of road.

(2) PPV rider's spines are at car-bumper height.

(3) PPV low silhouette makes it hard for motorists to see.

(4) Front tire scrubbed itself bald after 20 miles and a few locked-wheel stops.

(5) No seat belts.

(6) No rollover bar.

(7) Adjustable bucket seats accommodate children under 10 years old, yet such children are generally unable to see the road over the cowl.

(E) Stability defects making the (pedal-powered vehicles) unsuited for use on public roads:

(1) With only left seat occupied, a sharp right turn at moderate speeds could make vehicle overturn.

(2) With two pedalers aboard, vehicle rolled over at about 15 mph if turned very abruptly.

(3) When coasting downhill "steering response became overquick and unstable. The driver had to brace his left elbow against the car body to prevent unwanted steering motions that could lead to loss of control and overturning."

The manufacturer's inadequate response to the problem. In June 1973, subsequent to our original tests, we purchased a second (pedal-powered vehicle) which had improved the vehicle in the following respects:

(a) It had a stronger front fork;

(b) It had a new brake cable which, upon proper adjustment, was able to brake hard enough to lock the wheel, but only on level ground and then only with one rider aboard;

(c) It had a new, more durable front tire;

(d) It had a new stronger shift lever;

Additionally, we were told that (the company) has plans to redesign the rear axle and redistribute rear-axle loads. (The company) has also reassured us "that owners of (its pedal-powered vehicle) who encountered mechanical failures caused by design weaknesses would receive the latest redesigned parts and repairs from their dealers free of charge." Apparently, the manufacturer is unwilling and/or unable to initiate a recall program.[1]

These steps are hardly adequate to meet the problem outlined above. Even "redesigned" (pedal-powered vehicles) remain unsuited for use on public roads, and thousands of (pedal-powered vehicles) without the benefits of (the company's) marginal redesign program have already been sold. Our staff people have already suffered skinned limbs when our (pedal-powered vehicle) overturned on several different occasions and have already had their feet painfully trapped under the vehicle's pedals.

The (pedal-powered vehicle), without four wheels for stability, without a more versatile transmission, without adequate brakes, without competent steering, surely is unsuited for use on public roads.

Our general suggestions for CPSC's response to the problem. The CPSC has the authority to declare these and substantially similar vehicles "banned hazardous products." We do not suggest this course at this time since it does appear that a consumer product safety standard and appropriate labeling could be devised to keep these products off the public roads where the dangers they pose to their occupants and bystanders are so apparent, and to mandate substantially upgraded performance requirements.

Once our findings are confirmed, we are willing to work with the Commission, in whatever caapcity it believes will be of aid, in formulating a specific regulatory approach to meet the problems we have identified.

Very truly yours,

JAMES A. BRONSKY,
Attorney.

[FR Doc.74-4144 Filed 2-21-74;8:45 am]

[1] The response of the manufacturer, * * * to our article is also attached. As that letter notes, the owners' manual does warn riders of the danger posed by the pedals turning in reverse as the vehicle rolls backward. But this manual's warning does not eliminate the unreasonable risk of hazard, as our own experience demonstrates. Moreover, the stability and stopping distance problems we outline are real and easily verifiable notwithstanding the relatively high instantaneous lateral "G" forces the vehicle may be able to tolerate or the favorable experience (the company's) Director of Marketing has had with the (pedal-powered vehicles) he has demonstrated. Finally, even if (the company's) quality control program is now the "best," it was plainly insufficient to protect consumers like us who purchased defective (pedal-powered vehicles) for possible use on public roads.

REFLECTIVE BICYCLE TIRES

Notice of Meeting

Notice is given that a meeting will be held on Tuesday, February 26, 1974, at 10 a.m., in room 216, 5401 Westbard Avenue, Bethesda, Md., between representatives of the 3M Company and the staff of the Commission's Bureau of Engineering Sciences to discuss the use of reflective bicycle tires to make bicycles visible and identifiable as bicycles in the dark.

The meeting was requested by 3M Company. The discussion will concern data compiled by the Company relevant to reflectorization provisions of contemplated regulations the Commission will promulgate in the future to ban hazardous bicycles intended for use by children and to establish safety requirements for certain bicycles intended for use by children under 16 years of age.

Persons interested in attending the meeting are requested to contact Mr. Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (phone (301) 496-7197).

Dated: February 19, 1974.

JOLYON E. DAVIS,
Acting Secretary, Consumer Product, Safety Commission.

[FR Doc.74-4285 Filed 2-21-74;8:45 am]

COST OF LIVING COUNCIL

[Phase IV Price Notice 1974—4]

PROFIT MARGIN VIOLATIONS AND EFFECT OF PRICE EXEMPTIONS

Statement of Clarification

The purpose of this notice is to clarify the Cost of Living Council's policies and regulations concerning profit margin violations generally and reporting and profit margin rules as the latter apply to firms whose products have been exempted from price controls.

The Council believes that these matters are not well understood. For example, in a recent newsletter widely circulated nationally, the statement was made that enterprises that violate price control regulations probably will be able to escape the treble damage penalty if they report such violations voluntarily. Also, when price controls applicable to an industry are terminated, it is not expected that reports will be required for stub periods following the last reporting period prior to the termination date.

Profit margin violations. The "treble damage penalty" applies only with respect to profit margin violations for the full fiscal year. Sections 155.176 and 155.177 of the Phase IV price procedures regulations provide the Council with discretionary authority to order remission of revenues equal to three times the amount of the dollar value of the unlawful profit margin excess or three times the revenues derived from unlawful price increases, whichever is less.

These provisions are essentially the same as the antecedent profit margin violations regulation in Phase II. As is well-known, the Price Commission exercised this "treble rollback" authority on a number of occasions during Phase II and the amounts ordered to be remitted were returned to the market place in the form of refunds and price reductions. The necessity for this strong deterrent was based in part upon the premise that in the absence of such a deterrent a firm could freely violate the profit margin limitations with the knowledge that, at worst, it would be ordered only to return to its former position with respect to the unlawful price levels which led to the profit margin violation.

The same need for effective deterrent authority exists in Phase IV where mandatory pricing restrictions are in some ways more stringent and more pervasive than in Phase II. It is therefore inconsistent with the tenor and purpose of the Phase IV regulations to conclude that compliance efforts with regard to profit margin violations will be conducted in Phase IV on the basis merely of voluntary corrective measures with no penalties for unlawful price behavior.

The Council does encourage voluntary and prompt remedial actions and in many cases has reduced penalties which might otherwise be imposed in order to diminish the burden on its limited enforcement resources. While voluntary corrective action is appropriate where a violation is inadvertent or is of a less serious and readily-correctable nature, a violation of the profit margin limitation for a full fiscal year where a substantial number of transactions are involved suggests the need for strong administrative and sometimes legal remedial action.

The Council has a wide range of sanctions and penalties available to it to assure compliance with its regulations. These will be utilized as the Council deems most appropriate to the circumstances in each case when full fiscal year profit margin violations are revealed in 1974.

Effect of price exemptions. With regard to reporting requirements as price controls are terminated, the Council has followed the practice in Phase IV of gradual exemption on a case-by-case basis. In this process, the Council ordinarily does not exempt firms but exempts sales of certain items, the prices charged for those items or the items themselves. The recent price exemptions covering copper scrap, fertilizer and automobiles, for example, were stated in terms of the sale of those products or prices charged for those products.

In contrast, the small business exemption totally exempts the small firms themselves—they are "exempt from and

not included in the coverage of" the Phase IV rules. This means that if a firm is exempt from the requirements of Phase IV price rules it is exempt from the administrative or procedural requirements such as reporting, recordkeeping and prenotification as well as the strictly substantive rules concerning cost-justification of price increases. However, when the exemption is stated in terms of the sale of certain items or the items themselves, the firm which sells those items continues to be bound by reporting and the other requirements mentioned above unless otherwise provided in the regulations.

Section 150.161(a) states that except for the specific exceptions listed in §-150.161(b), each Tier I and II firm must submit quarterly reports. The exception in § 150.161(b) dealing with the subject of firms which have revenues from the sale of exempt items or from exempt sales provides that in order to be excused from quarterly reporting requirements a firm must have had, "during its most recent fiscal year," revenues of the character described which amount to 90 percent or more of total revenues and less than $50 million of revenues from sale of non-exempt items. This makes it clear that a firm is not exempt from reporting by virtue of exempt sales unless it has both a very high volume of exempt sales on a percentage basis and a very low dollar volume of non-exempt sales based on last year's figures. The profit margin regulation (§ 150.11) contains an identical rule that provides, in effect, that a firm continues to be bound by the profit margin limitation in the current year despite newly-exempt sales unless on the basis of last year's sales it had 90 percent or more of total revenues from exempt sales and less than $50 million of revenues from the sale of non-exempt items.

However, the Council has not previously explained its intention with respect to the 90 percent–$50 million rule as applied to last year's sales. The Council interprets the words "during its most recent fiscal year" in §§ 150.11(e) and 150.161(b)(1) to mean during the firm's most recent fiscal year on the basis of application to last year's sales of all the price exemptions which are in effect in Phase IV. In other words, as the sale of additional products becomes exempt during Phase IV those exemptions relate back on their effective dates, for the purpose of the 90 percent and $50 million sales computations in §§ 150.11(e) and 150.161(b)(1), to "exempt" last fiscal year's sales of the items the sales of which are exempt this year.

If a price exemption in the middle of the first quarter of FY 1974 results in a firm's meeting the 90 percent–$50 million test on the basis described, the 45-day "stub period" in FY 1974 in which the firm was not exempt from the profit margin test or quarterly reporting need not be reported since cost-justification and profit margin compliance are usually tested on the basis of a full quarter's operation. On the other hand, any specific violation which occurred during the stub period and which would be unaffected by subsequent decontrol within that period—such as failure to prenotify—is not excused any more than a price increase or profit margin violation relating to the last fiscal year is excused by subsequent decontrol.

The termination of controls on certain prices does not necessarily mean, therefore, that reporting requirements or profit margin restrictions terminate at the same time. This is particularly true in the case of the larger mixed firms or conglomerates. Each firm must determine for itself, in accordance with the cited regulations as explained by this notice, when the degree of price exemption reaches the level and point in time at which quarterly reporting and profit margin limitations no longer apply.

Profit margin excess and exempt sales. In order to provide further amplification concerning the Phase IV profit margin rules, the Council plans to issue in the near future a ruling or notice which will explain how to compute a profit margin excess which is attributable to exempt sales.

Issued in Washington, D.C., on February 20, 1974.

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

[FR Doc.74-4278 Filed 2-20-74;9:55 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from February 11 through February 15, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines, the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability.

Copies of individual statements are available for review from the originating agency. (Copies will also be available through two commercial sources, the National Technical Information Service of the Department of Commerce, and the Environmental Law Institute of Washington, D.C. NTIS and ELR accession numbers appear at the end of each statement summary.)

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Westside Timber Sale, Tongass N.F. Alaska: February 12. The statement refers to a proposed timber sale on the north side of Montague Island, Tongass National Forest. The sale consists of six clearcut units totalling 382 acres. The gross sale area is 1,100 acres, and the total volume is 11,068 MBF. An estimated 4.4 miles of road would be constructed for log trucking; the area is currently roadless and undeveloped. (36 pages) (ELR Order No. 40246.) (NTIS Order No. EIS 74 0246-D.)

Sewage Facility, Olympic N.F., Grays Harbor County, Washington: February 11. The statement refers to the proposed construction of a sewage collection and treatment plant for a Forest Service facility on the south shore of Lake Quinault. The plant and drainfield site would occupy 5.5 acres within the 8,900 acre South Quinault Ridge roadless area. There will be construction disruption, and continuation of existing Forest Service administration and recreation facilities at the present site. (63 pages) (ELR Order No. 40233.) (NTIS Order No. EIS 74 0233-F.)

SOIL CONSERVATION SERVICE

Draft

Cane Creek Recreational Development RC&D, Lincoln County, Ark.: February 11. Proposed is a watershed protection and recreation development project on Cane Creek. Projects measures will include a 1,750 acre recreational lake and a 1,900 acre state park. Production will be lost from 3,550 acres of forest land, 646 acres of cropland, 99 acres of grassland, and 85 acres of ponds; bottom land hardwood wildlife habitat will be lost on 1,220 acres. (38 pages) (ELR Order No. 40234.) (NTIS Order No. EIS 74 0234-D.)

White Oak Creek Fish and Wildlife Plan, Quachita and Nevada Counties, Ark.: February 11. The statement refers to the proposed development of 3,455 acres as a public fish and wildlife area, in order to increase hunting activities. Development will include the creation of 1,100 acres of green tree reservoirs (Type 1 wetland); enhancing and preserving 690 acres of Type 6 and 7 wetland; managing 300 acres of pine hardwood and 1,455 acres of bottom land hardwood; and improving access and creating basic facilities. There will be increased vehicular traffic noise, and littering; wildlife habitat may be reduced. (33 pages) (ELR Order No. 40239.) (NTIS Order No. EIS 74 0239-D.)

ATOMIC ENERGY COMMISSION

Contact: For Non-Regulatory Matters: Mr. W. Herbert Pennington, Office of Assistant General Manager, E-201, AEC, Washington, D.C. 20545, 301-973-4241. For Regulatory Matters: Mr. A. Giambusso, Deputy Director for Reactor Projects, Directorate of Licensing, P-722, AEC, Washington, D.C. 20545, 301-973-7373.

Draft

Comanche Peak Station, Units 1 and 2 Somervell County, Tex.: February 12. The statement refers to the issuance of construction permits to the Texas Utilities Generating Company for the two unit Comanche Peak Steam Electric Station. Each unit will produce 3425 MWt, which will be used to generate 1161 MWe (net) design levels of 3575 MWt and 1206 MWe (net) are anticipated A 3223 acre reservoir will be constructed to provide cooling water for the station. In addition to the land inundated by the reservoir, 400 acres of rangeland will be committed to project measures; another 439 acres will be acquired as right-of-way for 15 miles of transmission lines; 8 farm residences will be displaced. (ELR Order No. 40244.) (NTIS Order No. EIS 74 0244-D.)

Surry Power Station, Units 3 and 4 Surry County, Va.: February 15. The statement refers to the proposed issuance of a construction permit to the Virginia Electric Power Company for Units 3 and 4 at the Surry Power Station. Each Unit will employ a pressurized water reactor to produce 2631 MWt in order to generate 832 MWe (net); an ultimate power level of 2763 MWt is anticipated. Exhaust steam will be cooled by the recirculation of condenser cooling water through

floating spray modules in a land locked canal, for which makeup water will be obtained from the existing discharge canal for Units 1 and 2. Blowdown will be discharged to the existing intake canal for Units 1 and 2. James River water will be consumed at 60 cfs. (ELR Order No. 40257.) (NTIS Order No. EIS 74 0257-D.)

DEPARTMENT OF DEFENSE

AIR FORCE

Contact: Dr. Billy Welch, Room 4D 873, The Pentagon, Washington, D.C. 20330, 202-697-9297.

Draft

Operation GIANT PATRIOT, February 14: The statement refers to a Strategic Air Command Operational Base Launch program known as GIANT PATRIOT. Included in the program would be eight test launches of Minuteman II missile from operational facilities by operational crews. Flight path corridors would traverse Oregon, western Montana, northern Idaho, southwest Washington, and northwest California, and would terminate at Canton Island in the Phoenix Island Group. The purpose of the tests is to demonstrate the deterrent capability of the Minutemen force. Some missile hardware will impact short of the Pacific Ocean, with debris dropping in remote, unpopulated areas in Idaho. Construction would be required for support sites. (ELR Order No. 40253) (NTIS Order No. EIS 74 0253-D.)

Final

B-1 Bomber Program (2), February 11: The statement, which updates a final which was filed in November 1971, covers major environmental impacts (air pollution, stratospheric modification, noise pollution, and sonic boom) during the developmental period of the B-1 bomber. Operation and deployment of the 241 aircraft B-1 fleet is also discussed. The B-1 system is intended as a replacement for the B-52. First flight is scheduled for mid 1974, with a 23 month flight test program (67 pages). (ELR Order No. 40241) (NTIS Order No. EIS 74 0241-F.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-7168.

Draft

Bell Foley Lake Project, Strawberry River, Ark., February 11: The project involves the construction and subsequent operation and maintenance of Bell Foley Lake on the Strawberry River. The project will be used for flood control, outdoor recreation and fishery enhancement. The lake will be created by the construction of a dam which will be a 2,570 ft. long earth embankment with a top elevation of 150 ft. above the stream bed. Adverse impacts include the inundation of 6,000 acres at the top of the conservation pool, and 12,450 acres at the top of the flood storage pool, the loss of 27 miles of stream fishery habitat and the relocation of 33 families. (ELR Order No. 40232) (NTIS Order No. EIS 74 0232-D.)

Hahn Shopping Center, Corte Madera, Marin County, Calif., February 11: The project involves the filling of 28.2 acres of grasslands and marsh with 500,000 cubic yards of dry fill, including both fill and surcharge. This acreage in addition to 17 acres of previously filled land is to be used as a site for the Hahn Shopping Center, a regional shopping center situated in the Corte Madera, Marin County. Adverse impacts include a decrease in water quality from project runoff, increases in air and noise pollution, the loss of 45.2 acres of wildlife habitat, and an increase in local traffic (San Francisco District) (90 pages). (ELR Order No. 40242) (NTIS Order No. EIS 74 0242-D.)

Beach Erosion Control, Rockaway Peninsula, N.Y., February 11: The statement refers to the beach erosion project for the Rockaway Beaches, Queens. The project consists of the placement of beach fill, which will be taken from one of two borrow areas located near the project area. There are several alternatives for the proposed beach maintenance. Adverse impacts include increased turbidity due to maintenance procedures and disruption of present marine life caused by withdrawal of materials from offshore sources and subsequent placement on beaches. (New York District) (16 pages) (ELR Order No. 40235) (NTIS Order No. EIS 74 0235-D.)

Saw Mill River, Flood Protection (2), Westchester County, N.Y., February 11: The revised draft refers to the Saw Mill River Flood protection project which consists of channel deepening and sheet piling along the existing channel alignment to contain the channel excavation. Existing channel and foundation walls would be capable of containing a design flood of 1450 cubic feet per second. Adverse impacts include the removal of vegetation in the project area, and the encouragement of further development in the newly protected flood plain. The first draft was submitted to the Council on October 10, 1973 (New York District) (36 pages). ELR Order No. 40237) (NTIS Order No. EIS 74 0237-D.)

Zintel Canyon Dam, Kennewick, Wash., February 11: The project consists of construction of a detention dam at the mouth of Zintel Canyon 2.8 miles upstream from the city of Kennewick. Also included in the project is a combination of buried conduit and improved channel from the intersection of West Seventh Avenue and Vancouver Street to State Highway 14. The project will help provide flood protection for a 90 acre section of Kennewick. Adverse impacts are loss of some vegetation, loss of recreational use behind the dam during water impoundment, and temporary construction disturbances to residents and traffic (Walla Walla District) (26 pages). (ELR Order No. 40229) (NTIS Order No. EIS 74 0229-D.)

Preferential Mail Facility, Hartford, Conn., February 13: The proposed project is the construction of a Preferential Mail Facility in Hartford, Conn. The building will be a single floor operation with a public lobby multi-story office area, and parking area. The facility will acquire 22.5 acres. Adverse effects stemming from the project are increased traffic, and noise and air pollution levels. Comments made by: USDA, EPA, DOI, DOT, and state and local agencies and concerned citizens. (ELR Order No. 40248) (NTIS Order No. EIS 74 0248-F.)

NAVY

Contact: Mr. Jack Bowers, Assistant Secretary for Installation and Logistics, Washington, D.C. 20350.

The following statement was incorrectly reported in the Council's January 28, 1974 FEDERAL REGISTER listing, and has therefore been corrected. The commenting period for this statement began on January 9, 1974.

U.S. Naval Submarine Base, New London, Conn., January 9: The statement refers to the widening of a 7.5 mile navigation channel. Deposit of 2.7 million cu. yds. of spoil will be made at a New London disposal site. There will be adverse impact to marine biota (two volumes). Comments made by: EPA, DOI, DOC, and state and local agencies and concerned citizens. (ELR Order No. 40077) (NTIS Order No. EIS 74 0077-F.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Draft

Parker Water and Sanitation District, Colorado, February 12: The statement refers to the construction of sewage treatment facilities in Parker, which is twenty miles southeast of Denver. The facilities will include an interceptor sewer and an 0.25 mgd treatment facility. Expansion of the facility in 0.25 mgd increments has been planned for, with the first such expansion expected in 1976. The facility will serve an area of 2,240 acres, with a present estimated population of 1,650 persons. The project is expected to encourage more rapid growth of the area; current estimates are for a population of 33,000 in 1993. (ELR Order No. 40243) (NTIS Order No. EIS 74 0243-D.)

WSSC Piscataway Wastewater Treatment Facility, Prince Georges County, Md., February 11: The statement refers to the proposed granting of Federal financial assistance for the addition of advanced wastewater treatment facilities to the existing 30 MGD plant, and the installation of 18,000 feet of 108 inch outfall pipe. The outfall pipe would relocate the effluent discharge point from the headwaters of the Piscataway Bay to a point in the main channel of the Potomac Estuary approximately 2500 feet due west of Mockley Point. There will be construction disruption and a loss of some vegetation and wildlife habitat. An increase in sludge loads would result from the action. (ELR Order No. 40227) (NTIS Order No. EIS 74 0227-D.)

Final

Denver Sewage Treatment Plant Expansion, Colorado, February 11: Proposed is the expansion of the Metropolitan Denver Sewage Disposal District No. 1 wastewater treatment plant from its present capacity of 98 MGD to a total treatment capacity of 168 MGD. Project measures would include modification of existing secondary scum clarifiers, four 150 foot diameter primary clarifiers, ten 140 foot secondary clarifiers, a pure oxygen aeration system and facilities for mechanical screening, grit removal, sludge pumping and treatment, and chlorination. Plant effluent would be discharged to the South Platte River at the present outfall site. Impact will include construction disruption, odor and noise problems, and foaming in the River at the outfall (approx. 255 pages). Comments made by: DOI, DOT, HUD, COE, USDA, and state and local agencies. (ELR Order No. 40230) (NTIS Order No. EIS 0230-F.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202-755-5980.

Draft

Zia Urban Renewal, City of Gallup, McKinley County, N. Mex.: February 12. The statement refers to the proposed approval of an amendment to the Zia Urban Renewal Project, in the City of Gallup. Project measures would include the construction and repair of public streets and sidewalks; drainage system improvements; acquisition and clearance of substandard buildings; and provision of housing for project relocatees. Adverse impacts will include the isolation of the project area from the main part of the City by the construction of an intown interstate bypass (I-40), and the increase of pressure

for the closing of the Sunnyside Elementary School, due to its proximity to the highway. (ELR Order No. 40245) (NTIS Order No. EIS 74 0245-D.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

NATIONAL PARK SERVICE

Draft

Guilford Courthouse National Military Park, Guilford County, N.C.: February 11. The statement refers to a proposed development concept plan for the park, including a one-way loop tour road around the park, a visitor site, a bicycle circulation system, and restoration measures. The development plan is intended to promote sequential interpretation of the park by increased numbers of visitors. (50 pages.) (ELR Order No. 40240) (NTIS Order No. Eis 74-0240-D.)

NATIONAL SCIENCE FOUNDATION

Contact: Dr. Thomas O. Jones, Deputy Assistant to the Director, National and International Programs, Room 703, Washington, D.C., 20550, 202-632-4180.

Final

Dry Valley Drilling Project, Antarctica: February 11. The Statement refers to proposed support of the Dry Valley Dilling Project at McMurdo Sound, Antarctica, during the 1973-74 austral summer. The project, part of the U.S. Antarctic Research Program, is planned to study the diverse geological framework of the region, which contains rocks and sediments ranging in age from the Precamorian to Recent. From 10 to 15 boreholes are scheduled, with core drilling to a depth of 300 meters. The most likely impact would be that resulting from unexpecting spillage of drilling muds. (142 pages). Comments made by: USCG, EPA, STAT. DOC, and DOI. (ELR Order No. 40256.) (NTIS Order No. EIS 74 0256-F.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590. (202)-426-4357.

FEDERAL AVIATION ADMINISTATION

Draft

Ames Municipal Airport, Story County Iowa: February 13. The project involves the improvement of the Ames Municipal Airport, Ames. Included in the project is the paving and extension of a present runway, installation of lighting and runway marking, acquisition of clear zones, strengthening of taxiways and ramps, and the paving of another runway. Adverse impacts include a slight increase in air pollution, and the normal negative impacts associated with construction. (240 pages.) (ELR Order No. 40251.) (NTIS Order No. EIS 74 0251-D.)

Final

Pikesville—Pike County Airport, Pike County, Ky.: February 11. Proposed is the development of a new basic transport airport which will accommodate 60 percent of the business jet fleet on a 24 hour basis. Development will consist of a 5000' x 100' runway with a parallel taxiway, a turn-around and apron, a lighting system with REIL and VASI; hangars, and office, a cargo building, and a sewage system; approximately 168 acres will be cleared, and two residences displaced. Comments made by: EPA, USDA, DOI, HEW, State, and local agencies. (ELR Order No. 40238.) (NTIS Order No. EIS 74 0238-F.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 113, Frederica to Little Heaven, Kent County, Delaware: February 13. Proposed is the construction of 2.2 miles of divided dual highway, US 113, between Frederica and Little Heaven. Impact of the project will include the displacement of two families and 3 small businesses. (36 pages) (ELR Order No. 40249.) (NTIS Order No. EIS 74 0249-D.)

Alabama 5, Winston-Marion and Franklin, Winston-Marion Franklin Counties, Ala., February 11: The statement refers to the proposed improvement of Alabama Rte. 5 beginning 0.6 mile north of Delmar and running in a NW direction to 2.7 miles NW of Phil Campbell. The total length of the project is 17 miles. There are three alternate in the proposed improvement. Adverse impacts include acquisition of several acres of land, dislocation of serveral families and businesses, and destruction of some wildlife habitat. There will also be increases in the levels of water, noise and air pollution (30 pages). (ELR Order No. 40236) (NTIS Order No. EIS 74 0236-D.)

Rte. 7, Norwalk to Danbury, Conn., February 11: The project involves the relocation of Route 7 from the vicinity of I-84 in Danbury, passing through the towns of Wilton, Ridgefield and Redding. The length of this multilaned expressway project covers approximately 20 miles. Adverse impacts include relocation of 87 families and 33 businesses, an increase in the noise level, and the necessity of acquiring 469 acres of woodland and 157 acres of wetlands for right-of-way. Approximately 23 acres of Wooster Mountain State Park, which is considered 4(f) land, will be used (221 pages). (ELR Order No. 40231) (NTIS Order No. EIS 74 0231-D.)

Rte. 106, Merrimack County, N.H., February 11: The statement refers to the improvement of 3.8 miles of N.H. Route 106 in the town of Loudon, Merrimack County. The new segment will have two lanes, 2 new brides over the Soucook River, and six intersections. Adverse impacts include acquisition of 105 acres of land, relocation of 6 families and 1 business, loss of wetlands, and a temporary increase in the level of the Soucook River during construction. There will also be the normal temporary negative impacts associated with highway construction (133 pages). (ELR Order No. 40228) (NTIS Order No. EIS 74 0228-D.)

Ferry County Airport, Ferry County, Wash., February 13: The statement refers to the construction of a new airport near Republic, Washington, in order to replace an existing facility which is considered inadequate. The project will include a paved 3500' x 60' runway, a taxiway, and tiedowns, and will be sited on land to be leased from the Washington State Parks and Recreation Commission (41 pages). (ELR Order No. 40250) (NTIS Order No. EIS 74 0250-D.)

Final

Outer Belt Freeway, Sumter County, S.C., February 14: The statement refers to the proposed construction of the Outer Belt Freeway, extending from the eastern terminus of the U.S. 76/378 Bypass to the western end of the Bypass to form a complete loop around the city of Sumter. The facility would be approximately 14.5 miles long. Six to eight businesses and 12 to 18 families would be displaced, 268 acres of timberland would be committed to right-of-way. Temporary disruption of existing streets during construction and disruption of natural drainage patterns will occur (30 pages). Comments made by: EPA, HUD, DOC, DOI, COE, and state agencies. (ELR Order No. 40254) (NTIS Order No. EIS 74 0254-F.)

U.S. 25, Aiken and Edgefield Counties, S.C., February 14: Proposed is the widening (from two to four lanes), and reconstruction of 6.5 miles of U.S. 25. The relocation of eight residences will be required (20 pages). Comments made by: HUD and DOI. (ELR Order No. 40255) (NTIS Order No. EIS 74 0255-F.)

Clarks Fork Canyon Road, Park County, Wyo., February 14: The statement refers to the proposed reconstruction of the Clarks Fork Canyon Road between Highway Wyoming 120 and U.S. 212. Project length will be between 22.8 and 37.7 miles, depending upon the route selected. Environmental impacts include disruption of wildlife habitat, land stability, and visual values and construction in undisturbed areas (126 pages). Comments made by: USDA, DOI, HUD, EPA, and state and local agencies and concerned citizens. (ELR Order No. 40252) (NTIS Order No. EIS 74 0252-F.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-4226 Filed 2-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/13]

NOTICE OF 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 April 23, 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 April 23, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 2553-EG. Buhl Chemical Company, P.O. Box 526, Weirsdale, Florida 32695. *Zee-Tox Copper Naphthenate Concentrate.* Active Ingredient: Copper Naphthenate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2553-EE. Buhl Chemical Company, P.O. Box 526, Weirsdale, Florida 32695. *Zee-Tox Copper Wood Treatment & Fungicide.* Active Ingredients: Copper Naphthenate 20%; Petroleum Distillate 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2553-ER. Buhl Chemical Company, P.O. Box 526, Weirsdale, Florida 32695. *D & B Protective Pruning Paint.* Active Ingredients: Asphalt 37.4%; Copper Napthenate 3.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9046-EE. Consan Pacific Inc., P.O. Box 208, Whittier, California 90608. *Ener-Jet NP 125.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5%, C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.25%; Tetrasodium ethylenediamine tetraacetate 3.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 299-RIG. C. J. Martin Company, P.O. Box 9, Nacogdoches, Texas 75961. *Martin's Carbolin Oil.* Active Ingredients: Petroleum distillate 80%; Anthracene Oil 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 675-GR. National Laboratories, Lehn & Fink Industrial Products Division of Sterling Drug Inc., 225 Summit Avenue, Montvale, New Jersey 07645. *Roccal Mist Air Sanitizer Odor Neutralizer Module.* Active Ingredients: Triethylene Glycol 8.0%; Dipropylene Glycol 2.0%; Alkyl dimethyl benzyl ammonium chloride 0.1%; Essential Oils 1.0%; Ethyl Alcohol 16.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11304-E. Pool Brite Manufacturing, 7756 Balboa Boulevard, Van Nuys, California 91406. *Leslie's Algaecide.* Active Ingredient: Colloidal Silver 0.70%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13360-R. Willetts & Company, P.O. Box 48, Whiteville, North Carolina 28472. *Willco Casoron Granules.* Active Ingredient: Dichlobenil 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: February 14, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-4269 Filed 2-21-74;8:45 am]

UTAH AIR QUALITY IMPLEMENTATION PLAN

Notice of Public Hearing: Salt Lake City, Utah

The U.S. Environmental Protection Agency (EPA) will hold a public hearing to receive comments on a proposed amendment to the sulfur dioxide regulation applicable to the Huntington Canyon power plant located near Huntington, Utah as published in the December 7, 1973 Federal Register (38 FR 33777). It will be held on March 20, 1973 at the State Auditorium, 203 State Capitol Bldg., Salt Lake City, beginning at 10 a.m. The Administrator of the Environmental Protection Agency proposes to withdraw the promulgated sulfur dioxide regulation for the first operating unit of the Huntington Canyon power plant, revoke the extension which provided for the attainment of the primary standards for sulfur oxides, and amend the Federal compliance schedule to exclude sulfur oxides control for the first unit of the power plant.

Copies of the revised regulations and the supporting technical documentation are available for inspection at the Region VIII Office, Environmental Protection Agency, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203 and the Freedom of Information Center, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Written comments or any supplemental remarks will be accepted until the close of business March 22, 1974.

Dated: February 15, 1974.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74-4273 Filed 2-21-74;8:45 am]

[OPP 32005]

REGISTRATION OF PESTICIDES CONTAINING DDT

Notice of Application

Applications were made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973), to register a pesticide containing DDT. The applicants, products, and intended uses are:

Evergreen Helicopters, Inc., P.O. Box 358, McMinnville, Oregon 97128, E. H. I. DDT & Oil (Application No. 33814-R, Received January 30, 1974), for use in controlling the Douglas fir tussock moth.

Woods Industries, Inc., DBA Crop King Chemical, P.O. Box 1016, Yakima, Washington 98907, Crop King Colloidal DDT-400 (Application No. 33602-U, Received January 11, 1974), for use in Oregon on caneberries, blueberries, strawberries, ornamentals, stone fruits, mint, dry peas, hops, beets, corn (sweet), and cole crops.

Woods Industries, Inc., DBA Crop King Chemical, P.O. Box 1016, Yakima Washington 98907, Crop King Colloidal DDT-400 (Application No. 33602-L, Received January 8, 1974), for use in Idaho on dry peas.

This notice does not indicate a decision by this Agency on the applications.

Any Federal Agency or other interested party may comment in writing on these applications. Address comments to Federal Register Section, Technical Services Division (HM-569), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, on or before March 25, 1974. Comments should include the date of this notice and application number.

Dated: February 13, 1974.

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

[FR Doc.74-4184 Filed 2-21-74;8:45 am]

WATER POLLUTION CONTROL ADVISORY BOARD

Notice of Meeting

Pursuant to P.L. 92-463, notice is hereby given that a meeting of the Water Pollution Control Advisory Board will be held at 10 a.m. on March 4 and 5, 1974, in the Administrator's Conference Room (11th floor), 401 M Street SW., Washington, D.C. 20460.

The Board advises the Administrator on matters of policy relating to the activities and functions of the Administrator under the Federal Water Pollution Control Act. The purpose of the meeting is to present to the Board an overview of the Agency's Water Pollution Control Program and consider Board activities for the coming year.

The meeting will be open to the public. A limied number of seats—approximately 10—will be available on a reserved first come basis. Any member of the public wishing to attend the meeting or requesting additional information should contact Robert F. Powell, Executive Secretary; EPA Telephone: 202-755-6906.

Oral statements or questioning of Board members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Board before or after the meeting.

ROGER STRELOW,
Acting Assistant Administrator for Air and Water Programs.

FEBRUARY 20, 1974.

[FR Doc.74-4382 Filed 2-21-74;10:21 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 688]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

FEBRUARY 19, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20941–C2–P–74, William G. Bowles, Jr., d/b as KeoKuk Mobilphone (NEW). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Iowa & South 7th Street, Keokuk, Iowa.

20942–C2–P–74, William G. Bowles, Jr., d/b as KeoKuk Mobilphone (NEW). C.P. for a new 2-way station to operate on 152.21 MHz to be located at Iowa & South 7th Street, Keokuk, Iowa.

20943–C2–P–74, Southern Bell Telephone and Telegraph Company (KTS273). C.P. to change antenna system and antenna location operating on 152.54 MHz located at 304 Pine Avenue, Albany, Georgia.

20944–C2–P–(4)–74. Autophone of San Antonio (KKJ451). C.P. for additional facilities to operate on 454.150, 454.200, 454.250, and 454.350 MHz located at 700 East Hildebrand, San Antonio, Texas.

20945–C2–P–(3)–74, Tele-Page, Inc. C.P. for a new station to operate at: Loc. #1: near Prescott, 13,200 ft. in direction S38 degrees from Courthouse, Prescott, Arizona, operating on base facilities 152.09 MHz; and Loc. #2: 543 West Gurley, Prescott, Arizona, operating on base facilities 152.09 MHz and control facilities 454.10 MHz.

20946–C2–P–74, South Central Bell Telephone Company (KKM580). C.P. for additional facilities to operate on 152.66 MHz located at 248 East Capitol Street, Jackson, Mississipi.

20948–C2–P–74, Lincoln Desha Telephone Company (KLB709). C.P. to reinstate expired authorization operating on 152.81 MHz located at intersection of Court and Waterman Streets, Dumas, Arkansas.

20949–C2–P–74, Lincoln Desha Telephone Company (KFL950). C.P. to reinstate expired authorization operating on 152.78 MHz located at Star City Water Tower, Star City, Arkansas.

20950–C2–P/L–(3)–74, RCA Alaska Communications, Inc. (KTR987). C.P. to change antenna system and change antenna location operating on 152.54, 152.63, and 152.72 MHz located at AFS Radome, 156 miles, 298 degrees TN from Bethel, Alaska, Cape Romanzof, Alaska.

20951–C2–P–74, Euclid Telecommunications, Inc. (KQC880). C.P. to change antenna system operating on 152.21 MHz located at 635 E. 185th Street, Euclid, Ohio, Loc. #1.

20952–C2–P–(2)–74, Richard P. Blyler, d/b as Lebanon Mobilfone (KSV040). C.P. for additional facilities to operate on 454.025 and 454.075 MHz located at 25 Maple Street, Lebanon, Pennsylvania.

20953–C2–P–(2)–74, Morris Communications, Inc. (KIY731). C.P. for additional facilities to operate on 454.15 and 454.30 MHz located on Paris Mountain, Lake Circle Drive, 6 miles North of Greenville, South Carolina.

20954–C2–P–74, Central Radio Dispatch, Inc. (NEW). C.P. for a new 2-way station to operate on 152.21 MHz to be located on Kilgore Hwy & Farm & Market Road, Tyler, Texas.

20955–C2–P–74, Con-Tac Communications, Inc. (NEW). C.P. for a new 1-way station to operate on 152.24 MHz to be located 2.4 miles S of North Platte City Limits and SW of Hwy. 83, North Platte, Nebraska.

20956–C2–P–74, Con-Tac Communications, Inc. (NEW). C.P. for a new 2-way station to operate on 152.21 MHz to be located 2.4 miles S of North Platte City Limits and SW of Hwy 83, North Platte, Nebraska.

20958–C2–P–74, Nashville Mobilphone, Inc. (NEW). C.P. for a new 2-way station to operate on 152.18 MHz to be located 0.5 mile NW of US #31 & 4 miles NW of Franklin, Tennessee.

Major Amendment

881–C2–P–72, RAM Broadcasting of Arkansas, Inc. (NEW), Forest City, Arkansas. Amend to change the 152.21 MHz facilities to ½ mile East of Hwy #1 North, and 2 miles North of Forrest City Limits, Madison, Arkansas. All other particulars to remain as reported on PN dated August 30, 1971.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding ex parte presentations, by reasons of potential electrical interference.

New York:

Inter'Electronics Corporation (NEW), 3279–C2–P–72.

Messages By Radio, Inc. (KEA200), 3786–C2–P–72.

Mobilfone Radio System (KEA254), 5104–C2–P–72.

Beep Communication Systems, Inc. (KEK287), 5103–C2–P–72.

RURAL RADIO SERVICE

60202–C6–P–74, Western States Telephone Company (NEW). C.P. for a new rural subscriber station to operate on 157.89 and 157.95 MHz to be located approximately 17 miles SW of St. Johns, Arizona.

60203–C6–P–74, The Mountain States Telephone and Telegraph Company (WAY49). C.P. for additional facilities to operate on 157.77 MHz located at Hay Lake Ranch, 26.6 miles North East of Pine, Arizona.

POINT TO POINT MICROWAVE RADIO SERVICE

3060–C1–P–74, Southern Bell Telephone and Telegraph Company (WDD43), 325 Gardenia Street, West Palm Beach, Florida. Lat. 26°42'34" N., Long. 80°03'11" W. C.P. to change antenna system, replace transmitter, and change point of communication to WPEC–TV, West Palm Beach, Fla., for freq. 6197.2V MHz on azimuth 344°37'.

3061–C1–R–74, The Bell Telephone Company of Pennsylvania (KOC47). Within the territory of the grantee. Application for Renewal of License for Term: March 11, 1974, to March 11, 1975.

3062–C1–P–74, American Telephone and Telegraph Company (KEL79), 811 Tenth Avenue, New York, New York. Lat. 40°45'59" N., Long. 73°59'27" W. C.P. to add freq. 4150H MHz toward Roslyn Harbor, N.Y., on azimuth 81°30'.

3063–C1–P–74, Same (KYS89), 0.1 Mile N.E. of Roslyn, New York. Lat. 40°48'19" N., Long. 73°38'38" W. C.P. to add freq. 4110H MHz toward New York 7, New York, on azimuth 261°43'; freq. 4150V MHz toward Stamford, Conn., on azimuth 13°51'.

3064–C1–P–74, Same (KYS88), Intersection of Catoona & Mayne Lane, Stamford, Connecticut. Lat. 41°03'09" N., Long. 73°33'48" W. C.P. to add freq. 4150V MHz toward Roslyn Harbor, N.Y., on azimuth 193°55'.

3065–C1–P–74, General Telephone of the Southwest (KLT55), Ropesville, 3.4 Miles East of Ropesville, Texas. Lat. 33°24'34" N., Long. 102°05'32" W. C.P. to change antenna system, replace transmitter, and correct azimuth and path length on freqs. 6289.2H and 6404.8H MHz toward Lubbock, Tex., on azimuth 48°2'.

3066–C1–P–74, Same (KLT56), 1305 4th Street, Lubbock, Texas. Lat. 33°35'31" N., Long. 101°50'58" W. C.P. to change antenna system, alarm center location, replace transmitter, correct azimuth and path length on freqs. 6034.2H and 6152.8H MHz toward Ropesville, Tex., on azimuth 228°10'.

3070–C1–TC–(3)–74, Brentwood Company, Consent to transfer of control from Time Incorporated, TRANSFEROR, to Frank K. Spain, d/b as Microwave Service Company, TRANSFEREE. Stations: KTG33 Frazier Mtn., Calif., KTR34 Breckenridge Mtn., Calif., and Station WHA83 Breckenridge Mtn., California.

3073–C1–P–74, Mid-Kansas, Inc. (KBC60), 2 Miles North of Manhattan, Kansas (Lat. 39°14'11" N., Long. 96°35'23" W.). C.P. to change azimuth of transmitting antenna toward Junction City, Kansas, to 227 degrees 30 minutes.

3074–C1–P–74, Same as above (KBC62), 2.7 Miles WSW of Junction City, Kansas (Lat. 39°00'55" N., Long. 96°53'55" W). C.P. to change station location to above coordinates, resulting in the following changes in transmitting azimuth: toward Council Cove, Kansas, 135 degrees 25 minutes; toward Abilene, Kansas, 256 degrees 49 minutes; and toward Clay Center, Kansas, 336 degrees 03 minutes.

3075–C1–P–74, Midwestern Relay Company (WLJ52), Milwaukee, Wisconsin (Lat. 43° 05"29" N., Long. 87°54'07" W.). C.P. to add new point of communication on frequency 11425H MHz (via power split) toward Milwaukee, Wisconsin, on azimuth 233 degrees 03 minutes.

3076–C1–P–74, Same as above (KPR28), Capitol Peak, 11.5 Miles WSW of Olympia, Washington (Lat. 46°53'30" N., Long. 123°03'17" W.) C.P. to change transmitting azimuth toward Aberdeen (KPR29), Washington to 270 degrees 06 minutes.

3077–C1–P–74, Same (KPR29), Aberdeen, Washington (Lat. 46°58'23" N., Long. 123° 49'03" W.) C.P. to change station location to above coordinates. Frequencies 5967.4H, 6036.0H, & 6189.8H MHz toward Westport, Washington, on azimuth 246 degrees 47 minutes; frequencies 5967.4H, 6036.0H, & 6189.8H MHz toward Ocean Shore, Washington, on azimuth 273 degrees 02 minutes.

3080–C1–P–74, Illinois Bell Telephone Company (KSO40), 201 S. Neil Street, Champaign, Illinois. C.P. to replace transmitter and increase output power on authorized frequency 5945.2H MHz toward Tuscola, Illinois.

3081–C1–P–74. Same as above (KZI71), 1 Mile North of Tuscola, Illinois. C.P. to replace transmitters and increase output power on frequencies 6345.5H MHz toward Champaign and 6197.2H MHz toward Mattoon, Illinois.

3082–C1–P–74, New England Telephone and Telegraph Company (KCL85), 25 Concord Street, Manchester, New Hampshire. C.P. to add 6345.5V MHz toward Dunbarton, New Hampshire.

3083–C1–P–74, Same as above (KZ159), 1 Mile North of Dunbarton, New Hampshire. C.P. to add 6093.5 MHz toward Springfield, New Hampshire, and Manchester, New Hampshire.

3084–C1–P–74, Same (WAD82), on Oak Hill, 3.3 miles South of Springfield, New Hampshire. C.P. to add 6345.5 MHz toward Enfield and Dunbarton, New Hampshire.

3085–C1–P–74. Same (WAD81), 4 miles East of Enfield, New Hampshire, on East Hill. C.P. to add 6093.5 MHz toward West Lebanon and Springfield, New Hampshire.

3086–C1–P–74, Same (WAD83), on Craft Hill, 1 Mile NE of West Lebanon, New Hampshire. C.P. to add 6345.5H MHz toward Enfield, New Hampshire.

3087–C1–P–74, General Telephone Company of Florida (KIL88). C.P. to change antenna system and replace transmitters operating on 5974.8V, 6034.2V & 6093.5V MHz toward Clearwater, Florida.

3088–C1–P–74, General Telephone Company of Florida (KIN50), Cleveland Avenue and Betty Lane, Clearwater, Florida. C.P. to change antenna system and replace transmitters operating on 6226.9V, 6286.2V, & 6345.5V MHz toward Tampa, Florida.

Applications filed pursuant to section 212 of the Communications Act of 1934, as amended to hold positions as officer or director of more than one communications carrier.

File No.	Applicant	Nature of application
I-D-339-2	Frank K. Spain.	For authority to hold Interlocking Officer and/or Director in Microwave Service Co., Alabama Microwave, Inc., Microwave Service Co. of Florida, Inc., and upon consummation of the transfer of control, Brentwood Co.
I-D-334-1	Gene Schneider.	For authority to hold Interlocking Officer and/or Director in United Video, Inc., and United Wehco, Inc.
I-D-362	Roy L. Bliss.	Do.

[FR Doc.74-4205 Filed 2-21-74;8:45 am]

[Docket No. 19934; FCC 74-141]

PHONE-MATE INC. ET AL.

Memorandum Opinion and Order Instituting Investigation

In the matter of Phone-Mate, Inc., Complainant v. American Telephone & Telegraph Company and South Central Bell Telephone Company, Defendants.

1. On August 21, 1973, Phone-Mate, Inc. (complainant) filed a formal complaint asking that the Commission find unreasonable and discriminatory under sections 201(b) and 202(a) of the Communications Act, the telephone company practices, pursuant to AT&T's Tariff F.C.C. No. 263, of requiring an allegedly unnecessary protective device to be used with complainant's Phone-Mate automatic telephone answering devices.

2. The tariff provision in question is section 2.6.4(B)(1) of AT&T's Tariff F.C.C. No. 263, the relevant portions of which are as follows:

Customer-provided voice transmitting and/or receiving terminal equipment which involves direct electrical connection to the facilities furnished by the Telephone Company for long distance message telecommunications service may be used with such facilities in accordance with (a) and (b) following:

(a) The connection shall be made through a Telephone Company network control signalling unit and a connecting arrangement which shall be furnished, installed and maintained by the Telephone Company. * * *

3. The essence of the complaint is that Phone-Mate automatic telephone answering devices may not be connected to the telephone network, irrespective of any actual demonstrable harm caused to this network, except through a network control signalling unit and connecting arrangement furnished, installed and maintained by the telephone company. Complainant asserts (1) that since Phone-Mate devices are powered by four flashlight batteries, they do not cause excessive voltages; (2) that tests conducted by an independent testing laboratory have shown that Phone-Mate devices cause no longitudinal imbalance; and (3) that since Phone-Mate devices are intended to answer incoming telephone calls, only limited network signalling functions are involved upon the seizing and release of the telephone line. Thus complainant maintains that Phone-Mate devices are harmless, and the telephone company practice of requiring a protective device is unreasonable.

4. In answer, defendants state that they have no affirmative duty to analyze each of the numerous models of customer-provided equipment in order to demonstrate in what way each product harms or is likely to harm the telephone network or telephone company personnel, and that this procedure is obviated by the requirement for a protective device. We note, however, that AT&T has already liberalized its tariff to provide for the direct electrical connection without a protective device, of certain customer-provided headsets and non-powered conferencing equipment. (See section 2.6.4 (E) of AT&T's Tariff F.C.C. No. 263).

5. We now have the benefit of five years operating experience under the AT&T interconnection tariffs, which were filed in 1968 pursuant to our Carterfone decision.[1] Based on this experience and the complaint raised by Phone-Mate, we are now prepared to institute an investigation to determine whether or not section 2.6.4(B)(1) of AT&T's Tariff F.C.C. No. 263, as applied to Phone-Mate devices, sets "reasonable standards to prevent harmful interconnection" (14 F.C.C. 2d at 572; emphasis added). Thus, AT&T will be expected to demonstrate that its tariff is reasonable within the meaning of section 201(b) of the Communications Act. We will also inquire into whether AT&T's tariff and practices operate to give an undue preference or other favorable treatment to customers who interconnect with Bell System terminal equipment rather than similar equipment offered by Phone-Mate.

6. It should be noted that prior to the filing of the instant complaint, defendant South Central Bell Telephone Company commenced a civil action against complainant in the Chancery Court for Knox County, Tennessee. That action, which is presently pending before that court, seeks, among other things, to enjoin complainant and others from inducing the violation of defendant's General Subscriber Services Tariff on file with the Tennessee Public Service Commission. Taking note of the instant complaint and recognizing that the ultimate result of this proceeding might assist the court in its determination, the court, on November 6, 1973, requested the FCC to expedite consideration of the instant complaint and to provide the court with such findings as may be of assistance to the court. In view of the Tennessee court's request, we will order that this proceeding be expedited. In furtherance of this objective, and in accordance with § 0.365 of the Commission's rules (47 CFR 0.365), we will provide for review of the initial decision by the Commission rather than the Review Board.

7. We should make clear the relationship of this proceeding to the Joint Board proceeding in Docket No. 19528. We recently stated in another proceeding concerning the lawfulness of certain provisions of AT&T's private line service tariffs, that the Joint Board proceedings are not concerned with the question of the lawfulness of any existing interstate tariffs; that questions concerning whether there is any justification under interstate tariffs for requiring carrier-provided protective connecting arrangements in particular cases would be resolved in separate proceedings; and that, if we find in such separate proceedings that protective devices are needed in the public interest, then the Joint Board would be concerned with whether to permit customers (or others), rather than the carriers exclusively, to provide any such devices. 42 FCC 2d 651–52 (1973).[2] Thus, in the instant case, we are not concerned with whether Phone-Mate or others may have the option of supplying the interfaces now supplied only by the carrier for direct interconnection of Phone-Mate, but whether there is any need for such interfaces and if so, whether any modification should be made in the characteristics of such carrier-provided interfaces and the practices of the carriers with respect thereto.

8. In view of the foregoing, *it is ordered*, That pursuant to the provisions of sections 4(i), 201, 202, 205, 208 and 403 of the Communications Act, an expedited investigation is hereby instituted into the lawfulness of section 2.6.4 (B)(1) of AT&T's Tariff F.C.C. No. 263.

[1] Carterfone, 13 F.C.C. 2d 420 (1968), *aff'd on reconsideration*, 14 F.C.C. 2d 571 (1968).

[2] See also 41 FCC 2d 239, 240.

9. *It is further ordered,* That the scope of the proceeding shall include inquiry into the following issues:

(1) the operation, technical, economic or other effects of the use of the Phone-Mate devices in connection with the switched telephone network upon the operation of the telephone system used to provide interstate and foreign message telecommunications service to the public or upon the employees and facilities of the telephone companies providing such service or upon the public in its use of such telephone system;

(2) whether such tariff provision and the practices of the carriers with respect thereto as applied to Phone-Mate devices, are or will be unjust or unreasonable within the meaning of section 201(b) of the Communications Act; or will make an unjust or unreasonable discrimination or will subject any person or class of persons to undue or unreasonable prejudice or disadvantage, or will give any undue or unreasonable preference or advantage to any person or class of persons, within the meaning of section 202(a) of the Communications Act;

(3) whether the Commission should, pursuant to section 205, prescribe any changes in such tariff provisions or the practices of the carriers with regard thereto insofar as Phone-Mate devices are concerned and, if so, what changes should be so prescribed.

10. *It is further ordered,* That the hearing in this proceeding shall be held at the Commission's offices in Washington, D.C. at a time to be specified by the presiding Administrative Law Judge; and that such Administrative Law Judge shall, upon the closing of the record, prepare and issue an initial decision, which shall be subject to the submittal of exceptions and requests for oral argument as provided in §§ 1.276 and 1.277 of the Commission's rules (47 CFR 1.276, 1.277), after which the Commission shall issue its decision as provided in § 1.282 of the Commission's rules (47 CFR 1.282).

11. *It is further ordered,* That AT&T and South Central Bell Telephone Company are hereby named parties respondent herein.

12. *It is further ordered,* That a trial staff of the Common Carrier Bureau shall participate and be separated both from the Commission and from the Administrative Law Judge. (See In re AT&T, Docket 18128, 32 FCC 2d p. 89, 90 (1971))

Adopted: February 11, 1974.

Released: February 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION[3]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74-4203 Filed 2-21-74;8:45 am]

[3] Commissioner Burch, Chairman; Commissioners Reid and Wiley concurring in the result.

FEDERAL MARITIME COMMISSION

PACIFIC AMERICA CONTAINER EXPRESS LINE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 14, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John R. Mahoney, Esq., Casey, Lane & Mittendorf, 26 Broadway, New York, N.Y. 10004.

Agreement No. 9925-1, between Associated Container Transportation (Australia) Ltd., and Australian Coastal Shipping Commission (trading as The Australian National Line) modifies the approved joint service Agreement No. 9925 of these carriers operating under the trade name "Pacific America Container Express Line (PACE LINE)" between Australia, New Zealand and various South Pacific islands, on the one hand, and Atlantic and Gulf ports of the United States, Puerto Rico, Virgin Islands and the Panama Canal, on the other hand.

The purpose of this modification is to amend Agreement No. 9925 to provide for the continuation of the containership service by these carriers under an arrangement to be known as the "Pacific American Container Express Service," in lieu of the joint service in the same trade under terms and conditions consistent therewith.

By Order of the Federal Maritime Commission.

Dated: February 19, 1974.

FRANCES C. HURNEY, *Secretary.*

[FR Doc.74-4234 Filed 2-21-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-47]

SEA ROBIN PIPE LINE CO.

Order Accepting Stipulation and Agreement

FEBRUARY 13, 1974.

On September 29, 1972, Sea Robin Pipe Line Company (Sea Robin) tendered for filing certain tariff sheets which would increase rates to its jurisdictional customers by $30,780,109. On November 13, 1972, this Commission issued an order in this proceeding accepting such tariff sheets for filing and suspending their effectiveness until April 15, 1973. In our order of November 13, this Commission advised Sea Robin that the proposed rates (1) reflected the cost of certain non-certificated facilities and were subject to revision if such facilities were not in service on or before April 15, 1973, and (2) did not reflect a Seaboard classification of costs and, consequently Sea Robin could "be required to absorb the impact of any under collection of these rates as may occur". Sea Robin's motion to delete the above quoted language was denied on January 15, 1973.

On March 15, 1973, Sea Robin submitted revised cost and revenue data which reflected the elimination of the non-certificated facilities referred to above and reduced the proposed increase from $30.8 to $24.9 million. Sea Robin also filed two sets of tariff sheets reflecting the elimination of the non-certificated facilities; one set of which purported to be based on a Seaboard classification of costs. On April 13, 1973, we issued an order rejecting these sheets due to their failure to reflect Seaboard and accepted the other set of tariff reflecting Sea Robin's historical rate design without prejudice to Sea Robin tendering Seaboard rates.

Sea Robin on April 25, 1973, filed an "Application for Rehearing and Motion for Reinstatement of Revised Tariff Sheets or Alternatively, for Acceptance of Substitute Revised Tariff Sheets". The Substitute Revised Tariff Sheets contained rates based on an unmodified Seaboard classification of costs. On May 25, 1973, this Commission issued an order denying the application for rehearing and accepted Sea Robin's tariff sheets containing Seaboard rates. Sea Robin has billed its customers pursuant to such tariff sheets for services rendered on and after April 15, 1973.

On August 21, 1973, a settlement conference was convened at the request of Sea Robin. Negotiations On August 21 and 22 resulted in the submission of the settlement now before us for consideration. On October 5, 1973, the Presiding

Administrative Law Judge certified to the Commission the Stipulation and Agreement together with the record relating thereto.

The principle features of the settlement agreement may be summarized as follows:

Article I provided for a settlement cost of service of $83,424,271 and includes a rate of return of 8.93 percent with a return to equity of 11.75 percent.[1] The settlement rates are based on an unmodified Seaboard classification and provide for a sales rate monthly demand charge of $1.34, commodity charge of 8.147¢ and cost of gas charge of 25.757¢. The transportation rate monthly demand charge is $1.34 and the commodity charge is 7.188¢.

Article II states that Sea Robin will file revised tariff sheets reflecting the rates set forth in Article I within 15 days after the date the Commission's order approving the settlement agreement become final and no longer subject to judicial review. Within two weeks of such filing, Sea Robin will refund to its customers the difference between the amounts computed on the basis of the rates in effect on April 15, 1973, and the proposed settlement rates based on the volumes purchased by each customer from April 15, 1973, to the date such refunds are computed. Refunds will include interest computed at 7 percent annually.

In Article III the parties agree that the settlement agreement shall not affect Sea Robin's PGA clause which was approved by the Commission in Docket No. RP73-89.

The settlement rates have been computed using a depreciation rate of 8.33 percent. The propriety of this depreciation rate is reserved for trial and decision in a hearing to be held after the Commission has acted on this settlement agreement. In Article IV Sea Robin agrees to reduce its rates and made refunds in the event a depreciation rate of less than 8.33 percent is determined to be proper for Sea Robin and the company will make accounting adjustments to its books to reflect depreciation expense and reserves based on such lower depreciation rate.

Sea Robin presently transports gas for Tennessee Gas Pipeline Company and Southern Natural Gas Company. Both of these companies have requested reductions in their contract demand levels. The settlement rates reflect contract demands for Tennessee and Southern lower than those presently authorized. Article V provides that should the Commission issue orders denying these requested lower contract demands by Tennessee and Southern, Sea Robin agrees to refund to its customers any money collected on the basis of contract demands higher than those reflected in the settlement and will reduce its rates by reflecting such higher contract demands.

Articles VII, VIII, and IX contain standard provisions relating to the reporting of refunds, terms of the agreement and general reservations of the settlement agreement.

At a conference before the Presiding Administrative Law Judge held on October 4, 1973, which afforded the parties an opportunity to comment upon the agreement, all parties present with the exception of Commission Staff expressed their complete concurrence with the agreement. Commission Staff Counsel, however, expressed Staff's reservations to the agreement which were previously made known in a letter to all parties dated August 30, 1973, which stated:

> After review of the settlement agreement submitted by Sea Robin on August 22, 1973, and to which all parties have expressed agreement, staff has noted that the agreement's treatment of interest as a tax deduction does not comply with the Commission's Opinion No. 600, in that the interest deduction does not include interest on borrowings related to construction. In order to insure this agreement's acceptance by the Commission, Staff recommends adjustment of the interest deduction to include interest on construction-related borrowings or, alternatively, utilization of staff's capitalization, which included such borrowings.[2]

Staff then stated that, in its view, the record was complete and recommended that the settlement be certified to the Commission for its consideration as to the proper disposition of the tax interest deduction issue as well as the other issues set forth in the settlement agreement.[3]

While Sea Robin did deduct the interest expense on debt used for the construction of new facilities in its formal presentation, it did not do so in its calculations of the settlement cost of service, which is contrary to Commission Opinion No. 600, issued August 23, 1971 (El Paso Natural Gas Company, Docket No. RP70-11, et al.). There the Commission stated:

> * * * we find that it is proper to deduct the short-term interest expense from the income tax allowance, even though in this case it was not included in our determination of interest and debt expenses found in our Phase I rate-of-return decision.
>
> If, in fact, as the result of this borrowing, the future rate base of El Paso was increased by the amount of such debt through new additions or constructions, including interest during construction, then to ignore the tax effect in the cost of service would, in effect, be giving El Paso a double return on the tax effect involved . . . However, the tax savings realized from interest charged to construction are in no way amortized or in any other manner flowed through to consumers after the construction projects are placed in service, Therefore, unless this expense is deducted in the immediate proceeding, El Paso customers will never realize the tax benefit that El Paso has actually received.

The interest expense related to construction debt amounts to $434,003 and has a cost of service effect of decreasing the Federal and State Income Tax Allowance by $421,345, as shown in Appendix B. As to all other items included within the proposed settlement, we conclude that each has been disposed of in a manner consistent with the public interest. For these reasons we shall accept and approve the Stipulation and Agreement with the condition that Sea Robin revise its cost of service calculations to include the deductions set forth above in conformity with Commission Opinion No. 600.

The Commission finds:

The settlement of these proceedings on the basis of the proposed agreement filed by Sea Robin on September 24, 1973, is reasonable and proper in the public interest in carrying out the provisions of the Natural Gas Act with the condition that Sea Robin revise its cost of service to reflect short term interest relating to borrowing for construction and adjusts the settlement rates accordingly.

The Commission orders:

(A) The settlement agreement filed by Sea Robin in Docket No. RP73-47 is incorporated herein by reference, is conditionally approved and shall be made effective subject to the terms and conditions of this order.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, and the Commission's rules and regulations (18 CFR Chapter I), a hearing shall be held for purposes of cross-examination concerning the reserved issue of depreciation.

(C) Within 45 days of the issuance of this order, Sea Robin shall file revised tariff sheets incorporating the terms of and conditions of the settlement agreement as modified to reflect inclusion of the tax deductions for short term interest related to borrowing for construction in Sea Robin's settlement cost-of-service and settlement rates.

(D) On February 27, 1974, a conference shall be held before the Presiding Administrative Law Judge in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, at which time all parties to this proceeding will be given the opportunity to indicate their agreement or disagreement with the condition in paragraph C regarding tax treatment of interest related to construction. Should the parties agree with the condition in paragraph C, the Presiding Administrative Law Judge is authorized to set dates for the service of rebuttal testimony by Sea Robin and for a hearing for purposes of cross-examination concerning the reserved issue of depreciation. Should the parties not agree to this condition, the Presiding Administrative Law Judge is authorized to set procedural dates for further settlement discussions if the parties deem necessary or hearing on all issues, including depreciation, pre-

[1] See Appendix A for the test period costs as filed by Sea Robin and as subsequently amended by the Company, and as finally agreed upon for settlement.

[2] Commission Staff Counsel's letter of August 30, 1973, to all Parties.

[3] Transcript, pages 15-16.

sented by Sea Robin's September 29, 1972 filing.

(E) This order is without prejudice to any findings or orders which have been or may hereafter be made by the Commission and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Sea Robin, or any party affected by this order, in any proceeding not pending, or hereafter instituted by or against Sea Robin, or any other company, person or party affected by this order.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[4]

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

[4] Commissioner Brooke, dissenting, with whom Commissioner Moody concurs, issued a separate statement which is filed as part of the original document.

APPENDIX A—SEA ROBIN PIPELINE CO.

[Docket No. RP73-47]

Comparison of cost of service and rate base

Line No.	Particulars	Per company as filed	Company revisions	Per company as revised	Staff adjustments	Staff as filed	Adjustment to staff cost	Per settlement	Settlement over (under) company
	(a)	(b)	(c)	(d)	(e)	(f)	(g)	(g)	(h)
1	Purchased gas cost	$57,944,248	($14,935,490)	$42,958,752	$3,626,764	$51,615,516		$51,615,516	$3,626,764
2	Operation and maintenance expenses	4,735,314	(323,164)	4,412,150	(534,435)	3,877,635	$263,884	4,141,519	(270,631)
3	Depreciation expense	13,211,969	(1,910,493)	11,301,476	(4,001,791)	6,099,685	3,437,938	10,137,623	(1,163,853)
4	Taxes, other than income taxes	240,742		240,117	(2,542)	233,200		238,200	(2,542)
4	Return: Co. at 9.75 percent; staff at 8.84 percent; settlement at 8.93 percent	14,878,032	(2,993,961)	11,884,071	(2,880,109)	9,503,962	184,149	9,688,111	(2,195,960)
5	Federal income taxes	13,499,838	(3,378,401)	10,121,434	(5,953,587)	4,157,845	3,807,040	7,964,886	(2,156,548)
6	State income taxes	673,676	(156,817)	516,859	(304,340)	212,519	194,285	406,804	(110,055)
7	Other gas revenue—credits	(3,853,230)	3,084,842	(768,388)		(768,388)		(768,388)	
8	Total cost of service	101,330,589	(20,633,493)	80,697,096	(5,220,100)	75,476,996	7,947,275	83,424,271	2,727,175
9	Rate base:								
10	Net plant	148,251,700	(22,476,328)	125,775,372	(14,479,290)	111,296,082	978,600	112,274,606	(13,500,696)
11	Working capital	9,308,078	(8,500,763)	807,315	(80,771)	726,544		726,544	(80,771)
12	Accumulated deferred income taxes	(4,964,579)	283,868	(4,694,711)	183,047	(4,511,664)		(4,511,664)	(183,047)
13	Total rate base	152,595,199	(30,707,293)	121,887,996	(14,377,029)	107,510,966	978,600	108,489,486	(13,398,420)

APPENDIX B—SEA ROBIN PIPELINE CO.

[Docket No. RP73-47]

Settlement cost of service

Line No.	Particulars	Settlement as filed	Additional interest	Adjusted settlement cost of service
1	Operation and maintenance expenses:			
2	Purchased gas cost	$51,615,516		$51,615,516
3	Production and gathering expenses	1,216,163		1,216,163
4	Transmission expenses	1,667,883		1,667,883
5	Customers account expenses	2,311		2,311
6	Administrative and general expenses	655,152		655,152
7	Total operation and maintenance expenses	55,757,035		55,757,035
8	Depreciation expenses	10,137,623		10,137,623
9	Federal income taxes	7,964,886	(400,571)	7,564,315
10	State income taxes	406,804	(20,774)	386,030
11	Ad valorem taxes	219,575		219,575
12	Other taxes	18,625		18,625
13	Return at 8.93 percent	9,688,111		9,688,111
14	Other gas revenues	(768,388)		(768,388)
15	Total cost of services	84,424,271	(421,345)	(83,002,926)

[FR Doc.74-3951 Filed 2-21-74;8:45 am]

[Docket No. E-8614]

LOUISVILLE GAS AND ELECTRIC CO.

Proposed Changes in Rates and Charges

FEBRUARY 15, 1974.

Take notice that Louisville Gas and Electric Company (Louisville) on January 22, 1974, by telegram dated January 21, 1974, tendered for filing an amendment to its existing Service Schedule E, short Term Power, appended to its interconnection agreement with Public Service Company of Indiana, designated as Louisville's First Supplemental Agreement to Rate Schedule FPC No. 21.

Louisville states that it has offered to make available off-peak power and energy from its coal-fired generation to help relieve shortages of residual oil fuels in the New England area, subject to the establishment of an appropriate rate schedule. In order to avoid delays resulting from the filing of such rate schedule, following a request for commencement of such service, and until a more appropriate rate schedule can be submitted, Louisville proposes to effect such sales under its existing Service Schedule E, Short Term Power. The offer is limited to the off-peak hours of 10 p.m. to 7 a.m. e.d.t., Monday through Saturday and all hours on Sunday.

In view of the limitation on service hours and the fact that the Demand Charges in its Short Term Power Schedule contemplate furnishing of power and energy during on-peak hours, Louisville requests that the Commission authorize it, on an emergency basis, to make Fuel Conservation Power and Energy sales under Service Schedule E and to adjust the Demand Charge to 20 cents per kilowatt-week or 2$\frac{6}{7}$ cents per kilowatt-day if for less that a full week, when, and only when, the reservation is limited to the off-peak hours stated above. Authority is also requested to further reduce the 20 cents per kilowatt-week by $\frac{1}{72}$ per kilowatt of reduction for each hour the supplying party is unable or unwilling to supply capacity in the full amount reserved.

Louisville states that Public Service Company of Indiana has been advised of this request. The latter company on

January 24 filed its concurrence by telegram dated January 23, 1974, with Louisville's telegram described above.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before February 21, 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.74-4346 Filed 2-21-74;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST ALABAMA BANCSHARES, INC.

Acquisition of Bank

First Alabama Bancshares, 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 the successor by merger to American Bank and Trust Company, Hartselle, 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 March 13, 1974.

Board of Governors of the Federal Reserve System, February 13, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-4187 Filed 2-21-74;8:45 am]

FIRST FINANCIAL SERVICES, INC.

Formation of Bank Holding Company

First Financial Services, Inc., Falls City, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of First National Bank, Falls City, 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 March 14, 1974.

Board of Governors of the Federal Reserve System, February 14, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-4190 Filed 2-21-74;8:45 am]

FIRST VIRGINIA BANKSHARES CORP.

Proposed Acquisition of Gadsden Finance Company

First Virginia Bankshares Corporation, Falls Church, Virginia, 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 indirectly acquire voting shares of Gadsden Finance Company, Gadsden, Alabama. Notice of the application was published on December 21, 1973, in The Gadsden Times, a newspaper circulated in Gadsden, Alabama.

Applicant states that the proposed subsidiary would engage in the activities of a finance company, including the extension of small personal loans; financing retail installment sales; granting real estate loans, primarily second mortgage loans; and acting as agent or broker in the sale of property insurance, credit life insurance and credit accident and health insurance only to its loan customers. 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 interest, 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 Richmond.

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 March 13, 1974.

Board of Governors of the Federal Reserve System, February 13, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-4188 Filed 2-21-74;8:45 am]

NORTHERN MICHIGAN CORP.

Acquisition of Bank

Northern Michigan Corporation, Escanaba, 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 100 per cent of the voting shares (less directors' qualifying shares) of Northern Michigan Bank of Marquette, Marquette, 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 Minneapolis. 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 March 11, 1974.

Board of Governors of the Federal Reserve System, February 14, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-4189 Filed 2-21-74;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, 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 Pinellas Central Bank and Trust Company, Largo, Florida, and The Security Bank, Pinellas Park, Florida. 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 his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 11, 1974.

Board of Governors of the Federal Reserve System, February 13, 1974.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary of the Board.

[FR Doc.74-4175 Filed 2-21-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

Public Buildings Service

ADVISORY COMMITTEE FOR PROTECTION OF ARCHIVES AND RECORDS CENTERS

Establishment of Advisory Committee

This notice is published in accordance with the provisions of section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), and advises of the establishment of the following advisory committee:

Designation. Advisory Committee for Protection of Archives and Records Centers.

Purpose. The committee will (1) review the present state-of-the-art in protection of records in archives and records centers, including structural design, methods of records storage, records media, protective personnel, fire protection systems, and firefighting; (2) determine gaps in the data base of knowledge and the action needed to fill the gaps; (3) review present firesafety objectives for records protection, especially those of General Services Administration; (4) determine appropriate levels of protection; and (5) propose revisions and alternatives to present standards and practices to the Administrator of General Services.

Authority for this committee will expire within 1 year, unless the Administrator formally determines that continuance is in the public interest.

Dated: February 13, 1974.

L. F. ROUSH,
Commissioner,
Public Buildings Service.

[FR Doc.74-4185 Filed 2-21-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

ARCHITECTURE CITY OPTIONS ADVISORY PANELS

Notice of Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Architecture City Options Midwestern Region 3 Advisory Panel to the National Endowment for the Arts will be held at 9 a.m. on February 27 and at 9 a.m. on February 28, 1974 in Denver, Colorado. Also a closed meeting of the Architecture City Options Western Region 4 Panel to the National Endowment for the Arts will be held at 9 a.m. on March 1 and at 9 a.m. on March 2, 1974 in Denver, Colorado.

These meetings are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.74-4222 Filed 2-21-74;8:45 am]

ARCHITECTURE TASK FORCE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Architecture Task Force Advisory Panel to the National Endowment for the Arts will be held at 10 a.m. on February 25, 1974 in the Council on Environmental Quality conference room, 722 Jackson Place NW., Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b) (4), (5), and (6), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382-5871.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.74-4221 Filed 2-21-74;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 February 19, 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 AGRICULTURE

Economic Research Service, Rappahannock County Land Ownership Survey, Form ----; single time; Foster/Planchon; owners of land in county.

Statistical Reporting Service, Wheat Variety Survey—1974, Form ----; single time; Lowry; wheat farmers.

DEPARTMENT OF COMMERCE

Economic Development Administration, Validation Survey for Industry Innovation in Municipal Market, Form ED 729; single time; Ellett; local public purchasing officials.

SMALL BUSINESS ADMINISTRATION

Contractor Compliance Data, Form SBA 601 C; single time; Sunderhauf/Lowry; federally-assisted contractors over $10,000.

Financial Statement of Debtor, Form SBA 770; occasional, small business borrowers.

Financial Statement, Form SBA 362; occasional; Caywood; small business borrowers.

REVISIONS

DEPARTMENT OF COMMERCE

Economic Development Administration, Employment and Remuneration of Expediters, Form ED 100; Occasional; Lowry; all applicants for EDA financial assistance.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Center for Disease Control, Tuberculosis Hospital Bed Census, Form CDC 5.6; Annual; Evinger; hospitals with beds for tuberculosis patients.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Traveler Survey, Form ----; Single time; Foster; travelers.

VETERANS ADMINISTRATION

Certification of Delivery of Advance Payment and Enrollment, Form 22-1999v; occasional; Caywood; Certifying official.

EXTENSIONS

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit, Requisition of Funds Applicable to College Housing Program—Related Forms, Forms 4300, 4300A, 4301, 4302, 4304; occasion; CVAD; educational institutions.

DEPARTMENT OF LABOR

Employment Standards, Administration, Application for a Certificate to Employ Full-Time Students in a Retail or Service Establishment, Form WH-200; Occasion; Evinger (x); business firms.

Application for a Certificate to Employ Full-Time Students at Special Minimum Wages in Agriculture, Form WM 257; occasion: Evinger (x); farms.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-4291 Filed 2-21-74;8:45 am]

ADVISORY COMMITTEE ON GNP DATA IMPROVEMENT

Notice of Public Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Advisory Committee on GNP Data Improvement to be held in Room 10104, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on Monday, March 4, 1974, at 9:45 a.m.

At this meeting the Committee will review proposed recommendations for improving the data of Economic Censuses for the Gross National Product accounts.

The meeting will be open to public observation and participation. Anyone wishing to participate should contact the GNP Data Improvement Project, Statistical Policy Division, Room 10222, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-3793.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74-4328 Filed 2-21-74;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

Quarterly Excise Tax Rate

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)) as amended by section 5(a) of Public Law 91-215, the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning April 1, 1974, shall be at the rate of seven and one-half cents.

Dated: February 14, 1974.

By authority of the Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc. 74-4177 Filed 2-21-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5452]

CONSOLIDATED NATURAL GAS CO.

Notice of Proposed Issue and Sale

FEBRUARY 15, 1974.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), 30 Rockefeller Plaza, New York, New York 10020, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Consolidated proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, $50,000,000 principal amount of __ percent Debentures due March 1, 1999. The interest rate (which will be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, (which will be not less than 99 percent or more than 102 percent of the principal amount thereof) will be determined by competitive bidding. The debentures will be issued as a new series under a Fourth Supplemental Indenture dated as of March 1, 1974, to the Indenture between Consolidated and Manufacturers Hanover Trust Company, New York, New York, as Trustee. The Indenture includes a prohibition until March 1, 1979, against refunding the issue with or in anticipation of funds borrowed at a lower effective interest cost. The Series 1999 bonds will be subject to a sinking fund, commencing March 1, 1979, designed to retire 80% of the aggregate principal amount thereof by maturity. The proceeds of the sale of the debentures will be used to finance, in part, the 1974 capital expenditures of Consolidated's subsidiary companies, presently estimated at $175,600,000, including $119,400,000 required to develop sources of additional gas supply.

It is stated that the fees and expenses to be incurred in connection with the proposed transaction are estimated at $129,500 including $28,000 service charges at cost, of Consolidated Natural Gas Service Company, Inc., a wholly owned service company, and accountants fees and expenses of $10,000. The fees and expenses of counsel for the underwriters are to be paid by the successful bidders; the amount will be supplied by amendment.

It is further stated that no State commission and no Federal commission other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 13, 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 declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act 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.74-4165 Filed 2-21-74;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

FEBRUARY 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 14, 1974 through February 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-4163 Filed 2-21-74;8:45 am]

[File No. 500-1]

HOME-STAKE PRODUCTION CO.

Notice of Suspension of Trading

FEBRUARY 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Home-Stake Production Company being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from February 14, 1974 through February 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-4164 Filed 2-21-74;8:45 am]

[70-5454]

MISSISSIPPI POWER CO.

Notice of Proposal To Amend Articles of Incorporation and To Issue and Sell Newly Authorized Preferred Stock at Competitive Bidding

FEBRUARY 12, 1974.

Notice is hereby given that Mississippi Power Company ("Mississippi"), 2992 West Beach, Gulfport, Mississippi 39501, an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said declaration, which is summarized below, for a complete statement of the proposed transactions.

Mississippi proposes to amend its Articles of Incorporation by increasing the number of shares of authorized preferred stock ("new Preferred Stock"), par value $100 per share, by 150,000 shares. Mississippi is currently authorized to issue 244,139 shares of preferred stock. It is stated that the new Preferred Stock will be created, and its terms established, by resolution of the board of directors of Mississippi. All issued and outstanding shares of Mississippi's common stock, being the entire number of shares of all of Mississippi's outstanding stock entitled to vote on the foregoing amendment, have been voted in favor of said amendment.

Mississippi further proposes to issue and sell the new Preferred stock at competitive bidding, for the best price obtainable, but in no event for a price less than $100 per share nor more than $102.75 per share. It is stated that the proceeds from the sale of the new Preferred Stock, together with cash contributions to capital of $5,500,000 by Southern, $31,800,000 to be received from various public authorities for construction of pollution control facilities, and available cash on hand, will be used to finance Mississippi's 1974 construction program (estimated at $71,-329,000), to pay notes payable, and for other lawful purposes.

The fees, commissions, and expenses incurred or to be incurred in connection with the foregoing proposals will be supplied by amendment. The declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 11, 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 declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules under the Act 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.74-4182 Filed 2-21-74;8:45 am]

[812-3586]

MUTUAL BENEFIT GROWTH FUND, ET AL.

Notice of Application

FEBRUARY 14, 1974.

Notice is hereby given that Mutual Benefit Growth Fund ("Growth Fund") and Mutual Benefit Fund ("Benefit Fund") (collectively referred to as "Funds") both of which are open-end diversified, management investment companies registered under the Investment Company Act of 1940 (the "Act"), and Mutual Benefit Financial Service Company ("FISCO"), 520 Broad Street, Newark, New Jersey 07101, the principal distributor and investment adviser for Growth Fund and Benefit Fund (hereinafter collectively called "Applicants") have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants from section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of representations made herein, which are summarized below.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. The offering price of the shares of each Fund is equal to the net asset value plus a sales charge.

Applicants have requested exemptions from section 22(d) of the Act to sell shares of Growth Fund and Benefit Fund at net asset value, without a sales charge, under the following circumstances:

1. Where shareholders of Growth Fund or Benefit Fund who have redeemed their shares or any portion thereof desire to reinvest in shares of Growth Fund or Benefit Fund, respectively, up to the amount of the redemption proceeds (or to the nearest full share if fractional shares are not purchased), and

2. Where shareholders of Growth Fund who redeem their shares or any portion thereof desire to invest in shares of Benefit Fund under the exchange privilege up to the amount of the redemption proceeds (or to the nearest full share if fractional shares are not purchased), and where shareholders of Benefit Fund who redeem their shares or any portion thereof desire to invest in shares of Growth Fund under the exchange privilege up to the amount of the redemption proceeds (or to the nearest full share if fractional shares are not purchased).

It is contemplated that shareholders of Growth Fund or Benefit Fund will be notified of these reinvestment privileges in connection with the processing of redemption requests. To be effective, the shareholders written order of reinvestment or exchange would be required to be postmarked or received by FISCO within 15 days after the request for redemption was received. The reinvestment or exchange will be made at the net asset value per share of the Fund next determined after the written order is received.

Applicants state that in order to minimize the possibility of shareholder abuse through speculation on a possible short-term decline in the net asset value of Growth Fund or Benefit Fund shares, the redemption and exchange privileges will be offered on a one-time basis and must be exercised within the relatively short period of time specified.

Further, Applicants state that no sales personnel or dealer will receive compensation of any kind in connection with these transactions. Costs involved in calling the attention of shareholders to these privileges will be borne by FISCO. It is not expected that additional bookkeeping costs incurred by Growth Fund and Benefit Fund in connection with such transactions will be significant. Shareholders electing an exchange will be required to pay a $5 service charge applicable to all exchanges.

Applicants submit that, in some instances, shareholders may mistakenly redeem their shares through a misunderstanding or unawareness of their rights as shareholders or the characteristics of the security.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than March 11, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be

controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act. an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-4178 Filed 2-21-74;8:45 am]

[File No. 500-1]

ALBEE HOMES, INC.

Notice of Suspension of Trading

FEBRUARY 12, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and the convertible subordinated debentures, 5 percent, 6/30/82 of Albee Homes, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:30 p.m. (e.d.t.) on February 12, 1974 through midnight (e.d.t.) on February 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-4179 Filed 2-21-74;8:45 am]

[File No. 500-1]

B.G.I. CORP.

Notice of Suspension of Trading

FEBRUARY 12, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of B.G.I. Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 1:30 p.m. (e.d.t.) on February 12, 1974, through midnight (e.d.t.) on February 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-4180 Filed 2-21-74;8:45 am]

BROKERS DIVERSIFIED SERVICES CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

FEBRUARY 12, 1974.

I. Brokers Diversified Services Corp. ("Services"), a Massachusetts corporation located at 600 Lincoln Street, Worcester, Massachusetts, filed with the Commission on June 14, 1972, a notification on Form 1-A and an offering circular relating to a proposed offering of 100,000 shares of $0.01 par value common stock at $5 per share. These shares were to be offered on a best efforts basis. Several amendments have been filed, the most recent on April 5, 1973. Ridgewood Securities Corporation of 112 Water Street, Boston and 2801 E. Oakland Park Boulevard, Fort Lauderdale, Florida 33306, was originally listed as the underwriter. Subsequent amendments substituted Duvest Corporation, 15 Exchange Place, Jersey City, New Jersey, and M. E. Hand Securities Inc., Seneca Turnpike, New Hartford, New York, as the underwriters.

II. The Commission, on the basis of information reported to it by the staff, has reasonable cause to believe that:

A. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of circumstances under which they were made not misleading, particularly with respect to the following:

1. The failure to reveal an obligation of the issuer to pay interest on its outstanding common stock.

2. The failure to reveal an offer to present shareholders to exchange their shares in the issuer for shares of an affiliate.

3. The failure to disclose the existence of a plan which was approved by the Massachusetts Insurance Commissioner for the mass marketing of auto insurance by one of the largest insurance companies in the Commonwealth of Massachusetts.

4. The failure to disclose a stockholder's suit against Issuer.

5. Financial statements contained in the offering circular fail to reflect the agreement to pay interest on outstanding common stock and the basis upon which the interest is to be paid.

6. Sales of unregistered securities by the Issuer and affiliated Issuers in violation of Sections 5 and 17 of the Securities Act of 1933.

B. The terms and conditions of Regulation A have not been complied with in the following respects:

1. The notification fails to disclose the sale of unregistered shares to all persons required by Item 9.

2. The offering circular fails to disclose the obligation to pay interest on unregistered common stock issued and the option to exchange such stock for stock of an affiliated company, and

3. No exemption is available under the Regulation for the securities purported to be offered hereunder in that the offering, if made, would exceed the ceiling for the Regulation A exemption under Rule 254.

C. The offering, if made, would be in violation of Section 17 of the Securities Act of 1933.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules and practice, that the issuer file an answer to the allegations contained in the order within thirty days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the thirtieth day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-4183 Filed 2-21-74;8:45 am]

[70-5455]

CONNECTICUT LIGHT AND POWER CO.

Proposal To Issue and Sell First Mortgage Bonds and Preferred Stock at Competitive Bidding

FEBRUARY 12, 1974.

Notice is hereby given that the Connecticut Light & Power Company ("CL&P"), Selden Street, Berlin, Con-

necticut 06037, an electric utility subsidiary company of Northeast Utilities, 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 transactions. All interested parties are referred to said application, which is summarized below, for a complete statement of the proposed transactions.

CL&P proposes to issue and sell, at competitive bidding, $65 million principal amount of its First and Refunding Mortgage Bonds, Series AA ("Bonds"), due March 1, 2004. The interest rate, which shall be a mutiple of ⅛ of 1 percent, and the price, which will be not less than 99 percent nor more than 102.75 percent of the principal amount thereof, will be determined by competitive bidding. The Bonds will be issued under the Indenture of Mortgage and Deed of Trust dated as of May 1, 1921 ("Indenture") between CL&P and Bankers Trust Company, Trustee, as supplemented and amended from time to time, and as further supplemented by a supplemental indenture to be dated March 1, 1974 ("Supplemental Indenture"). The Supplemental Indenture provides, among other things, that Bonds shall not be redeemed at the applicable general redemption price prior to March 1, 1979, from the proceeds of borrowings secured by CL&P at an effective interest cost to CL&P of less than the effective interest cost of the Bonds.

CL&P further proposes to issue and sell, at competitive bidding, 1,000,000 shares of its preferred stock, Series K ("Preferred Stock"), par value $50 per share. The dividend rate, which shall be a multiple of $0.04, and the price to be paid to CL&P, which shall be not less than $50 nor more than $51.375 per share, will be determined by competitive bidding. The terms of the Preferred Stock will be established by resolution of the Board of Directors amending CL&P's Certificate of Incorporation. Such terms include the provision that Preferred Stock shall not be redeemed prior to March 1, 1979, from the proceeds of borrowings or from the proceeds of any sale of stock ranking prior to or on a parity with the Preferred Stock as to dividends or assets, if such borrowed funds or such shares have an effective interest or dividend cost to CL&P of less than the effective dividend cost to CL&P of the Preferred Stock.

The application states the CL&P will use the net proceeds from the sale of Bonds and Preferred Stock, estimated to be approximately $115 million, to repay short-term borrowings incurred for the purpose of financing CL&P's construction program (estimated to total $148,000,000 for 1974). Such short-term borrowings aggregated $93,560,000 as of December 31, 1973, and will aggregate an estimated $115 million at the time of the aforementioned sales.

A statement of the fees, commissions and expenses incurred or to be incurred in connection with the proposed transaction will be supplied by amendment. The approval of the Connecticut Public Utilities Commission is required for the issuance of the Bonds and Preferred Stock. No other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 11, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as 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.74-4181 Filed 2-21-74;8:45 am]

SPECIAL ACTION OFFICE FOR DRUG ABUSE PREVENTION

ADVISORY COMMITTEE ON DRUG DETECTION

Notice of Meeting

FEBRUARY 14, 1974.

Both morning and afternoon sessions of the Advisory Committee on Drug Detection on February 26, 1974, 10 a.m., Room 3104, the New Executive Office Building, 726 Jackson Place NW., Washington, D.C., will be open to the public. Any member of the public wishing to attend or participate should contact John A. Whysner, M.D. (202) 456-6611.

This hereby amends previous notice FR Doc. 74-3661, published February 14, 1974.

JOHN A. WHYSNER, *Chairman.*

[FR Doc.74-4276 Filed 2-21-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 14]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

FEBRUARY 15, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Com-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

mission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 730 (Sub-No. 360), filed January 16, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum, and petroleum products*, in bulk, in tank vehicles, from points in San Juan County, N. Mex., to points in Arizona.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex., or Salt Lake City, Utah.

No. MC 14702 (Sub-No. 53), filed July 19, 1973. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Edward R. Kirk, Suite 1660, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum articles*, from the plantsite of Consolidated Aluminum, at Carrollton, Ky., to points in Ohio, Massachusetts, Indiana, Michigan, Pennsylvania, New Jersey, New York, Connecticut, Maine, New Hampshire, Rhode Island, and Vermont, restricted to traffic originating at and destined to the above-named origins and destinations.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 16903 (Sub-No. 37), filed January 10, 1974. Applicant: MOON FREIGHT LINES, INC., 120 West Grimes Lane, Bloomington, Ind. 47401. Applicant's representative: Ferdinand Born, 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Stone and granite, cut, uncut, finished, ground, or in the rough* from Adams County, Pa., to points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Michigan, Kentucky, and Tennessee, and (2) *stone, cut, uncut, finished and in the rough, crushed, ground, and pulverized*, from Hanover (York County), Pa., to points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Michigan, Kentucky, and Tennessee, and (3) *granite, cut, uncut, finished, ground, and in the rough*, from St. Peters (Chester County), Pa., to points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, Ohio, West Virginia, Virginia, North Carolina, South Carolina, and Georgia, (1), (2), and (3) restricted to traffic originating at the above-named origin points and destined to the above-named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Philadelphia, Pa., or Indianapolis, Ind.

No. MC 19227 (Sub-No. 199), filed October 25, 1973. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical transformers, circuit breakers, and/or parts*, which by reason or size or weight requires the use of special equipment; and (2) *electrical equipment and parts*, which do not require the use of special equipment when moving in connection with commodities in (1) above, from Rankin County, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority (1) in the lead Docket, at Rankin County, Miss., to provide a through service from Florida, Alabama, Georgia, and South Carolina to those destination points named above, and (2) in Sub-No. 43 with the lead docket, at Florida and Rankin County, Miss., to provide a through service from Texas to those destination points named above. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 22254 (Sub-No. 72), filed January 8, 1974. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 8900 South Freeway, Fort Worth, Tex. 76134. Applicant's representative: Elliott Bunce, 618 Perpetual Building NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles*, uncrated, and *parts and accessories* thereof, from Los Angeles, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 26396 (Sub-No. 110), filed January 4, 1974. Applicant: POPELKA TRUCKING COMPANY, doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Bee keeper's supplies and accessories* used in the installations thereof, (1) from Polson, Mont., to Paris and Dallas, Tex.; Sioux City, Iowa; Watertown, Wis.; Hornell, N.Y.; Lynchburg, Va.; Hahira and Atlanta, Ga.; Umatilla, Fla.; Oakland and Los Angeles, Calif.; Memphis, Tenn.; Greensboro, N.C.; and Grand Rapids, Mich.; and (2) between Polson, Mont., and Hamilton, Ill., (B) *plastic pipe and fittings*, from Denver, Colo., to points in Idaho, Washington, Oregon, and California; and (C) (1) *building materials and pipe, cement*, containing asbestos fibre, from the plantsite of Johns-Manville Products in Waukegan, Ill., to points in Colorado, Iowa, Minnesota, Montana, Nebraska, North Dakota, South Dakota, and Wyoming; and (2) *building materials*, from the plantsite of Johns-Manville Perlite Corp. at or near Joliet, Ill., to points in Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE.—Applicant holds contract carrier authority in MC 136777 (Sub-No. 3), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont.

No. MC 29910 (Sub-No. 139), filed January 14, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelly Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Day and Night Company, Payne Company, at Collierville, Tenn. as an off-route point in connection with applicant's regular route authority to and from Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or New Orleans, La.

No. MC 29910 (Sub-No. 140) filed January 17, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and tubing, and fittings, and material* used in the installation thereof, except commodities in bulk, in tank vehicles, from Colfax, N.C., to points in Mississippi, Louisiana, Arkansas, Texas, and Oklahoma.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Colfax, N.C., to provide a through service from points in North Carolina, South Carolina, and Georgia to named

destination states above. If a hearing is deemed necessary, applicant requests it be held at Winston-Salem or Charlotte, N.C.

No. MC 31389 (Sub-No. 178), filed January 16, 1974. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughton Street, Winston-Salem, N.C. 27107. Applicant's representative: David F. Eshelman, P.O. Box 213, Winston-Salem, N.C. 27102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, Class A and B explosives, and those requiring special equipment), serving points in Macomb and Oakland Counties, Mich. (except the Detroit, Mich., commercial zone), as off-route points in connection with regular route operations to and from Detroit, Mich.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.; Cleveland, Ohio; or Washington, D.C.

No. MC 43475 (Sub-No. 53), filed January 14, 1974. Applicant: GLENDENNING MOTORWAYS, INC., 1665 West County Road C, St. Paul, Minn. 55113. Applicant's representative: Jame L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Western Potato Service, Inc., at or near Grand Forks, N. Dak., to points in Minnesota, Wisconsin, and Illinois.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either St. Paul or Minneapolis, Minn., or Fargo, N. Dak.

No. MC 50307 (Sub-No. 71), filed January 16, 1974. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials, supplies and equipment, used in the manufacture thereof*, between Front Royal, and Woodstock, Va.; Carlisle and York, Pa.; Martinsburg, W. Va.; and the New York, N.Y., commercial zone.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 63417 (Sub-No. 60), filed January 15, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road NE., P.O. Box 2888, Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 420 Executive Building, 1030 15th Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Hardeeville and points in Horry County, S.C., to Sumter, S.C., and points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 64932 (Sub-No. 522), filed January 11, 1974. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Ave., Oak Lawn, Ill. 60453. Applicant's representative: W. F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plant site and storage facilities of Dow Chemical Company at Midland, Mich., Hanging Rock, Ohio, Pevely, Mo., and Channahon Township, (Will County), Ill., to points in the United States on and east of U.S. Highway 85, restricted to shipments originating at said plant sites and storage facilities.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 67646 (Sub-No. 71), filed January 2, 1974. Applicant: HALL'S MOTOR TRANSIT CO., a Corporation, P.O. Box 999, 6060 Carlisle Pike, Mechanicsburg, Pa. 17055. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hancock, Md., and Uniontown, Pa.: From Hancock over U.S. Highway 40 to Uniontown, and return over the same route, serving all intermediate points and the points of Keyser, Moorefield, Paw Paw, and Petersburg, W. Va., and points in Allegany and Garrett Counties, Md., as off-route points.

NOTE.—The purpose of this application is (1) to eliminate gateway and (2) to convert portions of the applicant's existing authority to regular route. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 72243 (Sub-No. 36), filed January 2, 1974. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road, Warren, Ohio 44482. Applicant's representative: Dale Woodall, 900 Memphis Bank Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, or in sections;* (2) *building sections and building panels;* (3) *parts and accessories* used in the installation thereof; and (4) *metal prefabricated structural components and panels*, from Portland, Tenn., to points in the United States (except Hawaii and Alaska).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at either Memphis, or Nashville, Tenn.

No. MC 73165 (Sub-No. 337), filed August 23, 1973. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 330 North 33d Street, Birmingham, Ala. 35202. Applicant's representative: R. Connor Wiggins, 909 100 North Main Building, Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Valves, hydrants, attachments, and accessories;* and (2) *materials, equipment, and supplies* used in the manufacture thereof (except commodities in bulk), between points in Jefferson County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at points in Jefferson County, Tex.; in Sub-No. 102, on iron and steel articles, to provide a through service from Birmingham, Ala., and points within 10 miles thereof to points in the United States; with the combined authorities in Sub-No. 102 and 278, to provide a through service from points in Pennsylvania, Maryland, and New York, to points in the United States; with the combined authorities in Sub-No. 102 and 183 to provide a through service from points in Brooke, Cabell, and Marshall Counties, W. Va., to points in the United States; with the combined authorities in Sub-No. 102 and 186 to provide a through service from the plant site of Kentucky Electric Steel Company, Boyd County, Ky., to points in the United States; with the combined authorities in Sub-No. 102 and 216 to provide a through service from Tennessee Forging Steel Co. near Harriman, Tenn., to points in the United States; and with the combined authorities in Sub-No. 102 and 187, on pipe fittings and pipe valves and fire hydrants, from Coshocton, Ohio, to points in the United States; in Sub-No. 326, on iron valves, hydrants, fittings, and gaskets to provide a through service from Talladega, Ala., to points in the United States; and in Sub-No. 272 to provide service between Bridgeton, N.J., on the one hand, and, on the other, points in the United States. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 82079 (Sub-No. 37), filed January 14, 1974. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Ave. SW., Grand Rapids, Mich. 49507. Applicant's representative: J. M. Neath, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, frozen and non-frozen, and non-edible foods* (except commodities in bulk), from Logansport, Ind., to points in Michigan and Ohio, with the return of damaged or rejected merchandise.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Indianapolis, Ind.

No. MC 102616 (Sub-No. 891), filed January 11, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo

Road, Akron, Ohio 44319. Applicant's representative: James Annand (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from Midland, Mich., Hanging Rock, Ohio, Pevely, Mo., and Channahon Township (Will County, Ill., to points in the United States on and east of U.S. Highway 85, restricted to traffic originating at the plant sites and storage facilities of the Dow Chemical Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 105159 (Sub-No. 32), filed December 10, 1973. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. 55066. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dried milk products* and (2) *commodities* the transportation of which is otherwise exempt under Section 203 (b) of the Interstate Commerce Act when moving in mixed loads with the commodities described in (1) above, from St. Peter, Nicollet, Preston, Wanamingo, Stillwater, Sleepy Eye, Northfield, Waconia, and Rochester, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requested it be held at Minneapolis, Minn.

No. MC 106398 (Sub-No. 698), filed January 11, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Stueben and Oneida Counties, N.Y., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 107403 (Sub-No. 858), filed August 13, 1973. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages*, in bulk, in tank vehicles, from Auburndale and Lake Alfred, Fla., to Louisville, Ky.; (2) *alcoholic liquors and distilled spirits*, in bulk, in tank vehicles, from Bardstown, Ky., to Lakeland, Fla.; (3) *alcoholic liquors*, in bulk, in tank vehicles, from Louisville and Frankfort, Ky., and Lawrenceburg, Ind., to St. Louis, Mo.; (4) *alcoholic liquors*, in bulk, in tank vehicles, from Owensboro, Ky., to St. Louis, Mo.; and (5) *lead oxide*, in bulk, in tank vehicles, from Indianapolis, Ind., to Louisville, Ky.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108207 (Sub-No. 381), filed January 17, 1974. Applicant: FROZEN FOOD EXPRESS, INC., Post Office Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Missouri, Iowa, Nebraska, Minnesota, Mississippi, and Memphis, Tenn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Dallas, Tex.

No. MC 108884 (Sub-No. 27), filed January 17, 1974. Applicant: ROGERS TRANSFER, INC., Route 46, P.O. Box 175, Great Meadows, N.J. 07838. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plant site and storage facilities of Banquet Foods Corporation located at or near Wellston, Ohio, to points in Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 109478 (Sub-No. 131), filed January 17, 1974. Applicant: WORSTER MOTOR LINES, INC., R.D. #1, Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West 10th Street, Erie, Pa. 16501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, NOIBN, including cough drops, candy, and chewing gum in packages, from Holland, Mich., to Canajoharie, N.Y.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washintgon, D.C., or New York, N.Y.

No. MC 110988 (Sub-No. 307), filed January 14, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: E. Stephen Heisley, 805 McLauglin Bank Bldg., 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsite and storage facilities of the Dow Chemical Company, at Pevely, Mo., and points in Channohan Township (Will County), Ill., to points in the United States on and east of U.S. Highway 85, restricted to shipments originating at the plantsite and storage facilities of the Dow Chemical Company.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111496 (Sub-No. 17), filed January 17, 1974. Applicant: TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55414. Applicant's representative: Michael E. Miller, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plant site and warehouse facilities of Western Potato Service, Inc., located at or near Grand Forks, N. Dak., to points in Minnesota, Wisconsin, and Illinois.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at the origin point named above to provide a through service from points in North Dakota on and north of U.S. Highway 2 and those points in Minnesota on carrier's regular route authority, to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 112801 (Sub-No. 151), filed January 18, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Gene Smith (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, and West Virginia to Cottage Grove, La Crosse and Milwaukee, Wis.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 152), filed January 7, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of corn and products of soy beans and blends* thereof in bulk in tank vehicles, from the plant sites and warehouse facilities of Archer Daniels Midland Company at or near Decatur, Ill., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112801 (Sub-No. 153), filed January 8, 1974. Applicant: TRANSPORT SERVICE CO., a Corporation, 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, and plastics*, in bulk, in tank vehicles, from the plant site and facilities utilized by General Electric Plastics located at or near Mount Vernon, Ind., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Iowa, Kansas, Maryland, Mississippi, Missouri, Oklahoma, South Carolina, Texas, Vermont, West Virginia, Washington, Minnesota, Illinois, Indiana, Ohio, Michigan, Connecticut, Massachusetts, Wisconsin, Kentucky, North Carolina, Pennsylvania, California, New Jersey, New York, Virginia, Louisiana, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 112822 (Sub-No. 313), filed January 14, 1974. Applicant: BRAY LINES INCORPORATED, 1401 North Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Amarillo, Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, North Dakota, New Mexico, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Utah, Washington, Wisconsin, and Wyoming, restricted to shipments originating at plantsite and facilities utilized by John Morrell & Co.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex. or Oklahoma City, Okla.

No. MC 112822 (Sub-No. 314), filed January 14, 1974. Applicant: BRAY LINES INCORPORATED, 1401 North Little, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products, in containers*, from Joplin, Mo., to points in Arkansas, Arizona, California, Colorado, Florida, Georgia, Iowa, Illinois, Kansas, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Montana, New Mexico, Nevada, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Little Rock, Ark.

No. MC 113362 (Sub-No. 266), filed January 14, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ 8th Ave. NE., Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food stuffs* (except frozen potatoes and potato products), from the plantsite and warehouse facilities of Western Potato Services, Inc., at Grand Forks, N. Dak., to points in Ohio, Pennsylvania, Kentucky, Tennessee, West Virginia, Virginia, Maryland, and New Jersey, restricted to traffic originating at and destined to the points named above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago, Ill.

No. MC 113388 (Sub-No. 103), filed January 16, 1974. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry, frozen poultry products, and frozen vegetables*, from Presque Isle, Caribou, and Portland, Maine, to points in Connecticut, Delaware, Florida, Georgia, Maryland, Massachusetts, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114045 (Sub-No. 391), filed January 14, 1974. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations and soaps, shampoo, and aerosols*, when transported in vehicles equipped with mechanical refrigeration, from Morristown, N.J., to points in Texas and California.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 114211 (Sub-No. 220), filed January 11, 1974. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down or in sections; (2) *building sections and building panels*; (3) *parts and accessories* used in the installation thereof; and (4) *metal prefabricated structural components and panels*, from Portland, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests a consolidated hearing.

No. MC 114274 (Sub-No. 25), filed January 18, 1974. Applicant: VITALIS TRUCK LINES, INC., 137 NE. 48th Street Place, Des Moines, Iowa 50306. Applicant's representative: William H. Towle, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, as are dealt in by wholesale, retail, and chain grocery and food business houses, (except commodities in bulk), from Iowa City and Muscatine, Iowa, to points in Illinois, Minnesota, and Wisconsin, restricted to traffic originating at the origin points and destined to the destination states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 114457 (Sub-No. 181), filed January 14, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Grand Forks, N. Dak., to points in Minnesota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Indiana, Michigan, Ohio, Kentucky, Tennessee, New York, Pennsylvania, West Virginia, Virginia, Maryland, Delaware, the District of Columbia, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Louisiana, Mississippi, Alabama, Georgia, North Carolina and South Carolina, and Florida.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 115180 (Sub-No. 89), filed January 14, 1974. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat*

packinghouses (except hides and commodities in bulk), as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sunflower Beef Packers, Inc., at York, Nebr., to Chicago, Ill., and points in Ohio, Pennsylvania, Maine, Massachusetts, New Hampshire, Vermont, New York, New Jersey, Rhode Island, Connecticut, Delaware, Maryland, West Virginia, Virginia, North Carolina, South Carolina, Kentucky, Michigan, and the District of Columbia, restricted to shipments originating at and destined to the points named above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 115311 (Sub-No. 160), filed January 15, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Bruce E. Mitchell, Suite 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, or in sections;* (2) *building sections and building panels;* (3) *parts and accessories used in the installation thereof;* and (4) *metal prefabricated structural components and panels*, from Portland, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115322 (Sub-No. 97), filed January 14, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *frozen foodstuffs*, from Salisbury, Md., to Erie, Pa., and points in New York.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115331 (Sub-No. 353) (AMENDMENT), filed November 8, 1973, published in the FEDERAL REGISTER issue of January 31, 1974, and republished as amended, this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, wood chips, vermiculite, lighter fluid, and accessories* used in outdoor cooking, from points in St. Louis, Taney, Jasper, and Newton Counties, Mo., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

NOTE.—The purpose of this republication is to amend the territorial description. Applicant states that the requested authority can be tacked with its existing authority at Alabama and Mississippi, to provide service to Georgia, Louisana, and New Mexco. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 116073 (Sub-No. 291), filed January 14, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements, and *buildings, complete or in sections*, transported on wheeled undercarriages, from Marshfield, Wis., to points in Illinois and the Upper Peninsula of Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 116474 (Sub-No. 29) (correction), filed October 1, 1973, published in FEDERAL REGISTER issue of November 23, 1973, and republished as corrected, this issue. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, Oreg. 97477. Applicant's representative: David C. White, 2400 SW. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Laminated wood products, prefabricated wood timbers, trusses, and beams, and accessories* used in the erection, construction, and completion of the foregoing when shipped therewith, (1) from Drain, Oreg., to points in Arizona, Idaho, and Utah under contract with Duco-Lam, Inc.; (2) from Springfield, Oreg., to points in Arizona, Idaho, Montana, Nevada, and Utah, under contract with Rosboro Lumber Company; and (3) from Riddle, Oreg., to points in Arizona, Idaho, Montana, Nevada, Oregon, Utah, California and Washington under contract with D. R. Johnson Lumber Company.

NOTE.—The purpose of this republication is to add California as a destination point, which was erroneously omitted. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 116519 (Sub-No. 21), filed January 3, 1974. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements (except tractors), machinery, attachments, and equipment* designed for use with such articles when moving in mixed loads therewith, from points in Iowa, Illinois, Indiana, Kansas, Michigan, Minnesota, Texas, Missouri, Nebraska, New York, Ohio, Pennsylvania, South Carolina, South Dakota, and Wisconsin, to ports of entry on the International Boundary line between the United States and Canada, located in Michigan, New York, Vermont, and Maine; (2) (a) *new tractors*, other than tractors designed primarily for the hauling of goods on the highway, (b) *wheeled vehicles*, other than automobiles, commercial motor vehicles and trailers designed primarily for the carriage of goods on the highway, (c) *agricultural machinery and agricultural implements*, other than hand implements, (d) *self-propelled industrial and construction machinery*, and (e) *parts and attachments* for the above goods, provided that the same may only be carried when their transportation is the same transportation of the goods described in (a), (b), (c), and (d) inclusive above, from ports of entry or the International Boundary line between the United States and Canada, located in Michigan and New York to points in Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Maine, Michigan, Mississippi, Minnesota, Missouri, Montana, Nebraska, New York, New Hampshire, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Tennessee, Vermont, and Wisconsin; and (3) *riding tractors*, from Cleveland and Willard, Ohio, to ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, (1), (2), and (3) of the above, restricted to foreign commerce.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 117574 (Sub-No. 235), filed January 18, 1974. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carlisle, Pa. 17013. Applicant's representative: James W. Haggar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the facilities of PPG Industries, Inc., located at or near Wichita Falls, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Wichita Falls, Tex.: in Sub-Nos. 181 and 207 to provide a through service from Crystal City, Mo., and Carleton, Mich., respectively, to points in Washington, Oregon, California, Montana, Idaho, Utah, Nevada, Arizona, New Mexico, Colorado, and Wyoming; and in Sub-No. 219 from Clinton and Laurinburg, N.C., to points in Washington, Oregon, Utah, Idaho, Nevada, and Arizona. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117815 (Sub-No. 225), filed January 16, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, articles distributed by meat packinghouses, and such commodities as are used by meat packers* in the conduct of their business, as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), between the plantsite and storage facilities of Oscar Mayer & Co., Madison, Wis., and the plantsite and storage facilities of Oscar Mayer & Co., Davenport, Iowa, restricted to traffic originating at and destined to the named points.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119777 (Sub-No. 284), filed January 13, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from the plantsite of Georgia-Pacific Corporation located at or near Stamps and Glenwood, Ark., to points in Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant holds contract carrier authority in MC 126970 Sub-Nos. 1 and 3, therefore dual operations may be involved. Applicant states that the requested authority can be tacked with its existing authority; in Sub-No. 7 at points in Logan County, Ky., to serve points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York (except points in Suffolk, Nassau, Queens, and Kings Counties, N.Y.), North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, and Wisconsin; in Sub-No. 186 at Jackson, Tenn., to serve points in Delaware, Iowa, Maryland, Michigan, New Jersey, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia; in Sub-No. 184 at points in Grundy and Coffee Counties, Tenn., to serve points in Minnesota, Iowa, Arkansas, and all points east thereof; and at points in Muhlenberg County, Ky., to serve points in North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Arkansas and all points east of the Mississippi River. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 119792 (Sub-No. 39), filed January 11, 1974. Applicant: CHICAGO SOUTHERN TRANSPORTATION COMPANY, a Corporation, 3215 South Hamilton Ave., Chicago, Ill. 60608. Applicant's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, meat products, and meat by-products*, from points in Mobile County, Ala., to points in Kentucky, Tennessee, Georgia, Florida, North Carolina, South Carolina, Illinois, Indiana, Wisconsin, Michigan, Ohio, Minnesota, Nebraska, Iowa, Kansas, Missouri, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Oklahoma.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Chicago, Ill.

No. MC 120257 (Sub-No. 18), filed January 14, 1974. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, and materials, equipment, and supplies* used in the manufacture, distribution, installation, and application of such commodities (except commodities in bulk), from the plantsite and storage facilities of the National Gypsum Company, at or near Mobile, Ala., to points in Arkansas, Colorado, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., New Orleans, La., or Dallas, Tex.

No. MC 121631 (Sub-No. 3), filed January 14, 1974. Applicant: MARSHFIELD DRAYAGE COMPANY, a Corporation, 302 West 2d Street, Marshfield, Mo. 65706. Applicant's representative: Turner White, 910 Plaza Towers, Springfield, Mo. 65804. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except explosives, articles of unusual value, household goods, commodities in bulk, commodities requiring special equipment, and articles injurious and contaminating to other freight), Serving the plantsite of the Niangue Corporation, approximately ten miles northwest of Conway, Mo., as an off-route point, and Bennett Springs State Park, Mo., as an off-route point in connection with carriers authorized regular route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, or St. Louis, Mo.

No. MC 123407 (Sub-No. 154), filed January 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Richard L. Loftus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings*, knocked down and set-up, all *accessories, attachments, structural steel*, from the plantsite and warehouse of American Steel Building Co., Inc., located at or near Houston, Tex., to points in Louisiana, Mississippi, Georgia, North Carolina, South Carolina, Alabama, Tennessee, Virginia, and Arkansas.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at the point of origin and points of destination to provide service between points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 124070 (Sub-No. 30), filed January 8, 1974. Applicant: CHEMICAL HAULERS, INC., P.O. Box 2038, Hammond, Ind. 46323. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, from the plantsite and storage ficilities of the Dow Chemical Company at Pevely, Mo., and Channohan Township (Will County), Ill., to points in the United States located on and east of U.S. Highway 85, restricted to traffic originating at the plantsite and storage facilities of the Dow Chemical Company.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124211 (Sub-No. 243), filed January 16, 1974. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hides, leather, pelts, skins, and parts thereof* and (2) *such commodities* as are dealt in and used by the processors and distributors of those commodities described in (1) above, between points in Nebraska, and those points in Iowa and Missouri on and west of U.S. Highway 169, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that he can presently perform a portion of the requested authority in Sub-Nos. 16, 37, 38, 112, and 119. The purpose of this application is to eliminate existing gateways and broaden the commodity description. Common control was approved in MC-F-11837. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126305 (Sub-No. 56), filed January 14, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RD #2, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal pellets, wood chips, vermiculite, lighter fluid, fireplace logs and materials, and equipment and supplies* used or useful in the manufacture and sale thereof (except commodities in bulk), between the facilities of Kingsford Company, located in Pulaski County, Ky., Houston County, Ala., and Tucker County, W. Va.,

on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Birmingham, Ala., or Washington, D.C.

No. MC 127042 (Sub-No. 140), filed January 17, 1974. Applicant: HAGEN, INC., 3232 Highway 75 North-Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities utilized by Oscar Mayer & Co., at or near Davenport, Iowa, to points in Madison, Wis., restricted to traffic originating at the named origin and destined to the named destinations.

NOTE.—Common control was approved in MC-F-11806. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 128220 (Sub-No. 10), filed January 17, 1974. Applicant: RALPH LATHAM, doing business as LATHAM TRUCKING COMPANY, P.O. Box 508, Burnside, Ky. 42519. Applicant's representative: John M. Nader, P.O. Box E., Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, wood chips, vermiculite, and lighter fluid*, (1) from the plantsite of Keeter Charcoal Co., at or near Branson, Mo., to points in Alabama, Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas; and (2) from the plantsite of Husky Industries, at or near Jacksonville, Fla., to points in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, Missouri and Tennessee.

NOTE.—Applicant states that the requested authority can be tacked in (1) and (2) of the above, (a) at Burnside, Ky., to serve points in Florida, Georgia, North Carolina, and South Carolina; (b) in Sub 7 at Cookeville, Tenn., to serve Florida, Georgia, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and Michigan; and (c) at Dothan, Ala., in pending Sub 9 to serve points in Florida, Georgia, and South Carolina, but it has no present intention to tack. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 128375 (Sub-No. 108), filed January 16, 1974. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Ken Adams (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, (1) from Portland, Oreg., to points in Nebraska (except Lincoln), and (2) from Pine Bluff, Ark., to points in Nebraska and Kansas City, Mo., under contract with Hammermill Paper Company, Western Paper Company Division, such that traffic destined to Kansas City, Mo., will be limited to traffic moving on the same vehicle, a portion of which has a final stop at a point in Nebraska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Lincoln, Nebr.

No. MC 128698 (Sub-No. 9), filed January 8, 1974. Applicant: ERDNER BROS., INC., Fow and Leahy Avenues, Swedesboro, N.J. 08085. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from the warehouse facilities of Stouffer Frozen Foods Corporation located at Cleveland, Ohio, to points in Delaware, Maryland, New Jersey, New York, points in that part of Pennsylvania located on and east of U.S. Highway 15, and the District of Columbia; (2) from the plant and warehouse facilities of Stouffer Frozen Foods Corporation located at Solon and Cleveland, Ohio, to points in Virginia, restricted to traffic originating at the plantsite and warehouse facilities of Stouffer Frozen Foods Corporation at either Solon or Cleveland, Ohio, and destined to the above-named territory; and (3) from the plantsite and storage facilities of Stouffer Frozen Foods Corporation, at or near King of Prussia, Pa., to Cleveland and Solon, Ohio, restricted to traffic originating at or destined to the points named in (3) above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128857 (Sub-No. 7), filed January 14, 1974. Applicant: G. L. GIBBONS, doing business as G. L. GIBBONS TRUCKING SERVICE, 11601 N. Casa Grande Highway, Rillito, Ariz. 85703, P.O. Box 5861, Tucson, Ariz. 85703. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, from railhead at Kingman, Ariz., to Southern California Edison plant located in Southpoint, Nev.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix or Tucson, Ariz.

No. MC 128988 (Sub-No. 37), filed January 16, 1974. Applicant: JO/KEL, INC., 159 South Seventh, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), from the facilities of Westinghouse Electric Corporation at or near Greensboro, N.C., to points in Arizona, California, Nevada, Oregon, and Washington, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128988 (Sub-No. 38), filed January 16, 1974. Applicant: JO-KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lamps and related parts*, from the facilities of Westinghouse Electric Corporation at or near Fairmont, W. Va., to points in Arizona, California, Nevada, Oregon, Washington, and Utah, restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, under a continuing contract with Westinghouse Electric Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128988 (Sub-No. 39), filed January 16, 1974. Applicant: JO KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission and commodities in bulk), from the facilities of Westinghouse Electric Corporation at or near Mansfield, Ohio, to points in Arizona, California, Nevada, Oregon, and Washington, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment, under continuing contract with Westinghouse Electric Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 128988 (Sub-No. 40), filed January 16, 1974. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*,

by motor vehicle, over irregular routes, transporting: *Gears, condensers, turbines, and related parts,* from the facilities of Westinghouse Electric Corporation at or near Sunnyvale, Calif., to points in Pascagoula, Miss.; Irwin, Pa.; and Greensboro, N.C., restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment, under continuing contract with Westinghouse Electric Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133119 (Sub-No. 45), filed January 18, 1974. Applicant: HEYL TRUCK LINES, INC., 235 Mill Street, Akron, Iowa 51001. Applicant's representative: Roger Heyl (same address as applicant). Authority sought to operate as a *common carrier, by* motor vehicle, over irregular routes, transporting: *Frozen pizza,* from Minneapolis, Minn., to points in Louisiana, Texas, and Albuquerque, N. Mex., restricted to traffic originating at the facilities of or utilized by Totino's Finer Foods, Inc., at Minneapolis, Minn., and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 134068 (Sub-No. 16), filed December 27, 1973. Applicant: KODIAK REFRIGERATED LINES, INC., 3336 East Fruitland Avenue, Vernon, Calif. 90058. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Dairy products and puddings,* from points in Wisconsin and Minnesota, to points in Arizona, California, Idaho, New Mexico, Oregon, and Wisconsin; (2) *gift packages, foodstuffs, advertising material, and related equipment and supplies,* from Madison and Sun Prairie, Wis., to points in Arizona, California, Idaho, New Mexico, Oregon, and Washington; and (3) *butter,* from points in California, Oregon, and Washington, to points in Minnesota and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134145 (Sub-No. 42), filed January 14, 1974. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Highway 1 and 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Machines, computing and parts, materials and supplies,* used in the manufacturing thereof; and (2) *crating materials, wooden,* between Mt. Sterling, and Campton, Ky., on the one hand, and, on the other, Nashville, Tenn., under contract with Computer Peripherals, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Minneapolis, or St. Paul, Minn., or Chicago, Ill.

No. MC 134323 (Sub-No. 60), filed January 18, 1974. Applicant: JAY LINES, INC., 720 North Grand Street, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the plantsite of Missouri Beef Packers at or near Rockport, Mo., to points in Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Florida, and Alabama, under a continuing contract with Missouri Beef Packers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Lincoln, Nebr.

No. MC 134405 (Sub-No. 16), filed December 26, 1973. Applicant: BACON TRANSPORT CO., a Corporation, P.O. Box 1134, Ardmore, Okla. 73401. Applicant's representative: Wilburn L. Williamson, 230 National Foundation Life Bldg., 3535 Northwest 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry fertilizer,* from Chickasha, Okla., to points in Arkansas, Kansas, Louisiana, Mississippi, and Tennessee.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 134477 (Sub-No. 49), filed January 7, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat product, and meat by-products and articles distributed by meat packinghouses,* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux Falls, S. Dak., to points in Illinois, Indiana, Michigan, Minnesota, North Dakota, Ohio, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux Falls, S. Dak.

No. MC 134477 (Sub-No. 50), filed January 7, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas Fischbach (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux Falls, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylanvia, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux Falls, S. Dak.

No. MC 134681 (Sub-No. 1), filed January 11, 1974. Applicant: VULCRAFT CARRIER CORPORATION, 4425 Randolph Rd., Charlotte, N.C. 28211. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Neb. 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles* as described in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 767, from Norfolk, Nebr., to points in Alaska, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Wyoming; (2) *steel joists and accessories* therefor, from St. Joe, Ind., to points in Ohio, Pennsylvania, New York, Michigan, Illinois, Indiana, Kentucky, West Virginia, and Wisconsin; and (3) *such materials, supplies and equipment* as are dealt in or utilized in the manufacture of commodities described in (1) above (except commodities in bulk), from points in Ohio, Pennsylvania, New York, Michigan, Illinois, Indiana, Kentucky, West Virginia, and Wisconsin, to St. Joe, Ind., under a continuing contract or contracts with Nucor Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134735 (Sub-No. 3), filed January 14, 1974. Applicant: ROLPH TRUCKING, INC., 1630 South 27th Avenue, Phoenix, Ariz. 85009. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Steel roofing, siding and floor decking,* from the plantsite of Verco Manufacturing, Inc., located at Fontana, Calif., to points in Arizona, Nevada, Utah, Wyoming, Washington, and Oregon, under continuing contract with Verco Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 135874 (Sub-No. 32), filed January 14, 1974. Applicant: LTL PERISHABLES, INC., 132nd and Q Streets, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Rd., Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from the plantsite and warehouse facilities of Western Potato Service, Inc., located at Grand Forks, N. Dak., to points in Iowa, Minnesota, Kansas, Missouri, Nebraska, and South Dakota.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Grand Forks, N. Dak.

No. MC 135989 (Sub-No. 1), filed January 11, 1974. Applicant: COAST EXPRESS, INC., P.O. Box 1713, Whittier, Calif. 90609. Applicant's representative: William J. Lippman, 1819 H Street NW., Suite 550, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal fasteners and fastening systems* (bolts, nuts, screws, washers, and related items) and *power and hand tools* used in the installation of such fasteners and systems, from the plant sites and warehouse facilities of The Lamson & Sessions Co., located at Birmingham, Ala., Chicago, Ill., and Cleveland, Ohio, to points in Texas, New Mexico, Arizona, California, Nevada, Utah, Colorado, Wyoming, Montana, Idaho, Oregon, and Washington, under contract with The Lamson & Sessions Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, Chicago, Ill., or Washington, D.C.

No. MC 136051 (Sub-No. 3), filed January 17, 1974. Applicant: RPD, INC., 3600 NW. 82nd Avenue, P.O. Box 816, Miami, Fla. 33152. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, components, materials, supplies, advertising materials, and equipment, materials, and supplies* utilized in the manufacture thereof, between points in Missouri, Arkansas, points in Mississippi on and north of Interstate Highway 20 and U.S. Highway 80, points in Tennessee on and west of Interstate Highway 65, points in Kentucky on and west of Interstate Highway 75, points in Illinois on and south of Interstate Highway 74, points in Indiana on and west of U.S. Highway 231 south of the junction of Interstate Highway 74, points in Iowa on and south of Interstate Highway 80, points in Oklahoma on and east of Interstate Highway 35 and north of Interstate Highway 40, points in Kansas on and east of U.S. Highway 183, and points in Nebraska east of U.S. Highway 81 and south of U.S. Highway 20, under a continuing contract or contracts with General Motors Parts Division of General Motors Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 136318 (Sub-No. 18), filed January 2, 1974. Applicant: COYOTE TRUCK LINE, INC., 395½ B West Fleming Drive, Morganton, N.C. 28655. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Santa Ana, Calif., to points in New Mexico, Colorado, Texas, Arkansas, Louisiana, Oklahoma, and Kansas, under contract with B. P. John Furniture Company, a division of Consolidated Foods Corporation, Santa Ana, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC 136897 (Sub-No. 10), filed January 7, 1974. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site of CF&I Steel Corporation at Pueblo, Colo., to points in Arizona and California, under contract with CF&I Steel Corporation, Pueblo, Colo.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Pueblo, Colo.

No. MC 138328 (Sub-No. 6) (amendment), filed December 17, 1973, published in the FEDERAL REGISTER issue of January 24, 1974, and republished as amended this issue. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32d Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: D. L. Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed*, in bulk and in sacks, from the facilities of Murray Elevator at or near Murray, Utah, to points in Arkansas, California, Iowa, Missouri, Montana, Oregon, Washington, Wisconsin, and Wyoming.

NOTE.—The purpose of this republication is to indicate that applicant seeks to serve points in Iowa within its destination territory. Applicant holds contract carrier authority in MC 133233 Sub 1 and other subs, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 138884 (Sub-No. 1), filed December 18, 1973. Applicant: CONDOR CORPORATION, R.F.D. No. 2, Dixfield, Maine 04224. Applicant's representative: Peter L. Murray, 30 Exchange Street, Portland, Maine 04111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated glued wood furniture panels* in box-type trailers (except commodities in bulk or in tank vehicles), from the shipper's plant at Andover, Maine, to customers of the shipper located at points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and North Carolina, under contract with Andover Wood Products, Inc., Andover, Maine.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 139284 (Sub-No. 2), filed January 14, 1974. Applicant: STAFFORD TRUCKING COMPANY, 4316 South Main, P.O. Box 337, Stafford, Tex. 77477. Applicant's representative: Damon R. Capps, P.O. Box 1540, Midland, Tex. 79701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite ore*, in bulk, in open top equipment, between points in Louisiana and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex., or Washington, D.C.

No. MC 139327, filed January 9, 1974. Applicant: SUN CARRIER, 515 River Road, Clifton, N.J. 07014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by department stores, and mail order houses; and (2) *materials, supplies, and equipment*, used in the conduct of such business, for the account of Allied Stores, its division and subsidiaries, New York, N.Y., between points in the New York, N.Y., commercial zone as defined by the Commission, on the one hand, and, on the other, points in New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Pennsylvania, and Delaware.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 13952 (Sub-No. 2), filed January 11, 1974. Applicant: VICTOR D. GOERING AND TOM N. WEEMS, doing business as, WEGO, 701 East 2nd, Hutchinson, Kans. 67201. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Component parts* for mobile homes and recreational vehicles, between Hutchinson, Kans., on the one hand, and, on the other, points in Adams, Antelope, Burt, Dodge, Fillmore, Hall, Hamilton, Merrick, Richardson, Scotts Bluff, and York Counties, Nebr., under a continuing contract with Merchandise Warehouse Division of City Transfer and Storage Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 139386 (Sub-No. 1), filed January 2, 1974. Applicant: DONALD W. JENSEN AND DAN G. JENSEN, doing business as JENSEN TRANSIT CO., a Partnership, 250 Summit Street, River Falls, Wis. 54022. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising equipment, premiums, materials, and supplies*, when shipped therewith, from St. Paul, Minn., to River Falls and Osceola, Wis.; (2) *return of rejected shipments and empty used malt beverage containers*, from River Falls and Osceola, Wis., to St. Paul, Minn.; (3) *carbonated beverages and related advertising equipment, premiums, materials, and supplies*, when shipped therewith, (a) from St. Paul, Minn., to Osceola and River Falls, Wis., and Red Wing, Minn., and (b) from Red Wing, Minn., to Osceola and River Falls, Wis.; (4) *return of rejected shipments and empty used carbonated beverage containers* (a) from River Falls and Osceola, Wis., and Red Wing, Minn., to St. Paul, Minn., and (b) from Osceola and River Falls, Wis., to Red Wing, Minn.; and (5) *wine and related advertising materials, equipment, and supplies* when shipped therewith, from Atlanta, Ga., to points in Minnesota and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Minneapolis, Minn.

No. MC 139391 (Sub-No. 1), filed January 11, 1974. Applicant: G & H TRANSPORTATION CO., INC., P.O. Box 157, Widener, Ark. 72394. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and periodicals*, from Buffalo, N.Y., to points in Oklahoma, Texas, New Mexico, Arizona, California, and Colorado, under contract with Select Magazine, Inc., at New York, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139432 (Sub-No. 1), filed January 18, 1974. Applicant: CLIFFORD L. AKSLAND, an individual, doing business as SUNRISE TRANSPORTATION, J 9850 E. Highway 120, Manteca, Calif. 95336. Applicant's representative: Thomas M. Loughran, 100 Bush Street, 21st Floor, San Francisco, Calif. 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed supplements and bulk sugar beet final molasses residuum*, in tank truck equipment, between Nyssa, Oreg., and San Jose, Calif., under a continuing contract with Loomix, Inc.; and (2) *bulk sugar beet final molasses residuum*, in tank truck equipment, from Twin Falls, Idaho, to points in San Jose, Calif., under a continuing contract with Loomix, Inc.

NOTE.—Applicant holds common carrier authority in MC 11912 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 139438, filed January 4, 1974. Applicant: KELLEY FREIGHT SYSTEMS, INC., 13191 Lincoln Street, NE., Blaine, Minn. 55433. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pre-packaged homes and buildings, complete or in sections, and all equipment, supplies, and component parts* used in the construction, erection, or completion of such homes and buildings, from Minneapolis, Minn., to points in Iowa, Michigan, North Dakota, South Dakota, and Wisconsin, under contract with Shelterbuilt, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139439, filed January 8, 1974. Applicant: WILLIAM EDWARDS, INC., P.O. Box 938, Verona, Va. 24482. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Yarn*, between Staunton, and Waynesboro, Va., and Wayne, N.J., on the one hand, and, on the other, points in North Carolina, South Carolina, Georgia, Tennessee, Virginia, Oklahoma, Kentucky, Alabama, Pennsylvania, Maryland, Texas, and Florida; and (2) *yarn and beams* from points in Georgia, North Carolina, South Carolina, Tennessee, Virginia, Oklahoma, Kentucky, Alabama, Pennsylvania, Maryland, Texas, and Florida, to points in Staunton, Va., under a contract or continuing contracts with United Yarn Products Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139441, filed January 10, 1974. Applicant: CHIEF'S MOVING & STORAGE CO., a Corporation, 477(a) Holly Street, Denver, Colo. 80216. Applicant's representative: Joseph F. Nigro, 400 Denver Hilton Office Bldg., 1515 Cleveland Place, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containerized household goods*, as defined by the Commission, on through bills of lading for exempt freight forwarders of household goods, between points in Colorado.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 139442, filed January 10, 1974. Applicant: ALPHA CARGO MOTOR EXPRESS, INC., 2821 West 7th Street, P.O. Box 425, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick (face or building), tile (hollow building), blocks (concrete, plain or polyester glazed), fire brick, and materials and accessories* used in the installation of such commodities, when moving in connection therewith; and (2) *concrete products, reinforced, precast or prestressed*, viz.: beams, columns, girders, joists, lintels, panels, side slabs, and trim, between points in Texas, Arkansas, Oklahoma, Kansas, Louisiana, Missouri, and Mississippi, under contract with Acme Brick Company, Division of Justin Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas or Houston, Tex.

No. MC 139444, filed January 14, 1974. Applicant: ROSS J. AIELLO, doing business as AIELLO TRUCKING CO., 123 36th Street, Pittsburgh, Pa. 15201. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), from the warehouses of Commonwealth Warehouse and Storage, Inc., located at Pittsburgh, Pa., to points in Pennsylvania on and west of U.S. Highway Route 15, under a continuing contract with Commonwealth Warehouse and Storage, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 139445, filed January 14, 1974. Applicant: TANK TRANSPORT, INC., 610 W. Rawson Ave., Oak Creek, Wis. 53154. Applicant's representative: Allan B. Torhorst, 217 East Jefferson Street, Burlington, Wis. 53105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* in bulk, in tank vehicles, (1) from points in Illinois and Michigan, to points in Wisconsin; and (2) from points in Wisconsin, to points in Iowa, Illinois, Minnesota, and Michigan, under continuing contracts with Industrial Fuel Oil, Inc., Center Fuel Co., and Petro Products Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee or Madison, Wis., or Chicago, Ill.

No. MC 139446, filed January 7, 1974. Applicant: UNITED TRANSFER COMPANY, a Corporation, P.O. Box 117, Manette Station, Bremerton, Wash. 98310. Applicant's representative: John E. Loidhammer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainer-

ization of such traffic between points in Clallam, Jefferson, Grays Harbor, Mason, Kitsap, Pierce and Thurston Counties, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle or Olympia, Wash.

MOTOR CARRIER OF PASSENGER(S)

No. MC 2890 (Sub-No. 48) (clarification), filed October 17, 1973, published in the FEDERAL REGISTER issue of January 24, 1974, and republished as clarified this issue. Applicant: AMERICAN BUS-LINES, INC., 1200 Eye Street NW., Washington, D.C. Applicant's representative: James E. Wilson, Suite 1032, Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle as passengers, (1) Between junction New Jersey Turnpike and Interstate Highway 78 (New Jersey Turnpike exit 14), and Harrisburg, Pa.: From junction New Jersey Turnpike and Interstate Highway 78 (New Jersey Turnpike exit 14), over Interstate Highway 78 to junction Interstate Highway 81 (near Indian Gap, Pa.), thence over Interstate Highway 81 to junction Interstate Highway 83, thence over Interstate Highway 83 to Harrisburg, Pa., and return over the same route, serving: (a) The junction of Interstate Highway 78 and U.S. Highway 22 at or near Lebanon, N.J., as an intermediate point for the purpose of joinder only; (b) the junction of Interstate Highway 78 and U.S. Highway 22 near Fogelsville, Pa. (along Pennsylvania Highway 100), as an intermediate point for the purpose of joinder only; and (c) the junction of Interstate Highway 78 and U.S. Highway 22 at or near Still Valley, N.J., as an intermediate point for the purpose of joinder only.

(2) Between Interstate Highway 78 and Easton, Pa.: From junction Interstate Highway 78 and Pennsylvania Highway 611, over Pennsylvania Highway 611 to Easton, and return over the same route; (3) Between Interstate Highway 78 in Bethlehem, Pa.: From junction Interstate Highway 78 and Pennsylvania Highway 191, over Pennsylvania Highway 191 to Bethlehem, and return over the same route; (4) Between Interstate Highway 78 and Hamburg, Pa.: From junction Interstate Highway 78 and Pennsylvania Highway 61 to Hamburg, and return over the same route; and (5) Between junction New Jersey Turnpike and Interstate Highway 287 (New Jersey Turnpike exit 10), and junction Interstate Highway 287 and Interstate Highway 78, at or near Pluckemin, N.J.: From junction New Jersey Turnpike and Interstate Highway 287 (New Jersey Turnpike exit 10), over Interstate Highway 287 to junction Interstate Highway 287 and Interstate Highway 78 at or near Pluckemin, N.J., and return over the same route, serving the junction of Interstate Highway 287 and U.S. Highway 22 at or near Somerville, N.J., and the junction of New Jersey Turnpike and Interstate Highway 287 (New Jersey Turnpike exit 10), for purposes of joinder only.

NOTE.—The purpose of this republication is to indicate that the joinder points described in part (5) above are terminii points and not intermediate points as previously published. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 116313 (Sub-No. 4), filed January 9, 1974. Applicant: TROMBLY MOTOR COACH SERVICE, INC., Route 125 Bypass at Hillside Way, North Andover, Mass. 01845. Applicant's representative: Robert G. Bleakney, Jr., 225 Franklin St., Boston, Mass. 02110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special round-trip operations, beginning and ending at Lowell and Lawrence, Mass., and extending to the racetrack of Yankee Greyhound Racing, Inc., at Seabrook, N.H. If a hearing is deemed necessary, applicant requests it be held at Lawrence or Boston, Mass.

WATER CARRIER APPLICATION

No. W-1274, filed February 7, 1974. Applicant: DIAMOND MANUFACTURING COMPANY, INC., 645 Indian Street, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919 18th St. N.W., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels, as a *contract carrier by water* in the transportation of *commodities generally*, and by towing vessels in the performance of *towage*, between ports and points along the Atlantic Coast and tributary waterways, and between ports and points along the Gulf of Mexico and tributary waterways, nonradially, under contract with B. F. Diamond Construction Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Savannah, Ga.

FREIGHT FORWARDING APPLICATION

No. FF-447, filed February 1, 1974. Applicant: FLORIDA FREIGHT FORWARDERS, INC., 37 East Virginia, P.O. Box 2157, Memphis, Tenn. 38101. Applicant's representative: Harry E. Dixon, Jr., 1205 North 18th St., P.O. Box 4319, Monroe, La. 71201. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by railroad and motor vehicle, in the transportation of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from Memphis, Tenn., and points in its commercial zone, to points in Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-4111 Filed 2-21-74;8:45 am]

[Finance Dockets Nos. 27508, 27625]

AUTO-TRAIN CORP. AND SEABOARD COAST LINE RAILROAD CO.

Environmental Statement Not Required

Auto-Train Corp., operation rail passenger and automobile transport service, between Louisville, Ky., and Sanford, Fla.

Auto-Train Corp., Seaboard Coast Line Railroad Company, operating agreement, Louisville and Nashville Railroad Company.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicants be, and they are hereby, directed to publish the appended notice in newspapers of general circulation in the Cities of Louisville, Ky., Montgomery, Ala., and Sanford, Fla., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 14th day of February, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary*.

The Interstate Commerce Commission hereby gives notice that by order dated February 14, 1974, it has been determined that (1) the proposal by the Seaboard Coast Line Railroad Company and the Louisville and Nashville Railroad Company to operate the properties or part thereof of Auto-Train Corporation between Louisville, Ky. and Sanford, Fla., (2) the proposal by Auto-Train Corporation to acquire trackage rights over and joint use of certain lines of railroad of the Louisville and Nashville Railroad Company between Louisville, Ky., and Montgomery, Ala., a distance of approximately 489 miles, and certain lines of railroad of the Seaboard Coast Line Railroad Company be-

tween Montgomery, Ala., and Sanford, Fla., a distance of approximately 532 miles, and (3) the application by Auto-Train Corporation to operate a passenger-auto-ferry service between Louisville, Ky., and Sanford, Fla., do not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of the NEPA.

Based on an examination of existing auto-train service between Lorton, Va., and Sanford, Fla., it was concluded that a vast majority of auto-train riders would have traveled to Florida in private automobiles if the service had not been available. Extension of the auto-train service to Louisville should, therefore, result in a decrease in the number of private automobiles entering Florida from the North Central United States on the highways. To the extent that this occurs, there should be a limited beneficial impact on the environment. It was also concluded that initiation of this service would be consistent with the development of the tourist industry in Florida. These beneficial effects should not be significant in view of the relatively small percentage of tourists that would utilize auto-train service.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-6989.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before March 11, 1974.

[FR Doc.74-4252 Filed 2-21-74;8:45 am]

[Rule 19, Ex Parte 241, Exemption 63]

BESSEMER AND LAKE ERIE RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

It appearing, that the Bessemer and Lake Erie Railroad Company (BLE), and the Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees (PC), have each agreed to the unrestricted use by the other of its plain gondola cars less than 61 ft. in length; and that such mutual use of gondola cars will increase car utilization by reductions in switching and movements of empty gondola cars.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, plain gondola cars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 390, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "GB", which are less than 61 ft. 0 in. long, and which bear the reporting marks listed herein, may be used by the BLE and the PC without regard to the requirements of Car Service Rules 1 and 2.

	Reporting marks		
BLE		PC	
BLE	BA	NYC	PCB
	BWC	PAE	P&E
	CASO	PC	PRR
	NH	PCA	TOO

Effective February 12, 1974.

Expires April 30, 1974.

Issued at Washington, D.C., February 12, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74-4250 Filed 2-21-74;8:45 am]

[Rule 19, Ex Parte 241, Exemption 64]

WESTERN MARYLAND RAILWAY CO.

Exemption Under Mandatory Car Service Rules

It appearing, that there are substantial quantities of paper and paper products available for shipment at Owings Mills, Maryland, a station located on the Western Maryland Railway Company (WM); that the WM is unable to furnish sufficient system cars, and foreign cars of suitable ownership to move this freight promptly; that the resulting congestion will force the closing of a major manufacturing plant, thus causing unemployment to a large work force.

It is ordered, That, pursuant to the authority vested in me by Car Service Rule 19, the WM be, and it is hereby, authorized to place for loading and accept from shippers located at Owings Mills, Maryland, twenty (20) plain boxcars of any size, described in the Official Railway Equipment Register I.C.C. R.E.R. No. 390, issued by W. J. Trezise as having mechanical designation XM, regardless of the provisions of Car Service Rule 2 (See exception)

Exception: This exemption shall not apply to cars subject to Revised Service Order No 1145, nor to cars subject to Car Relocation Directives Nos. 44 or 67 issued by the Car Service Division, Association of American Railroads.

Effective February 13, 1974.

Expires February 20, 1974.

Issued at Washington, D.C., February 12, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.74-4251 Filed 2-21-74;8:45 am]

[Notice No. 451]

ASSIGNMENT OF HEARINGS

FEBRUARY 19, 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 February 22, 1974.

MC-128383 Sub 31, Pinto Trucking Service, Inc., now assigned February 26, 1974, at Washington, D.C., is postponed indefinitely.

MC 80430 Sub-126, Gateway Transportation Co., Inc., now assigned March 18, 1974, at Nashville, Tenn., is cancelled and reassigned for hearing on March 25, 1974, at Atlanta, Ga., in a hearing room to be later designated.

MC 124692 Sub 114, Sammons Trucking, now assigned February 25, 1974, at San Francisco, is cancelled and application dismissed.

FD 27384, Overnite Transportation Company Notes, now being assigned hearing March 4, 1974 (1 week), at the Stouffer's Cincinnati Inn, 150 W. 5th Street, Cincinnati, Ohio.

MC-C-8235, Smitty's Van & Storage, Inc., Julius Schmidt, DBA Jet Moving & Storage, Andrews Van Lines, Inc., Greyhound Van Lines, Inc., and King Van Lines—Investigation of Operations, now being assigned hearing April 1, 1974 (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC-115331 Sub 352, Truck Transport, Inc., now being assigned hearing April 8, 1974 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC-139206, F. M. S. Transportation, Inc., now being assigned hearing April 10, 1974 (3 days), at St. Louis, Mo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-4256 Filed 2-21-74;8:45 am]

ANNUAL REPORTS OF CARRIERS

Identity of Large Stockholders

The forms of annual reports required to be filed by carriers subject to financial reporting requirements of the Interstate Commerce Act include schedules which provide for the disclosure of the identity and other information with respect to the largest holders of the respondent carriers' outstanding capital stock.

There are indications that the carriers are not responding in the manner contemplated in the instructions and are not using all of the means available to identify the person or organizations represented by a "nominee".

The instructions contemplate disclosure of the identity of the "beneficial owners" of the stock and the particulars of any trusts, including voting trusts. Moreover, the carriers should be able by using the "Nominee List", now available

from the American Society of Corporate Secretaries, 9 Rockfeller Plaza, New York, N.Y. 10020, to identify the persons or organizations the nominees represent. The shares reported in the name of multiple nominees for individual banks or other investors should be aggregated for the purpose of determining the largest security holders (e.g. thirty for a railroad).

The top security holders should not include the name of Cede & Co., which is the nominee of Depository Trust, a stock exchange device used to facilitate stock transfers. Depository Trust has an obligation to fully inform any issuer of a security of the participants in the depository which hold that security, and the amount of the holdings. Such shares registered in the name of Cede & Co. shall be included in the holdings of the person or organization for whose account they are being held and considered in determining the list of the "largest security holders."

The procedures prescribed in this notice should be incorporated into 1973 annual reports.

Dated: February 14, 1974.

[SEAL] JOHN A. GRADY,
Director, Bureau of Accounts.

[FR Doc.74-4253 Filed 2-21-74;8:45 am]

[Notice No. 28]

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 March 14, 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 petitions with particularity.

No. MC-FC-74390. By order of February 19, 1974, the Motor Carrier Board approved the transfer of Clarance W. Johnson, Doing Business As John Truck Service, Holliday, Mo., of Certificate No. MC-135923 issued June 15, 1972, to Harry C. Johnson, Holliday, Mo., authorizing the transportation of dry fertilizer from East St. Louis and Henry, Ill., and Fort Madison, Iowa, to points in Monroe and Randolph Counties, Mo. Mr. Thomas P. Rose, attorney at law, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101.

No. MC-FC-74960. By order entered February 19, 1974, the Motor Carrier Board approved the transfer to Lehman Bros. Truck Service, Inc., Marissa, Ill., of the operating rights set forth in Certificate No. MC-59486, issued August 12, 1957, to Henry V. Lehman and Arthur R. Lehman, doing business as Lehman Bros. Truck Service, Marissa, Ill., authorizing the transportation of general commodities, with the usual exceptions, between Marissa, Ill., and St. Louis, Mo. over specified routes, serving the intermediate and off-route points of Lenzburg and Darmstadt, Ill., those within three miles of Masissa; those within three miles of Lenzburg; and those in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone; coal and agricultural commodities, from Freeburg, Ill., over specified routes to St. Louis, Mo., serving intermediate and off-route points within five miles of Freeburg, restricted to pick-up only; and general commodities, with the usual exceptions, from St. Louis, Mo., over specified routes, to Freeburg, Ill., serving intermediate and off-route points within five miles of Freeburg, restricted to delivery only. Delmar O. Koebel, 109 West St. Louis Street, Lebanon, Ill. 62254, attorney for applicants.

No. MC-FC-74971. By order of February 19, 1974, the Motor Carrier Board approved the transfer to Midwest Transportation Company, an Iowa corporation, Council Bluffs, Iowa, of the operating rights in Certificates No. MC-134063 (Sub-No. 2) and MC-134063 (Sub-No. 3) issued January 12, 1973 to Frank R. Chullino, doing business as Midwest Transportation Company, Council Bluffs, Iowa, authorizing the transportation of alcoholic beverages, except malt beverages, in containers, from and to specified points and areas in Indiana, Illinois, Kentucky, Ohio, Michigan, Missouri, Nebraska, New York, Pennsylvania, Massachusetts, New Jersey, Maryland and Connecticut. Patrick E. Quinn, 605 South 14th St., Lincoln, Nebr. 68501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-4257 Filed 2-21-74;8:45 am]

[Notice No. 26]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

FEBRUARY 15, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

No. MC 71459 (Sub-No. 41 TA), filed February 11, 1974. Applicant: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (1) Between Page, Ariz., and Ogden, Utah, serving all intermediate points and serving the off-route points of Wahweap Lodge (near Page) and Fredonia, Ariz.; Browning Arms plantsite (near Mountain Green), Clearfield, Morgan, and Tooele, Utah, and Evanston, Wyo.: From Page over U.S. Highway 89 to junction of Interstate Highway 15 (near Salt Lake City, Utah); thence over Interstate Highway 15 to Ogden, and return over the same route; (2) Between Salina, Utah, and Shiprock, N. Mex., serving all of the intermediate points between Salina, Utah, and Montrose, Colo., including Salina and Montrose and the intermediate points of Dolores and Cortez, Colo., and the off-route points of Dove Creek, Gunnison, and Palisade, Colo.: From Salina over Utah State Highway 4 (Interstate Highway 70) to the junction of U.S. Highway 50; thence over U.S. Highway 50 to the junction of U.S. Highway 550; thence over U.S. Highway 550 to the junction of Colorado State Highway 62; thence over Colorado State Highway 62 to the junction of Colorado State Highway 145; thence over Colorado State Highway 145 to the junction of U.S. Highway 160; thence over U.S. Highway 160 to the junction of U.S. Highway 666; thence over U.S. Highway 666 to Shiprock, N. Mex., and return over the same route.

(3) Between Durango, Colo., and junction U.S. Highways 89 and 160 (near Tuba City, Ariz.), serving all intermediate points, and the off-route points of Bloomfield, N. Mex., and Peabody Mine Sites near Kayenta, Ariz.: From Durango, over U.S. Highway 550 to New

Mexico State Highway 504; thence over New Mexico State Highway 504 to the Arizona-New Mexico State line; thence over unnumbered Arizona State Highway to the junction of U.S. Highway 160; thence over U.S. Highway 160 to the junction of U.S. Highway 89 (near Tuba City, Ariz.), and return over the same route; (4) Between the junction of U.S. Highway 550 and Colorado State Highway 62 and Durango, Colo., serving no intermediate points and serving Durango for the purpose of joinder only as an alternate route for operating convenience only in connection with carrier's regular-route operations: From the junction of U.S. Highway 550 and Colorado State Highway 62, over U.S. Highway 550 to Durango, Colo., and return over the same route; and (5) Between Thistle, Utah, and junction U.S. Highways 6 and 50 with Interstate Highway 70 (near Green River), serving no intermediate points, and serving the junction of U.S. Highways 6 and 50 with Interstate Highway 70 for the purpose of joinder only, as an alternate route for operating convenience only in connection with carrier's regular-route operations: From Thistle over U.S. Highways 6 and 50 to junction Interstate Highway 70, and return over the same route.

NOTE.—Applicant requests the right to serve the commercial zones of all points. Applicant also requests the right to tack the above authority to its existing authorities and to interline with other motor carriers, for 180 days.

SUPPORTING SHIPPERS: There are approximately 147 statements from supporting shippers attached to the application, which may be examined here at the Offices of the Interstate Commerce Commission, or at the field office named below. SEND PROTESTS TO: Gerald E. Blair, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 117613 (Sub-No. 16 TA) (Amendment), filed January 29, 1974, published in the FEDERAL REGISTER issue of February 11, 1974, and republished as amended this issue. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and materials and supplies* used in the manufacture, packaging and distribution thereof, *tan bark, and marble chips*, from points in Caroline County, Va., to points in Delaware, North Carolina, Virginia, West Virginia, Maryland, Pennsylvania, and the District of Columbia, for 180 days.

NOTE.—The purpose of this republication is to indicate applicant's amended commodity description.

SUPPORTING SHIPPER: William C. Eckardt, Jr., General Manager, Homcrete Division, G. & W. H. Corson, Inc., Plymouth Meeting, Pa. 19462. SEND PROTESTS TO: Robert D. Caldwell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th Street & Constitution Avenue NW., Washington, D.C. 20423.

No. MC 118159 (Sub-No. 138 TA), filed February 7, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Applicant's representative: Jack R. Anderson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Hyplains Dressed Beef, Dodge City, Kans., to points in Atlanta, Tucker, Augusta, Fort Gordon, and Albany, Ga.; Kinston and Salem, N.C.; Columbia, S.C.; and Bristol, Va., for 180 days. SUPPORTING SHIPPER: Hyplains Dressed Beef, Inc., James Mitchell, Traffic Manager, P.O. Box 539, Fort Dodge Road, Dodge City, Kans. 67801. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 119908 (Sub-No. 23 TA), filed February 1, 1974. Applicant: WESTERN LINES, INC., 3523 N. McCarty, P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Paul E. Robertson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Port Bienville (located near Pearlington, Miss., in Hancock County), to points in Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Missouri, Tennessee, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPERS: Port Bienville Terminals, Inc., Port Bienville, Miss., P.O. Box 128, Pearlington, Miss. 39572; Steel, Inc., 1500 Lafayette St., Suite 117, Gretna, La. 70053. SEND PROTESTS TO: District Supervisor John Mensing, Bureau of Operations, Interstate Commerce Commission, 8610 Federal Bldg., 515 Rusk Avenue, Houston, Tex. 77002.

No. MC 126243 (Sub-No. 11 TA), filed February 5, 1974. Applicant: ROBERTS TRUCKING CO., INC., Hwy. 271 South, P.O. Drawer "G", Poteau, Okla. 74953. Applicant's representative: Wilburn Williamson, Suite 280, 3535 NW. 58th St., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid latex, liquid foam rubber*, in bulk, in shipper-owned tank trailers, between Poteau, Okla.; Dalton, Ga.; Cattanooga, Tenn.; Lake Charles, La.; Lewisville, Ark.; Monticello, Hope, Ark.; Lincoln, Nebr.; Des Moines, Iowa; Hillsboro, Marlin, and Texas City, Tex.; Wilburton, Davis, Pawhuska, Miami, Hugo, and Bristow, Okla., for 180 days. SUPPORTING SHIPPER: Textile Rubber & Chemical Co., Route 1, Dalton, Ga. 30720. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 126305 (Sub-No. 57 TA), filed February 4, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., Route 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal pellets, wood chips, vermiculite, lighter fluid, fireplace logs, and materials, equipment and supplies used or useful in the manufacture and sale thereof*, except commodities in bulk, between the facilities of Kingsford Company located in Pulaski County, Ky., Houston County, Ala., and Tucker County, W. Va., on the one hand, and, on the other, points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, for 180 days. Supporting shipper: Kingsford Company, 940 Commonwealth Building, Louisville, Ky. 40201. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 814, 212 Building, Birmingham, Ala. 35203.

No. MC 128515 (Sub-No. 4 TA), filed February 6, 1974. Applicant: PAUL'S HAULING, LTD., 272 Oak Point Rd., Winnipeg, Manitoba, Canada R3E 1T0. Applicant's representative: Daniel C. Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from the ports of entry on the United States-Canada Boundary Line in Montana, North Dakota, and Minnesota, to points in Montana, North Dakota, South Dakota, Minnesota, and Wisconsin, for 180 days. Supporting shippers: Oskey Gasoline & Oil Co., Inc., 2950 Metro Drive, Minneapolis, Minn.; and Twin City Barge & Towing Company, 1303 Red Rock Road, P.O. Box 3032, St. Paul, Minn. 55165. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 128988 (Sub-No. 44TA), filed February 1, 1974. Applicant: JO/KEL, INC., P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th St., P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Marine, industrial, and commercial gears, condensers, turbines, and related parts and accessories*, from the facilities of Westinghouse Elec-

tric Corporation at or near Sunnyvale, Calif., to Pascagoula, Miss., Irwin, Pa., and Greensboro, N.C. Restriction: Restricted against the transportation of commodities in bulk and commodities which by reason of size or weight require the use of special equipment. Further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa., for 180 days. Supporting shipper: Westinghouse Electric Corporation, Corporate Transportation, RD #5, Leger Road, Irwin, Pa. 15642. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 139338 (Sub-No. 1 TA), filed February 4, 1974. Applicant: KENNETH DEEM, Route 1, Broseley, Mo. 63932. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Pulpwood*, from Doniphan, Mo., East of Highway 162 to Highway 160 E. to Highway 67N, to Poplar Bluff, Mo., East on Highway 60 to Wickliff, Ky., south on Highway 62 three miles, for 180 days. Supporting shipper: Holland Stave Company, Doniphan, Mo. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 139481 (Sub-No. 1TA), filed February 6, 1974. Applicant: CARLTON TRUCKING, INC., 4588 State Route 82, Mantua, Ohio 44255. Applicant's representative: David A. Turano, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, plastic conduit, fittings therefor, and materials and supplies* used in the installation thereof, from the plantsite of Carlon Products Corporation at Mantua Township (Portage County), Ohio to points in Michigan and points in Indiana on and north of Interstate Highway 70, for 180 days. Supporting shipper: Carlon Products Corporation, P.O. Box 133, Aurora, Ohio 44202. Send protests to: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-4254 Filed 2-21-74;8:45 am]

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PART II

ENVIRONMENTAL PROTECTION AGENCY

■

FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Effluent Limitations Guidelines and Standards

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 424—FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Open Electric Furnaces With Wet Air Pollution Control Devices Subcategory

Subpart B—Covered Electric Furnaces and Other Smelting Operations With Wet Air Pollution Control Devices Subcategory

Subpart C—Slag Processing Subcategory

On October 18, 1973 notice was published in the FEDERAL REGISTER, (38 FR 29008), that the Environmental Protection Agency (EPA or Agency) was proposing effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory of the ferroalloy manufacturing category of point sources.

The purpose of this notice is to establish final effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources in the ferroalloy manufacturing category of point sources, by amending 40 CFR Chapter I, Subchapter N, to add a new Part 424. This final rulemaking is promulgated pursuant to sections 301, 304 (b) and (c), 306 (b) and (c) and 307(c) of the Federal Water Pollution Control Act, as amended (the Act); (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and (c) and 1317(c)); 86 Stat. 816 et seq.; Pub. L. 92-500. Regulations regarding cooling water intake structures for all categories of point sources under section 316(b) of the Act will be promulgated in 40 CFR 402.

In addition, the EPA is simultaneously proposing a separate provision which also appears in Part II of today's FEDERAL REGISTER, stating the application of the limitations and standards set forth below to users of publicly owned treatment works which are subject to pretreatment standards under section 307 (b) of the Act. The basis of that proposed regulation is set forth in the associated notice of proposed rulemaking.

The legal basis, methodology and factual conclusions which support promulgation of this regulation were set forth in substantial detail in the notice of public review procedures published August 6, 1973 (38 FR 21202) and in the notice of proposed rulemaking for the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory. In addition, the regulations as proposed were supported by two other documents; (1) The document entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category" (August 1973) and (2) the document entitled "Economic Analysis of Proposed Effluent Guidelines, The Ferroalloys Industry" (August, 1973). Both of these documents were made available to the public and circulated to interested persons at approximately the time of publication of the notice of proposed rulemaking.

Interested persons were invited to participate in the rulemaking by submitting written comments within 30 days from the date of publication. Prior public participation in the form of solicited comments and responses from the States, Federal agencies, and other interested parties were described in the preamble to the proposed regulation. The EPA has considered carefully all of the comments received and a discussion of these comments with the Agency's response thereto follows in this document.

It should be noted that the production of calcium carbide (although similar to that for ferroalloys and often conducted in the same plants) is not included in these regulations for ferroalloys. Calcium carbide is included in the regulations to be promulgated under Part 415, Inorganic Chemicals Manufacturing Industry.

(a) *Summary of comments.* The following responded to the request for written comments contained in the preamble to the proposed regulation: Union Carbide Corporation; Airco, Inc.; Ohio Ferro-Alloy Corporation; Foote Mineral Company; The Ferroalloys Association; Chromium Mining and Smelting Corporation; Aronetics, Inc.; Colorado Department of Public Health; United States Water Resources Council; U.S. Atomic Energy Commission; U.S. Department of the Interior; U.S. Department of Commerce and U.S. Department of Health, Education, and Welfare.

Each of the comments received was carefully reviewed and analyzed. The following is a summary of the significant comments and the Agency's response to them.

(1) The commentors noted that the treatment system for scrubber wastewater was not demonstrated in its entirety in any one plant, and that therefore one cannot assign costs to it. Additionally, the comment was made that the concentrations upon which the proposed guidelines were based were lower than those found in the plants observed during the survey.

Although the treatment systems proposed for best practicable control technology currently available, best available technology economically achievable and new sources is not presently in use in any one plant, the various modules of which they are comprised are in use in this industry, or in similar industries. As the industry's trade association pointed out in its comments, "[l]little information is available on water pollution from ferroalloy plants and on treatment of waste water from them * * *. Minimal effort has been directed toward * * * perfecting control technology for those pollutants that are generated." Because of this background (or lack thereof), it was necessary to synthesize a treatment system which would work for this industry, from technologies utilized in this and similar industries. Because the treatment modules are in use, a cost estimate can be made for the total system which is reasonably accurate. Additionally, in the Development Document, examples of such modules or systems in similar industries are discussed in further detail than previously.

Definition of what constitutes "best practicable" technology for many industries involves, at first, a general review of the industry to determine the best technologies being practiced in the industry. Then, after closer review and investigation of these technologies, the "best practicable" technology would be assessed as the average of the best, though not necessarily the best technology, after taking into account information relating to other factors spelled out in the Act. In those industries where present treatment is uniformly inadequate, a higher degree of treatment than is presently practiced may be required, based on a comparison with existing treatments for similar wastes in other industries. Factors for determining the "best available" technology are similar, except that rather than assessing the average of the best, the focus would be on the very best technology currently in use or demonstrably achievable.

Under this analysis of the statutory standard, it is the opinion of the Agency that it is not necessary that "best practicable" technology be currently in use as a single treatment. As applied to the ferroally industry, the methodology employed resulted in sufficient data to support the resulting limitations, and is completely consistent with the statutory requirements.

(2) The relationship between the 30 day average limitations and the 24 hour maximum limitations was questioned.

The 30 day average limitations are by no means the absolute lowest values attainable by the indicated technology, but represent values which can be readily controlled around on a day to day basis. The 24 hour maximum limitation was established so as not to exceed these 30 day values by more than a factor of two. In the absence of sufficient performance data from the industry to establish a factor between the two limitations on a statistical basis, a factor of two was chosen after taking into consideration the operational variability involved. This factor of two is considered to be generous.

(3) It was remarked that some plants might be forced to lower their production rates, since recirculated non-contact-cooling water would be of higher temperature than once-through. It was also remarked that data to permit determination of heat content (as described in the proposed regulation) was not obtained during plant sampling.

In the interests of uniformity with the guidelines for other industries, no regulation for the control of non-contact cooling water will be promulgated at this

time. However, non-contact cooling water for all industries will be studied in the future and standards for non-contact cooling water will then be established.

(4) The costs of treatment and facilities were thought by some commentors to be low, particularly when a plant might have to retrofit such facilities. They were also thought to be low because the costs might be "book value", or a percentage of the total facility, rather than actual costs. It was also noted that the costs are not those which would actually be incurred by a plant presently requiring such installations, since the costs are given in August, 1971 dollars. It was also thought that the costs did not include land costs.

The costs as given are generous estimates of those which may be incurred. Costs such as those for demolition, etc., which might be necessary for installation of treatment in an existing plant, were not included, since those costs would be highly variable from plant to plant. Also highly variable will be the cost of land. However, it is believed that none of the seven plants in the industry which were visited and which utilized wet air pollution control systems will be forced to purchase land for water pollution control purposes. Because of the variability in cost and the belief that no plant in the industry will be required to purchase such land, this cost was not included. Inflation, has of course, affected the actual costs, so that such a system if actually built now would be somewhat more expensive than if built in August 1971.

(5) Some commentors objected to the use of limitations on a gross, rather than net basis. It was remarked, for example, that the amounts to be removed and the cost of removal are dependent upon the intake levels, that discharge levels could not be met because of the intake levels, etc.

If not otherwise specified, the effluent limitation numbers in this regulation will be applied as absolute discharge limitations. The use of such absolute limitations is generally appropriate since the concentration of a pollutant remaining after the application of a given treatment technology is relatively independent of minor variations in the pollutant concentration in the waste or the source of the pollutant. EPA intends to amend the NPDES regulations to take into account, when appropriate, pollutants already existing in the stream, so that in certain cases an effluent limitation may be adjusted to take into account pollutants entering with a discharger's supply providing the water is withdrawn from the same source into which it is discharged. If the source is other than the receiving waterbody, the effluent standards will be applied as absolute limitations without adjustment.

(6) It was remarked that ranges of numbers (i.e., limitations) are needed for flexibility in writing the permit, so that variations in age, size, location, etc., may receive allowances. It was also noted that the location (climate) of a plant could have an effect on the wastewater treatment system's performance.

Range is provided for, as are the other factors, by the breaking up of the industry into subcategories with different effluent limitations. The factor of size has been taken into account when writing the permit on a production basis. Additionally, the factor of location (climate) can be rectified when designing the treatment system. A special provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added, to account for special circumstances applicable to individual dischargers that may not have been adequately taken into account when the regulations were developed.

(7) Some commentors felt that the data base was insufficient for the promulgation of guidelines and that not enough time was covered to be truly representative of year-round operating conditions.

Within the required time constraints for the collection of data, it was impossible to expand the sampling and analytical work to cover more plants, or even to collect more samples from the same plants. However, it is felt that the overall type sampling performed provides a good representation of wastewaters and that this data, together with the contractor's many years of experience in water and waste treatment in similar industries, provides an adequate basis for the regulation. The only water usage at the vast majority of plants in the ferroalloys industry is for non-contact cooling. Only one third of the electric furnaces in the industry use wet air pollution control methods. The economic impact study noted that nine plants (out of 22) use wet methods. Of these nine, six (or 2/3rds) were visited, and five sampled—a rather high level of coverage. The data thus obtained is the best available from any source at this time.

(8) Some comments were received regarding the testing methods and procedures followed.

The analytical methods used for measuring the pollutants in the various samples are now reported in the Development Document. As to any inaccuracy in the flow measurements, these measurements were the best which could be obtained during the sampling program.

(9) Many commentors objected, some very strenuously, to the requirement of zero discharge of pollutants for new sources of open electric furnaces, to be achieved by the use of dry, rather than wet, dust collection systems. The point was raised that it was "unreasonably restrictive for the Environmental Protection Agency to specify a particular type of emission control equipment * * *."

The proposed guidelines and standards have been rewritten to permit a discharge. The reason for this is that flexibility in selecting air pollution control equipment is believed to be necessary, and application of the best practicable and best available technologies to wet scrubber emission control systems will not effect a zero discharge.

(10) It was remarked that the cost of water pollution cleanup may cause the premature phasing-out of older, smaller units, and that the combined economic impact of air and water pollution control would be very large, and that this impact would be borne by the plants without [air and water pollution control] equipment.

The economic impact study indicates that no plant closings will be caused by the cost of waste water treatment. Since no plants will close, any smaller older furnaces prematurely phased out will be replaced by the more profitable larger furnaces. This has been general practice in the industry in the past few years. The combined cost of air and water pollution control could be large, particularly for those plants not presently controlling their air emissions. However, most or all of these plants utilize open furnaces, and will almost certainly install baghouses for air pollution control because of the present cost favorability. The eight plants which are reported in the economic impact study as being the most impacted by the water pollution control regulations are those which have already taken a responsible attitude toward air pollution by installing control devices. They would thus not incur costs for air pollution control systems.

(11) Some commentors felt that the standards were more restrictive (for 1977 and 1983) for open furnaces than for covered furnaces.

The standards are based upon water usage (per Mwh) and concentrations. Although the water usage for scrubbers cleaning gases from open furnaces was expected to be higher than for covered furnaces (since scrubber water usage is generally a function of gas volume and open furnaces may emit up to 50 times more gas than do covered furnaces), the water use was found to be slightly less during the sampling survey. Very few open furnaces utilizing wet air pollution control systems were found, compared to the number of such systems on covered furnaces. Most open furnaces were either uncontrolled or used baghouses. It was not thought to be reasonable to base the limitation on the water usage at plants using electrostatic precipitators or steam/hot water scrubbers, since the water usage of these systems is very much less than those of venturi scrubbers. Since the field data indicates that water usage on open furnace scrubbers is less than for covered furnace scrubbers, a more restrictive standard is justified.

(12) It was pointed out that the blowdown from a slag concentrator at plant F (which was originally reported to flow to a closed lagoon) flows to a cinder dump. On this basis, it was suggested that the limitation of zero discharge for 1983 and new sources is not applicable.

Although the plant in question states that there is no discharge from the slag concentration operation after the blow-

down reaches the cinder dump, a reexamination of the facts in this case leads us to believe that zero discharge for this category may not be uniformly achieveable. Therefore, the limitations for this category have been changed to allow for discharge of blowdown from slag processing operations after treatment.

(13) One commentor expressed concern that "disruptions or losses in U.S. productive capacity will increase our reliance on imports and adversely affect our international balance of payments."

Two factors are expected to be the major determinants of future ferroalloy imports versus the amount processed domestically from foreign ores. First, the U.S. depends almost entirely upon imported ores (chrome, nickel, manganese, tungsten, etc.) to produce ferroalloys. The countries exporting these ores are beginning to develop ferroalloy processing capabilities. Once they have developed sufficient capacity, it is likely that they will attempt to shift the U.S. purchases from ores to ferroalloys. Second, the world wide demand for ferroalloys based on sustained high levels of steel production may affect the foreign ferroalloys supply that has traditionally constituted a significant portion of our consumption.

In summary, the effects of pollution control costs upon foreign trade are expected to be insignificant in the context of the more fundamental changes expected in the world wide ferroalloys supply/demand situation.

(14) The comment was made that "conclusions based on average figures will understate the economic impact on smaller plants since the analysis is heavily weighted toward the assessment of impact on large plants." It was also questioned whether the eight plants that must install effluent controls by 1977 were small plants and whether those eight plants would be able to pass on the costs through price increases.

The contractor analyzed the incremental costs for various size plants and found the costs to be directly (linearly) related to production capacity over a broad range of furnace and/or plant size. Thus, the impact on profitability is unrelated to company size, and it cannot be construed that smaller firms will be more adversely affected than larger firms. Half of the plants requiring effluent control investments by 1977 are owned by one firm. Since the combined output from those plants represent one third of the U.S. production, it is reasonable to assume that it is in a position to be a leader in price increases.

(15) Some correspondents endorsed the proposal made to the Administrator by the Effluent Standards and Water Quality Information Advisory Committee that a significantly different approach be taken in the development of effluent guidelines.

The committee's proposal is under evaluation as a contribution toward future refinements on guidelines for some industries. The Committee has indicated that its proposed methodology could not be developed in sufficient time to be available for the current phase of guideline promulgation, which is proceeding according to a court-ordered schedule. Its present state of development does not provide sufficient evidence to warrant the Agency's delaying issuance of any standard in hopes that an alternative approach might be preferable.

(b) *Revision of the proposed regulation prior to promulgation.* As a result of public comments and continuing review and evaluation of the proposed regulation by the EPA, the following changes have been made in the regulation.

(1) In the interests of uniformity with the other industry guidelines, the noncontact cooling water subcategory of this industry has been eliminated. Standards for noncontact cooling water for all industries will be promulgated in the future.

(2) Orthophosphate has been deleted as a pollutant parameter for the open electric furnaces with wet air pollution control devices subcategory (Subpart A) and the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory (Subpart B). Phenols have been deleted as a pollutant parameter from Subpart A, and oil has been deleted as a pollutant parameter from all subcategories. These changes result from a reexamination of the raw data collected by the Agency's contractor and consideration of the costs of monitoring.

(3) A discharge from new open electric furnaces is now allowed. The reason for this is that flexibility in selecting air pollution control equipment is believed to be necessary, and application of the best practicable and best available technologies to wet scrubber emission control systems will not effect a zero discharge. This also allows plants to select air pollution control systems which are the most efficient and economic for that particular plant.

(4) Discharge of blowdown from slag processing operations (for 1983 and new sources) is now permitted. This results from an evaluation of data submitted by industry and a closer look at the data collected by the Agency's contractor.

(5) The standards for hexavalent chromium in Subpart A and B have been increased after consideration of the sensitivity of the analytical method.

(6) Section 304(b)(1)(B) of the Act provides for "guidelines" to implement the uniform national standards of section 301(b)(1)(A). Thus Congress recognized that some flexibility was necessary in order to take into account the complexity of the industrial world with respect to the practicability of pollution control technology. In conformity with the Congressional intent and in recognition of the possible failure of these regulations to account for all factors bearing on the practicability of control technology, it was concluded that some provision was needed to authorize flexibility in the strict application of the limitations contained in the regulation where required by special circumstances applicable to individual dischargers. Accordingly, a provision allowing flexibility in the application of the limitations representing best practicable control technology currently available has been added to each subpart, to account for special circumstances that may not have been adequately accounted for when these regulations were developed.

(c) *Economic impact.* The above listed changes will not significantly affect the conclusions of the economic study of the proposed regulations. The change in the standard for hexavalent chromium and the deletion of some parameters should not affect the cost of the treatment system. Dropping of the noncontact cooling water segment of this industry from the present promulgation will result in a reduction of investment costs of at least $1.2 million dollars for 1977 and 1983. This represents about 8 percent of the total calculated investment for the entire industry. While this "savings" has a slight effect on the economic impact from this regulation, it should be kept in mind that noncontact cooling water will be regulated in the future, and some additional investment may be necessary. Allowing for discharge of blowdown from slag processing operations should also result in very minor savings.

(d) *Cost-benefit analysis.* The detrimental effects of the constituents of waste waters now discharged by point sources within the smelting and slag processing segments of the ferroalloy manufacturing point source category are discussed in Section VI of the report entitled "Development Document for Effluent Limitations Guidelines for the Smelting and Slag Processing Segments of the Ferroally Manufacturing Point Source Category" (February, 1974). It is not feasible to quantify in economic terms, particularly on a national basis, the costs resulting from the discharge of these pollutants to our Nation's waterways. Nevertheless, as indicated in Section VI, the pollutants discharged have substantial and damaging impacts on the quality of water and therefore on its capacity to support healthy populations of wildlife, fish and other aquatic wildlife and on its suitability for industrial, recreational and drinking water supply uses.

The total cost of implementing the effluent limitations guidelines includes the direct capital and operating costs of the pollution control technology employed to achieve compliance and the indirect economic and environmental costs identified in Section VIII and in the supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, The Ferroalloys Industry" (August, 1973). Implementing the effluent limitations guidelines will substantially reduce the environmental harm which would otherwise be attributable to the continued discharge of polluted waste waters from existing and newly constructed plants in the ferroalloys industry. The Agency believes that the benefits of thus reducing the pollutants discharged justify the associated costs which, though substantial in absolute

terms, represent a relatively small percentage of the total capital investment in the industry.

(e) *Publication of information on processes, procedures, or operating methods which result in the elimination or reduction of the discharge of pollutants.* In conformance with the requirements of section 304(c) of the Act, a manual entitled, "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category," has been published and is available for purchase from the Government Printing Office, Washington, D.C., 20401 for a nominal fee.

(f) *Final rulemaking.* In consideration of the foregoing, 40 CFR Chapter I, Subchapter N is hereby amended by adding a new Part 424, Ferroalloy Manufacturing Point Source Category, to read as set forth below. This final regulation is promulgated as set forth below and shall be effective April 23, 1974.

Dated: February 8, 1974.

RUSSELL E. TRAIN,
Administrator.

PART 424—FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Subpart A—Open Electric Furnaces With Wet Air Pollution Control Devices Subcategory

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Subpart A—Open Electric Furnaces With Wet Air Pollution Control Devices Subcategory

§ 424.10 Applicability; description of the open electric furnaces with wet air pollution control devices subcategory.

The provisions of this subpart are applicable to discharges resulting from the smelting of ferroalloys in open electric furnaces with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration that the furnace off-gases are burned above the furnace charge level by air drawn into the system. After combustion the gases are cleaned in a wet air pollution control device, such as a scrubber, an electrostatic precipitator with water or other aqueous sprays, etc. The provisions of this subpart are not applicable to noncontact cooling water or to those electric furnaces which are covered, closed, sealed, or semi-covered and in which the furnace off-gases are not burned prior to collection (regulated in Subpart B).

§ 424.11 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in 40 CFR 401 shall apply to this subpart.

(b) The term "Mwh" shall mean megawatt hour(s) of electrical energy consumed in the smelting process (furnace power consumption).

§ 424.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.312	0.160
Chromium total	.006	.0032
Chromium VI	.0006	.0003
Manganese total	.064	.032
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.703	0.352
Chromium total	.014	.007
Chromium VI	.0014	.0007
Manganese total	.141	.070
pH	Within the range 6.0 to 9.0	

§ 424.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.024	0.012
Chromium total	.0008	.0004
Chromium VI	.00008	.00004
Manganese total	.008	.0039
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.052	0.026
Chromium total	.0017	.0009
Chromium VI	.0002	.0001
Manganese total	.017	.0086
pH	Within the range 6.0 to 9.0	

§ 424.14 [Reserved]

§ 424.15 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.024	0.012
Chromium total	.0008	.0004
Chromium VI	.00008	.00004
Manganese total	.008	.0039
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.052	0.026
Chromium total	.0017	.0009
Chromium VI	.0002	.0001
Manganese total	.017	.0086
pH	Within the range 6.0 to 9.0	

§ 424.16 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the open electric furnaces with wet air pollution control devices subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter except that, for the purpose of this section, § 128.133 of this chapter shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 424.15; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart B—Covered Electric Furnaces and Other Smelting Operations With Wet Air Pollution Control Devices Subcategory

§ 424.20 Applicability; description of the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory.

The provisions of this subpart are applicable to discharges resulting from the smelting of ferroalloys in covered electric furnaces or other smelting operations, not elsewhere included in this part, with wet air pollution control devices. This subcategory includes those electric furnaces of such construction or configuration (known as covered, closed, sealed, semi-covered or semi-closed furnaces) that the furnace off-gases are not burned prior to collection and cleaning, and which off-gases are cleaned after collection in a wet air pollution control device such as a scrubber, 'wet' baghouse, etc. This subcategory also includes those nonelectric furnace smelting operations, such as exothermic (i.e., aluminothermic or silicothermic) smelting, ferromanganese refining, etc., where these are controlled for air pollution by wet air pollution control devices. This subcategory does not include noncontact cooling water or those furnaces which utilize dry dust collection techniques, such as dry baghouses.

§ 424.21 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

(b) The term "Mwh" shall mean megawatt hour(s) of electrical energy consumed in the smelting process (furnace power consumption).

§ 424.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.419	0.209
Chromium total	.003	.001
Chromium VI	.0003	.0004
Manganese total	.034	.013
Cyanide total	.004	.002
Phenols	.006	.004
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.922	0.461
Chromium total	.018	.009
Chromium VI	.0018	.0009
Manganese total	.184	.092
Cyanide total	.009	.005
Phenols	.013	.009
pH	Within the range 6.0 to 9.0	

Provided, however, That for nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kkg of product (lb/ton of products", rather than "kg/Mwh (lb/Mwh)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

§ 424.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.032	0.016
Chromium total	.001	.0005
Chromium VI	.0001	.00005
Manganese total	.011	.005
Cyanide total	.0005	.0003
Phenols	.0004	.0002
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.071	0.035
Chromium total	.002	.0012
Chromium VI	.0002	.0001
Manganese total	.023	.012
Cyanide total	.001	.0006
Phenols	.0009	.0005
pH	Within the range 6.0 to 9.0	

Provided, however, That for nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kkg of product (lb/ton of product)", rather than "kg/Mwh (lb/Mwh)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

§ 424.24 [Reserved]

§ 424.25 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/Mwh	
TSS	0.032	0.016
Chromium total	.001	.0005
Chromium VI	.0001	.00005
Manganese total	.011	.005
Cyanide total	.0005	.0003
Phenols	.0004	.0002
pH	Within the range 6.0 to 9.0	
	English units lb/Mwh	
TSS	0.071	0.035
Chromium total	.002	.0012
Chromium VI	.0002	.0001
Manganese total	.023	.012
Cyanide total	.001	.0006
Phenols	.0009	.0005
pH	Within the range 6.0 to 9.0	

Provided, however, That for nonelectric furnace smelting processes, the units of the effluent limitations set forth in this section shall be read as "kg/kkg of product (lb/ton of product)", rather than "kg/Mwh (lb/Mwh)", and the limitations (except for pH) shall be three (3) times those listed in the table in this section.

§ 424.26 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter, shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 424.25; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

Subpart C—Slag Processing Subcategory

§ 424.30 Applicability; description of the slag processing subcategory.

The provisions of this subpart are applicable to discharges resulting from slag processing, wherein (1) the residual metallic values in the furnace slag are recovered via concentration for return to the furnace, or (2) the slag is "shotted" for other further use.

§ 424.31 Specialized definitions.

For the purpose of this subpart:

(a) Except as provided below, the general definitions, abbreviations and methods of analysis set forth in Part 401 of this chapter shall apply to this subpart.

§ 424.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/kkg processed	
TSS	2.660	1.330
Chromium total	.033	.016
Manganese total	.532	.266
pH	Within the range 6.0 to 9.0	
	English units lb/ton processed	
TSS	5.319	2.659
Chromium total	.106	.053
Manganese total	1.064	.532
pH	Within the range 6.0 to 9.0	

§ 424.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable:

Effluent characteristic	Effluent limitations: Maximum for any 1 day	Effluent limitations: Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/kkg processed	
TSS	0.271	0.136
Chromium total	.0054	.0027
Manganese total	.054	.027
pH	Within the range 6.0 to 9.0	
	English units lb/ton processed	
TSS	0.542	0.271
Chromium total	.011	.0054
Manganese total	.108	.054
pH	Within the range 6.0 to 9.0	

§ 424.34 [Reserved]

§ 424.35 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart:

Effluent characteristic	Effluent limitations	
	Maximum for any 1 day	Average of daily values for 30 consecutive days shall not exceed—
	Metric units kg/kkg processed	
TSS	0.271	0.136
Chromium total	.0054	.0027
Manganese total	.054	.027
pH	Within the range 6.0 to 9.0	
	English units lb/ton processed	
TSS	0.542	0.271
Chromium total	.011	.0054
Manganese total	.108	.054
pH	Within the range 6.0 to 9.0	

§ 424.36 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the slag processing subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in Part 128 of this chapter, except that, for the purpose of this section, § 128.133 of this chapter, shall be amended to read as follows:

In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 424.35; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant.

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 424]

FERROALLOY MANUFACTURING POINT SOURCE CATEGORY

Pretreatment Standards for Incompatible Pollutants; Notice of Proposed Rulemaking

Notice is hereby given pursuant to sections 301, 304, and 307(b) of the Federal Water Pollution Control Act, as amended (the Act); (33 U.S.C. 1251, 1311, 1314, and 1317(b)); 86 Stat. 816 et seq.; Pub. L. 92-500, that the proposed regulation set forth below concerns the application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants. The proposal will amend 40 CFR Part 424—Ferroalloy Manufacturing Point Source Category, establishing for each subcategory therein the extent of application of effluent limitations guidelines to existing sources which discharge to publicly owned treatment works. The regulation is intended to be complementary to the general regulation for pretreatment standards set forth at 40 CFR Part 128. The general regulation was proposed July 19, 1973 (38 FR 19236), and published in final form on November 8, 1973 (38 FR 30982).

The proposed regulation is also intended to supplement a final regulation being simultaneously promulgated by the Environmental Protection Agency (EPA or Agency) which provides effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources within the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory of the ferroalloy manufacturing point source category. The latter regulation applies to the portion of a discharge which is directed to the navigable waters. The regulation proposed below applies to users of publicly owned treatment works which fall within the description of the point source category to which the guidelines and standards (40 CFR Part 424) promulgated simultaneously apply. However, the proposed regulation applies to the introduction of incompatible pollutants which are directed into a publicly owned treatment works, rather than to discharges of pollutants to navigable waters.

The general pretreatment standard divides pollutants discharged by users of publicly owned treatment works into two broad categories: "compatible" and "incompatible." Compatible pollutants are generally not subject to pretreatment standards. (See 40 CFR 128.110 (State or local law) and 40 CFR 128.131 (Prohibited wastes) for requirements which may be applicable to compatible pollutants.) Incompatible pollutants are subject to pretreatment standards as provided in 40 CFR 128.133, which provides as follows:

> In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry not subject to section 307(c) of the Act shall be, for sources within the corresponding industrial or commercial category, that established by a promulgated effluent limitations guidelines defining best practicable control technology currently available pursuant to sections 301(b) and 304(b) of the Act: *Provided*, That if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant: *And provided further*, That when the effluent limitations guidelines for each industry is promulgated, a separate provision will be proposed concerning the application of such guidelines to pretreatment.

The regulation proposed below is intended to implement that portion of § 128.133, above, requiring that a separate provision be made stating the application to pretreatment standards of effluent limitations guidelines based upon best practicable control technology currently available.

Questions were raised during the public comment period on the proposed general pretreatment standard (40 CFR Part 128) about the propriety of applying a standard based upon best practicable control technology currently available to all plants subject to pretreatment standards. In general, EPA believes the analysis supporting the effluent limitations guidelines is appropriate to support the application of those standards to users of publicly owned treatment works. However, to ensure that those standards are appropriate in all cases, EPA now seeks additional comments focusing upon the application of effluent limitations guidelines to users of publicly owned treatment works.

Sections 424.15, 424.25, and 424.35 of the proposed regulation for point sources within the open electric furnaces with wet air pollution control devices subcategory, with covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory (October 18, 1973; 38 FR 29008), contained the proposed pretreatment standard for new sources. The regulation promulgated simultaneously herewith contains §§ 424.16, 424.26, and 424.36 which state the applicability of standards of performance for purposes of pretreatment standard for new sources.

A preliminary Development Document was made available to the public at approximately the time of publication of the notice of proposed rulemaking and the final Development Document entitled "Development Document for Effluent Liimtations Guidelines and New Source Performance Standards for the Smelting and Slag Processing Segments of the Ferroalloy Manufacturing Point Source Category" is now being published. The economic analysis report entitled "Economic Analysis of Proposed Effluent Guidelines, The Ferroalloys Industry" (August, 1973) was made available at the time of proposal. Copies of the final Development Document and economic analysis report will continue to be maintained for inspection and copying during the comment period at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street SW., Washington, D.C. Copies will also be available for inspection at EPA regional offices and at State water pollution control agency offices. Copies of the Development Document may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the economic analysis report will be available for purchase through the National Technical Information Service, Springfield, Virginia 22151.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which either prescribe national standards of environmental quality or require national emission, effluent or performance standards or limitations.

The Agency determined to implement these procedures in order to insure that the public was provided with background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major environmental effects of a proposed action, to discuss the pertinent nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where such publication is impracticable because of the length of these materials, the material may be made available in an alternate format.

The Development Document referred to above contains information available to the Agency concerning the major environmental effects of the regulation proposed below. The information includes: (1) The identification of pollutants present in waste waters resulting from the manufacture of ferroalloys, the characteristics of these pollutants, and the degree of pollutant reduction obtainable through implementation of the proposed standard; and (2) the anticipated effects on other aspects of the environment (including air, subsurface waters, solid waste disposal and land use, and noise) of the treatment technologies available to meet the standard proposed.

The Development Document and the economic analysis report referred to

above also contain information available to the Agency regarding the estimated cost and energy consumption implications of those treatment technologies and the potential effects of those costs on the price and production of ferroalloys. The two reports exceed, in the aggregate, 200 pages in length and contain a substantial number of charts, diagrams and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in the preamble to the proposed regulation containing effluent limitations guidelines, new source performance standards and pretreatment standards for new sources within the ferroalloy manufacturing category (38 FR 29008; October 18, 1973). Additional discussion is contained in the analysis of public comments on the proposed regulation and the Agency's response to those comments. This discussion appears in the preamble to the promulgated regulation (40 CFR Part 424) which currently is also being published in Part II of today's FEDERAL REGISTER.

The options available to the Agency in establishing the level of pollutant reduction obtainable through the best practicable control technology currently available, and the reasons for the particular level of reduction selected are discussed in the documents described above. In applying the effluent limitations guidelines to pretreatment standards for the introduction of incompatible pollutants into municipal systems by existing sources in the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory, the Agency has, essentially, three options. The first is to declare that the guidelines do not apply. The second is to apply the guidelines unchanged. The third is to modify the guidelines to reflect: (1) Differences between direct dischargers and plants utilizing municipal systems which affect the practicability of the latter employing the technology available to achieve the effluent limitations guidelines; or (2) characteristics of the relevant pollutants which require higher levels of reduction (or permit less stringent levels) in order to insure that the pollutants do not interfere with the treatment works or pass through them untreated.

As described in the Development Document, the process waste waters from the open electric furnaces with wet air pollution control devices subcategory, the covered electric furnaces and other smelting operations with wet air pollution control devices subcategory and the slag processing subcategory contain high concentrations of chromium (total and hexavalent) and manganese which could interfere with the operation of publicly owned treatment works, pass through such works untreated or inadequately treated or otherwise be incompatible with such treatment works. In the opinion of the EPA, these process waste waters should be treated to the level required by the application of the best practicable control technology currently available before discharge of these materials to publicly owned treatment works.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing pretreatment standards for existing sources, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304, and 307(b) of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460. The EPA information regulation, 40 CFR 2, provides that a reasonable fee may be charged for copying.

In consideration of the foregoing, it is hereby proposed that 40 CFR Part 424 be amended to add §§ 424.14, 424.24, and 424.34. All comments received by March 25, 1974, will be considered.

Dated: February 8, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 424 of 40 CFR is proposed to be amended by adding §§ 424.14, 424.24, and 424.34 as follows:

§ 424.14 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under Part 128.133 of this chapter, the effluent limitations guidelines set forth in § 424.12 shall apply and, subject to the provisions of Part 128 of this chapter concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 424.24 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 424.22 shall apply and, subject to the provisions of Part 128 of this chapter, concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

§ 424.34 Pretreatment standards for existing sources.

For the purpose of pretreatment standards for incompatible pollutants established under § 128.133 of this chapter, the effluent limitations guidelines set forth in § 424.32 above shall apply and, subject to the provisions of Part 128 of this chapter, concerning pretreatment, process waste water from this subcategory may not be introduced into a publicly owned treatment works, except in compliance with such limitations.

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PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

■

PROTECTION AND ENFORCEMENT OF ENVIRONMENTAL QUALITY

Policies, Procedures, and Responsibilities

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[24 CFR Part 50]

[Docket No. R-74-253]

PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Proposed Departmental Policies, Responsibilities, and Procedures

Notice is hereby given that pursuant to guidelines of the Council on Environmental Quality ("CEQ") published in the FEDERAL REGISTER of August 1, 1973 (38 FR 20550), the Department of Housing and Urban Development ("HUD") herewith publishes its proposed regulations concerning the implementation of the National Environmental Policy Act of 1969 "NEPA") (Pub. L. 91-190, 42 U.S.C. 4321 et seq.).

On July 18, 1973 (38 FR 19182) the Department published its procedures for implementation of NEPA in the form of HUD Handbook 1390.1, "Departmental Policies, Responsibilities and Procedures for Protection and Enhancement of Environmental Quality." The Department is now codifying regulations as 24 CFR Part 50 and at the same time revising HUD Handbook 1390.1 to incorporate the changes proposed by these regulations.

In addition to the changes required by the CEQ guidelines, HUD is making minor revisions to its procedures in order to facilitate and promote the Department's implementation of NEPA.

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or statements. Comments should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10256, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. All relevant material received on or before April 8, 1974, will be considered before adoption of final rules. Copies of comments submitted will be available for examination during business hours at the above address.

Issued at Washington, D.C., February 12, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

PART 50—DEPARTMENTAL POLICIES, RESPONSIBILITIES AND PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Subpart A—General Policy and Responsibilities

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Subpart C—Review of Other Agencies' Environmental Impact Statements

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50.32 Nature and scope of HUD comments on other Agency environmental impact statements.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Subpart A—General Policy and Responsibilities

§ 50.1 Purpose and authority.

(a) The National Environmental Policy Act of 1969 (Pub. L. 91-190, 42 U.S.C. 4321 et seq.) (hereinafter "NEPA") establishes national policy, goals and procedures for protecting and enhancing environmental quality and directs the Federal Government to use all practicable means, including financial and technical assistance, to implement the national policy. NEPA, as implemented by Executive Order 11514 and the Guidelines of the Council on Environmental Quality, 40 CFR Part 1500, requires that all agencies of the Federal Government prepare detailed environmental statements on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment.

(b) The purpose of these regulations is to set forth departmental environmental policy, to assign responsibilities, and to provide procedural guidance to all headquarters and field offices for environmental clearances under NEPA. These regulations apply to HUD legislative proposals, policy and guidance documents, and individual project approval actions on insurance, loans and grants, subsidies, and demonstration projects.

§ 50.3 Terminology.

For the purposes of this part, the following terms shall apply:

(a) *Environment.* Environment is not defined in NEPA or in the CEQ Guidelines. However, it is clear from section 102 of NEPA and elsewhere that the term is meant to be interpreted broadly to include physical, social, cultural, and aesthetic dimensions. Examples of environmental considerations are: Air and water quality, erosion control, natural hazards, land use planning, site selection and design, subdivision development, conservation of flora and fauna, urban congestion, overcrowding, displacement, and relocation resulting from public or private action or natural disaster, noise pollution, urban blight, code violations, and building abandonment, urban sprawl, urban growth policy, preservation of cultural resources, including properties on the National Register of Historic Places, urban design and the quality of the built environment, the impact of the environment on people and their activities.

(b) *Major Federal actions significantly affecting the quality of the human environment.* Those actions taken by a Federal agency which require Environmental Impact Statements in accordance with section 102(2)(C) of NEPA. As HUD processes between 15,000 and 20,000 applications per year at the project level, not including insurance actions on individual houses, the three-level environmental clearance process defined in this part shall be used to determine which action is a major Federal action significantly affecting the quality of the human environment.

(c) *Significant environmental impact.* For the purpose of this part, the term "significant environmental impact" is used to describe the consequences of an action significantly affecting the quality of the human environment. This term is defined to some extent in 40 CFR 1500.6 of the CEQ Guidelines, but the definition in general is a matter of discretion delegated to agency heads for formulation of guidelines subject to the approval of CEQ.

(d) *Environmental impact.* An environmental impact is any alteration of environmental conditions or creation of a new set of environmental conditions, adverse or beneficial, caused or induced by the action or set of actions under consideration. Assessment of the significance of the environmental impact generally involves two major elements: A quantitative measure of magnitude and a qualitative measure of importance. Such a determination is a matter of judgment and consensus; at the project level, this judgment shall be governed by HUD environmental policies and standards.

(e) *HUD environmental policies and standards.* National, Departmental, and program objectives, policies, standards, and procedures. These include: (1) National environmental goals and policies as expressed in NEPA, other statutes and Executive Orders, and guidelines issued by the Council on Environmental Quality; (2) Department-wide standards and policies such as HUD Circular 1390.2; and (3) Environmental considerations contained in program policy and guidance documents, including environment-related project selection criteria, minimum property standards, and environmental elements of program circulars, handbooks and other issuances.

(f) *Major amendatory.* For the purposes of this part, significant change in the nature, magnitude or extent of the action from that which was originally evaluated and which may have a significant effect on the quality of the human environment, such as an environmentally significant change in location or site, area covered, size or design. An increase or decrease in cost is considered a major amendatory only when the increase or decrease reflects such an environmentally significant change in the project.

(g) *Threshold.* A criterion of size or of environmental impact above which a Special Environmental Clearance is always required. The threshold is designed to screen out the more important HUD actions for special attention. HUD

thresholds are set forth in Appendix A-1 to this part.

(h) *Decision points.* Those points of Federal commitment in the decision-making process before which prescribed environmental clearances must be completed. HUD decision points are set forth in Appendix A-1 to this part.

(i) *Finding of inapplicability.* A determination made in accordance with this part by an authorized HUD official that no Environmental Impact Statement (hereinafter "EIS") is required for the proposed HUD action under consideration. The Finding of Inapplicability for project level actions is a part of the Special Environmental Clearance.

(j) *Comments.* Formal reactions by one Federal agency to the proposed action and the Draft Environmental Impact Statement of another Federal agency; also formal reactions of State and local agencies or of public or private groups to the proposed action. Each Federal agency, including HUD, shall take these comments received on its Draft Environmental Impact Statement into account in the Final Environmental Impact Statement and in the approval or disapproval of the proposal.

(k) *Areas of jurisdiction by law or special expertise.* The areas in which one agency is asked to comment on major actions by another agency in accordance with NEPA and the CEQ Guidelines. Appendix II to the CEQ Guidelines provides CEQ views on those areas. HUD Draft Environmental Impact Statements shall be sent to those agencies listed under the appropriate areas to solicit their comments.

(l) *Substantial rehabilitation.* Repair or rehabilitation of a structure which prolongs its useful life for twenty (20) years or more.

§ 50.5 General policy.

(a) It is the policy of the Department to reject proposals which have unacceptable environmental impacts, based on HUD environmental policies and standards, which cannot be avoided, and to encourage modification of project proposals or plans in order to enhance environmental quality and minimize environmental harm. At each stage of the environmental clearance HUD officials shall work with the applicant to seek means for avoiding adverse environmental impact, maximizing environmental quality, and considering superior alternatives.

(b) When environmental clearances reveal conditions or safeguards which should be implemented once a project is approved in order to protect and enhance environmental quality or minimize adverse environmental impacts, such conditions or safeguards shall be set forth as requirements in the contract, grant, or other documents which delineate the obligations of the recipient. The contractor's performance in meeting such conditions shall be monitored and evaluated as part of the normal project monitoring and evaluation.

(c) Environmental impact shall be evaluated on as comprehensive a scale as is feasible, with a view to the overall cumulative impact of HUD actions and programs, as well as the project specific impacts of a particular proposal. Environmental factors shall be considered as early as possible in the review and decision-making process.

(d) Section 102(2)(A) of the National Environmental Policy Act directs all agencies to "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision-making which may have an impact on man's environment." When making determinations regarding environmental impacts, HUD officials shall consult HUD professional personnel, such as urban planners, landscape architects, civil engineers, sanitary engineers, architects, economists, demographers, sociologists, lawyers, and others who are qualified to provide advice on specialized and broad aspects of environmental concerns.

(e) HUD officials shall continue to establish and review environmental policies, standards and procedures for administering HUD programs to promote environmental quality. HUD policies and procedures must be consistent with this Handbook.

§ 50.7 Office responsibilities for protection and enhancement of environmental quality.

(a) *Assistant Secretary for Community Planning and Development (CPD).* The Assistant Secretary for CPD is assigned the overall departmental responsibility for administering and coordinating the department-wide aspects of environmental policies and procedures set forth in this part. He shall be assisted as appropriate by all HUD Assistant Secretaries, the General Counsel, the Federal Insurance Administrator, the New Communities Administrator, the Federal Disaster Assistance Administrator, and the HUD Regional Administrators, and he shall have authority to delegate portions of the total responsibility as appropriate. The Assistant Secretary for CPD shall provide leadership in moving toward a unified departmental set of policies and standards to be applied to all HUD actions. He shall also be HUD's principal point of contact with the Council on Environmental Quality, the Advisory Council on Historic Preservation, the Environmental Protection Agency, other Federal agencies and State and local groups on environmental matters. He shall promulgate such additional internal HUD guidance as may be necessary for carrying out these functions and shall monitor and audit HUD activities pursuant to this policy. He shall maintain a current list of (1) all environmental impact statements being prepared, and (2) the Findings of Inapplicability, on policy issuances or other Central Office functions. He shall transmit, quarterly, to CEQ a list of all HUD environmental impact statements under preparation and all Findings of Inapplicability. He may designate a senior staff member as the Departmental Environmental Clearance Officer (hereinafter "ECO") to act for him in carrying out responsibilities under this part.

(b) *General Counsel.* The General Counsel shall:

(1) Designate an Environmental Clearance Officer (ECO) who shall act as his principal advisor on environmental matters and establish environmental clearance procedures for his office;

(2) Require the preparation of the Environmental Impact Statement or Finding of Inapplicability for all new HUD legislative proposals which may have significant environmental impact;

(3) Require the preparation of a Draft Environmental Impact Statement or a Finding of Inapplicability prior to the publication of each notice of proposed rulemaking in the FEDERAL REGISTER, and a Final Environmental Impact Statement (where applicable) prior to the approval and promulgation of new regulations which may have a potential for significantly affecting the quality of the human environment;

(4) Be provided the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for policy actions and Central Office project actions;

(5) Support the Assistant Secretary for CPD on matters relating to litigation, interpretation of statutory requirements and other areas as appropriate.

(c) *Assistant Secretaries and Administrators of the Federal Insurance Administration, the New Communities Administration and the Federal Disaster Assistance Administration.* (1) Designate an Environmental Clearance Officer (ECO) (a senior official or staff director) who shall act as principal advisor on environmental matters, maintain an environmental reference file of appropriate background and resource material, oversee the development of environmental policies, standards and procedures for the office, monitor proposed policy actions and provide for environmental clearances for those which may have a potential for significantly affecting the quality of the human environment and maintain liaison with the Assistant Secretary for CPD;

(2) Revise existing program policies, procedures, standards, criteria, and application forms promulgated by his office to includes provisions for environmental considerations and clearance requirements in accordance with departmental policies and procedures set forth in this part; and/or issue a new document of environmental standards, criteria, and clearance procedures which shall govern all programs under his jurisdiction.

(3) Establish and maintain, in consultation with the Assistant Secretary for CPD, orderly procedures for environ-

mental clearances for proposed policy actions which may have significant environmental impact. These shall provide for an Environmental Impact Statement or Finding of Inapplicability for proposed legislation, new regulations, policy issuances, guidance documents or revisions to program policies and procedures which may have a potential for significantly affecting the quality of the human environment;

(4) Assign sufficient qualified personnel to activities required to implement this part and to address general issues of environmental protection and enhancement; and

(5) Provide to the Assistant Secretary for CPD a formal evaluation each year of progress in his program area in those activities specified in paragraph (c) (2) through (4) of this section. This shall include a review of environmental clearances of programs and policy documents accomplished in the previous year and an assessment of what needs to be done in the upcoming year.

(d) *Assistant Secretary for Administration.* The Assistant Secretary for Administration or his designee shall support the Assistant Secretary for CPD in budgetary process requirements set forth in OMB Bulletin No. 72-6.

(e) *Special Assistant to the Secretary for Public Affairs.* The Director of Public Affairs shall be responsible for preparing and disseminating a press release on all environmental impact statements prepared in the Central Office, including new community actions and policy actions.

(f) *Regional Administrators.* Each Regional Administrator shall:

(1) Designate his Assistant Regional Administrator for CPM as the Regional Office Environmental Clearance Officer (RO-ECO), who shall act as principal advisor to the Regional Administrator on environmental affairs; maintain an environmental reference file of appropriate background and resource material; maintain a current list of all environmental impact statements being prepared in the Region and a current list of all Findings of Inapplicability, and transmit these lists quarterly to the Assistant Secretary for CPD or his designated ECO, who shall transmit the lists quarterly to CEQ; oversee and monitor environmental clearances throughout the Region including compliance with the review requirements of the National Historic Preservation Act of 1966 (Pub. L. 89-655, section 106); and provide training as necessary;

(2) Assign sufficient qualified personnel to carry out environmental clearances described herein, and take other actions necessary to carry out departmental environmental policies and standards.

(3) Provide the Assistant Secretary for CPD with a formal annual evaluation of the progress in implementing NEPA and this part for all programs in the Region;

(4) Bring to the attention of the Assistant Secretary for CPD significant policy issues which appear to require additional departmental guidance regarding their environmental aspects; and

(5) Assign the responsibility to the Public Information Officer of preparing a press release on all environmental impact statements upon distribution.

(g) *Area Office and Insuring Office Directors.* The Area and Insuring Office Directors, shall:

(1) Designate, in the Area Office, the Assistant Director for Planning and Relocation as the Area Office Environmental Clearance Officer (AO-ECO) (a different senior official or staff director reporting directly to him or his deputy may be designated as the ECO with the approval of the RO-ECO and the Assistant Secretary for CPD), who shall act as principal advisor to the Area Director on environmental affairs, maintain an environmental reference file of appropriate background and resource material, oversee and monitor environmental clearances in the Area Office, and provide training as necessary. The ECO's responsibilities shall also include evaluating the adequacy of the performance of the program staff regarding environmental clearances for which they are responsible and recommending changes where necessary to the Area Director. For purposes of compliance with the special review requirements of section 106 of the National Historic Preservation Act, the AO-ECO shall also serve as the staff member responsible for compliance with section 106.

(2) Designate, in the Insuring Office, the Chief Underwriter as the Insuring Office Environmental Clearance Officer (IO-ECO), who shall act as principal advisor to the Insuring Office Director on environmental affairs, maintain an environmental reference file of appropriate background and resource material, oversee and monitor environmental clearances in the Insuring Office, and provide training as necessary. The ECO's responsibilities shall also include evaluating the adequacy of the performance of the program staff regarding environmental clearances for which they are responsible and recommending changes where necessary to the Insuring Office Director. For purposes of compliance with the special review requirements of section 106 of the National Historic Preservation Act, the IO-ECO shall also serve as the staff member responsible for compliance with section 106.

(3) Assign sufficient qualified personnel to carry out environmental clearances described herein, and take other actions necessary to carry out departmental environmental policies and standards, as directed in this part;

(4) As directed by the Regional Administrator, provide for periodic evaluation of the progress in implementing NEPA and this part; and

(5) Bring unresolved policy issues to the attention of the Regional Administrator.

Subpart B—Environmental Clearances on HUD Actions

§ 50.10 Purpose.

The purpose of this subpart is to establish a procedure for determining whether a proposed HUD action is a "major Federal action significantly affecting the quality of the human environment", and whether the proposal should be accepted, rejected, or modified accordingly.

§ 50.11 Environmental clearance process.

The procedure involves a three level environmental clearance process: Normal Environmental Clearance; Special Environmental Clearance; and Environmental Impact Statement Clearance. Normal Clearance is essentially a consistency check with HUD environmental policies and standards and a brief evaluation of environmental impact. Special Clearance requires an environmental evaluation of greater detail and depth. Finally, an Environmental Impact Statement is the complete and fully comprehensive environmental evaluation, including formal review by other Federal, State and local agencies, as prescribed by section 102(2)(C) of NEPA. Many HUD actions will be subject to a Normal Environmental Clearance. On the basis of that clearance, the proposed project shall be accepted, rejected, or modified accordingly. However, if, even after appropriate modification to mitigate environmental impacts, it is determined that there is potential significant environmental impact, Special Clearance procedures shall be initiated. If, after Special Clearance and the implementation of any changes mitigating environmental impacts, such impacts are still significant as a result of the action, an Environmental Impact Statement shall be prepared on the proposed action. The mere mitigation of adverse effects does not indicate that a project has no significant impact; an Environmental Impact Statement may be required even though adverse effects have been mitigated. All required environmental clearances shall be completed prior to the decision points described in Appendix A.

(a) *Exemptions.* Although HUD's general policy on environmental considerations applies to all HUD actions, the procedural requirements for environmental clearances set forth in this subpart shall not apply to those HUD actions which have been determined not to be "major Federal actions significantly affecting the quality of the human environment". These shall include an individual action on a one-to-four family dwelling, training grants, or rehabilitation and modernization projects which do not extend the life of a structure twenty (20) years or more. Exemptions from environmental clearances do not exempt these activities from the requirements of section 106 of the National Historic Preservation Act of 1966 when a property is listed on, or nominated

to, the National Register of Historic Places.

(1) Planning assistance projects (701 Comprehensive Planning Assistance grants and other planning loans and grants) are exempted from the procedural requirements, but in lieu thereof an environmental assessment of the Final planning product shall be required as part of the proposed planning program.

(2) With respect to disaster relief and emergency activities of the Department, procedures for environmental clearance shall not apply to actions designed to meet the temporary housing needs of the affected population. Disaster activities which provide permanent housing and other recovery efforts will follow the environmental clearance procedures. However, where required by the serious nature of the situation and upon the approval of the Assistant Secretary for CPD, activities such as disaster related early land acquisition, clearance of damaged structures, and relocation efforts may take place prior to the completion of the environmental review.

(3) Except for these exemptions, all HUD actions must undergo one or more environmental clearances prior to the decision-points listed in Appendix A-1 to this part.

(b) *Limitation on actions pending clearance.* Pending preparation and completion of any environmental clearance, the appropriate HUD official may, after consultation with the Assistant Secretary for CPD or his designee, direct an applicant to refrain from taking any action with respect to a project which such official determines might have an adverse environmental effect or might so alter the environmental premises on which the clearance is based as to affect the validity of the conclusions reached. Such official may also direct the applicant to take such additional actions as he determines are necessary to preserve the status quo. The applicant shall promptly comply with all directions issued in accordance with this subsection.

(c) *Additional requirements.* The responsibilities and clearance requirements set forth in this subpart represent minimum Departmental requirements. Regional Administrators and Area and Insuring Office Directors with the concurrence of the Regional Administrator have discretion to require such additional clearances and responsibilities as are deemed necessary for the effective implementation of this part.

(d) *Controversy.* Decisions resulting from Normal or Special Clearance shall give adequate consideration to existing or potential environmental controversy. Issues raised by opponents and supporters of the HUD actions shall be carefully examined to determine whether the project involves significant environmental impacts. Major controversy which appears to raise substantive environmental issues is a factor which should contribute to a decision to undertake a more comprehensive environmental clearance procedure than would otherwise be initiated. For example, in the case of projects which would ordinarily require only Normal Clearance, major environmental controversy should weigh heavily in the decision to undertake a Special Clearance. Likewise for projects which normally require only Special Clearance, major controversy on environmental issues should weigh heavily in the decision to undertake Environmental Impact Statement Clearance.

(e) *Retroactivity.* To the maximum extent practicable, environmental clearance shall be required for uncompleted projects which have never gone through an environmental clearance under NEPA, at such time as a subsequent significant HUD action, such as the next stage of program approval or approval of a major amendatory, is proposed. Where it is not practicable to reassess the basic course of action, major attention should be given to measures which, given the stage of project completion, may reduce adverse environmental impact. It is also important in taking further action that account be taken of environmental consequences not fully evaluated at the outset of the project.

(f) *Evaluation of comprehensive activities.* Individual actions that are related either geographically or as logical parts in a composite of contemplated actions may be more appropriately evaluated in a single environmental clearance. The comprehensive environmental evaluation will not satisfy the requirements of this part, however, if it is superficial or limited to generalities. When all significant issues cannot be anticipated or adequately treated in connection with the comprehensive assessment as a whole, environmental clearances of more limited scope will be necessary on subsequent individual actions in order to fulfill the requirements of this part.

(g) *Properties listed on, or nominated to, the National Register of Historic Places.* Any HUD action or undertaking which has an effect on a property listed on, or nominated to, the National Register of Historic Places will require Special Environmental Clearance and must comply with section 106 of the National Historic Preservation Act of 1966 and implementing procedures, 36 CFR Part 800.

(h) *Environmental clearance forms.* Environmental clearance forms shall be used in conducting the required environmental clearance(s) for project level actions as directed in this part. Form ECO-1, completed by the applicant, shall be used by HUD principally as a source of factual information. An independent environmental assessment and evaluation shall be conducted by HUD on Form ECO-2 or Form ECO-3, or an Environmental Impact Statement shall be prepared. The completed clearances shall become part of the application file and shall accompany the proposal through the review and decisionmaking process.

(1) The Applicant's Environmental Information, Form ECO-1, shall be required of applicants for all project proposals except those exempted in § 50.11 (a)(1). The applicant shall be provided with Form ECO-1 along with the required program application forms, and the environmental clearance requirements shall be explained in the earliest stages of contact and application preparation. The appropriate HUD official shall indicate to the applicant the initial level of environmental clearance required for the proposed project. The completed Form ECO-1 shall accompany A-95 notification where required. It shall be submitted to HUD with the completed application.

(2) After obtaining information from other sources, HUD shall evaluate and verify the information provided by the applicant on Form ECO-1. HUD may begin preparing the appropriate clearance worksheet at this time or may await the resolution of problems. The applicant shall be asked to modify or supplement Form ECO-1 as appropriate: If there is inadequate information, the applicant shall be asked to supplement Form ECO-1 with documentation as necessary; if there are environmental problems, the applicant shall be asked to present solutions, modify the project, include measures to enhance environmental quality or reduce adverse environmental impacts, provide assurances and documentation as necessary, and amend or revise Form ECO-1 accordingly. HUD shall then complete the appropriate environmental clearance worksheet, or shall prepare the Draft Environmental Impact Statement.

(i) *Relationship Between A-95 procedures and environmental clearance procedures.* OMB Circular A-95 provides a mechanism for securing comments and views of State and local agencies regarding the impact, including environmental impact, of Federal and Federally-assisted projects. The A-95 requirements are coordinated, but not synonymous, with the requirements set forth in this part. Those programs or projects which are not subject to A-95 requirements are nevertheless subject to environmental clearance requirements unless specifically exempted in § 50.11(a)(1). The requirements of this part and OMB Circular A-95 shall be coordinated in the following manner:

(1) *Project Notification and Review System (PNRS).* The A-95 Project Notification and Review System requires that, for non-housing programs covered by Attachment D of the A-95 Circular, the applicant submit to the appropriate clearinghouses a notice of intent to file an application for Federal assistance. For housing projects exceeding A-95 thresholds listed in paragraph 7c of Attachment A and under programs listed Attachment D, HUD is required to send the application submitted by the applicant to the appropriate clearinghouses. Housing projects under A-95 thresholds are not subject to the A-95 requirements. Environmental clearances procedures set forth in this part require that the applicant prepare Form ECO-1. For programs also covered by the A-95 Circular,

such form shall accompany the A-95 submission.

(2) *Inclusion of A-95 Comments in Draft EIS.* A-95 review of a proposed project generally takes place prior to the preparation of an impact statement. Therefore, comments on the proposed project that are secured during this stage of the A-95 process must be included in the Draft EIS. The comments received from clearinghouses, or by State and local environmental agencies through clearinghouses, in the A-95 review shall be attached to the draft impact statement when it is circulated for review.

(3) *Review of environmental impact statement.* If an Environmental Impact Statement is required, HUD shall notify the appropriate A-95 clearinghouses of HUD's intent to prepare and file the Draft Statement. When the Draft Statement is distributed, HUD shall send copies of the Statement to the appropriate clearinghouses for review and comment, regardless of whether or not the subject proposal is covered by OMB Circular A-95. The clearinghouses shall also receive copies of the Final Statement for their information.

(j) *Updating environmental clearances.* Environmental clearances shall be updated by revision, amendment or addendum to the original clearance, if:

(1) Additional information with significant implications for environmental impact or additional environmental impacts not previously considered is discovered during the review process. Actions which went through Normal or Special Environmental Clearance shall be updated by revision, amendment or addendum to the original environmental clearance worksheet. A new finding shall then be made on the basis of all information, and action taken accordingly. For actions for which a Draft and Final Environmental Impact Statement was prepared and distributed, the Final Statement shall be revised and reissued, or an addendum to the Statement shall be prepared and distributed. Such revision or addendum shall be subject to the same review and comment procedures as was the original Final Statement.

(2) Major amendatories are proposed. For major amendatories, the type and extent of environmental clearance required shall depend on the type, size and scale of the proposed action as amended. If an EIS is prepared for the amendatory, it shall be prepared and processed pursuant to § 50.14.

(3) HUD approval action is required for component activities whose environmental impacts were not addressed in sufficient detail in original environmental clearance for the larger action. Such clearance shall focus on the environmental impact of the specific project and site and need not treat the environmental impact on the more comprehensive level addressed in the original Environmental Impact Statement. A finding shall then be made as to the significance of the environmental impact of the specific project activity, and action taken accordingly. If an Environmental Impact Statement is prepared for the component activity, it shall be prepared and processed pursuant to § 50.14.

§ 50.12 Normal environmental clearance.

Normal Environmental Clearance shall be required for HUD actions for which it is not immediately evident that Special Environmental Clearance or Environmental Impact Statement Clearance is required. Normal Environmental Clearance is a consistency check with HUD environmental policies and standards and a brief evaluation of environmental impact. In formation shall be requested from the applicant on Form ECO-1 and gathered from other sources as appropriate. After modifications to the proposal to mitigate environmental impacts as necessary, HUD shall conduct an independent assessment and evaluation on Form ECO-2.

(a) *Responsibility for clearance.* Responsibility for Normal Environmental Clearance shall rest with the Area/Insuring Office program staff. An information copy shall be sent to the ECO.

(b) *Action resulting from clearance.* (1) If after appropriate modifications to the proposal there exist environmental impacts which are unavoidable, and, based on HUD environmental policies and standards, such impacts are also considered unacceptable, then the proposal shall be rejected.

(2) If there is no significant environmental impact, processing of the proposal may proceeed. Conditions or safeguards found to be necessary in order to protect and enhance environmental quality or minimize adverse environmental impacts shall be set forth in the contract, grant, or comparable document.

(3) If after appropriate modifications to the proposal to mitigate environmental impacts, there remains significant or potentially significant environmental impact, Special Environmental Clearance or EIS, as appropriate, is required. The mere mitigation of adverse effects does not indicate that a project has no significant impact; an EIS may be required even though adverse effects have been mitigated.

§ 50.13 Special environmental clearance.

Project level actions found to require Special Environmental Clearance by virtue of their size or scale (in relation to the thresholds in Appendix A-1 to this part) or other characteristics indicating significant environmental impact, or as a result of Normal Environmental Clearance, shall be subject to the requirements in paragraph (a) of this section. Proposed legislation, regulations, policy issuances, guidance documents, and revisions to such regulations and documents, which may have significant environmental impact, shall be required to undergo the Special Environmental Clearance for policy actions as set forth in paragraph (b) of this section.

(a) Project level actions. Special Environmental Clearance for project level actions is a preliminary version of the analysis required in the Environmental Impact Statement. It provides the HUD official with a factual basis for determining whether the proposed action has a significant environmental impact and hence, whether it should be approved, rejected, or modified, or whether an Environmental Impact Statement is required. Information required shall be requested from the applicant on Form ECO-1 and gathered from other sources as appropriate. After modifications to the proposal to mitigate environmental impacts as necessary, HUD shall conduct an independent assessment and evaluation. On the basis of this assessment an environmental finding shall be made and accompany the application through the review process.

(1) *Responsibility for clearance.* Special Environmental Clearance shall be conducted by the Area/Insuring Office Program staff. The environmental finding following this review shall be made by the AO/IO-ECO.

(2) *Action resulting from clearance.* (i) If after appropriate modifications to the proposal, there exist environmental impacts which are unavoidable, and, based on HUD environmental policies and standards, such impacts are also considered unacceptable, then the proposal shall be rejected.

(ii) If there is no significant environmental impact, a Finding of Inapplicability shall be made on the special Environmental Clearance Worksheet. Conditions or safeguards found to be necessary to protect and enhance environmental quality, or minimize adverse environmental impacts, shall be set forth in the contract, grant, or comparable document.

(iii) If after appropriate modifications to the proposal to mitigate environmental impacts, there remains significant or potentially significant environmental impact, an Environmental Impact Statement shall be prepared. The mere mitigation of adverse effects does not indicate that a project has no significant impact; an EIS may be required even though adverse effects have been mitigated.

(b) Policy Actions (Legislation, Regulations, Policy and Guidance Documents). Special Environmental Clearance for legislative proposals, proposed regulations, and policy issuances (such as handbooks, circulars, standards, or other guidance, and revisions thereof) consists of determining whether or not an Environmental Impact Statement shall be required. Certain categories of policy and guidance documents and regulations which are clearly unrelated to environmental concerns need not undergo environmental clearance. These include internal administrative procedures, accounting and fiscal allocation instructions, brochures and pamphlets for public information, internal personnel policies and procedures, and other actions which, in the determination of the program Environmental Clearance Officer designated by the appropriate Assistant Secretary or Administrator, have no potential for significantly affecting the

quality of the environment. For all other policy issuances and proposed legislation, either an EIS or a Finding of Inapplicability shall be prepared. The decision as to whether an EIS or a Finding of Inapplicability is required shall be made early in the process of drafting the proposed document, and shall be based on the actual or potential significance of the environmental impact of the proposed action. Responsibility for the decision shall be as follows:

(1) *Legislation.* General Counsel with the approval of the Assistant Secretary for CPD.

(2) *Regulations.* The program Environmental Clearance Officer with the approval of the Assistant Secretary for CDP and the concurrence of the General Counsel.

(3) *Policy and Guidance Documents.* The program Environmental Clearance Officer, with the approval of the Assistant Secretary for CPD and the concurrence of the General Counsel.

If it is determined that an EIS is not required, a Finding of Inapplicability shall be prepared with the concurrence of the Assistant Secretary for CPD and the General Counsel. With respect to regulations and policy and guidance documents, the EIS or the Finding of Inapplicability shall be the responsibility of the initiating office director, and shall be written under the supervision of the program ECO. With respect to legislation, the EIS or the Finding of Inapplicability shall be prepared under the supervision of the General Counsel's Environmental Clearance Officer by the HUD office having the principal programmatic interest in the proposal for legislation.

(c) The Finding of Inapplicability or the EIS shall be subject to the following:

(1) *Legislation.* The Draft EIS or the Finding of Inapplicability shall, subject to OMB and CEQ requirements, accompany the proposal through the regular review process. The final text of the environmental statement and comments thereon should be available to the Congress and to the public for consideration in connection with the proposed legislation or report. In cases where the scheduling of congressional hearings on recommendations or reports on proposals for legislation which HUD has forwarded to the Congress does not allow adequate time for the completion of a final text of an environmental statement (together with comments), a draft environmental statement may be furnished to the Congress and made available to the public pending transmittal of the comments as received and the final text.

(2) *Regulations.* The Draft EIS or the Finding of Inapplicability shall accompany proposed regulations through the regular review process, and for those regulations subject to OMB Circular A-85, through A-85 clearance with public interest groups. All proposed regulations which affect the areas of jurisdiction of the Environmental Protection Agency shall be submitted to the Administrator of the Environmental Protection Agency for review under section 309 of the Clean Air Act, as amended. Notice of the availability to the public of the Draft EIS or the Finding of Inapplicability shall be published in the FEDERAL REGISTER as part of the notice of proposed rule making. Notice of the availability of the Final EIS (where applicable) to the public shall be published in the FEDERAL REGISTER along with the rule.

(3) *Policy and Guidance Documents.* The Draft EIS or the Finding of Inapplicability shall accompany the regular review process, including A-85 clearance where applicable. The Final EIS, where applicable, shall accompany the document through the final clearance process.

§ 50.14 Environmental impact statement clearance.

Environmental Impact Statement Clearance shall be required for all major HUD actions significantly affecting the quality of the human environment.

(a) *Environmental impact statement.* The Environmental Impact Statement is comprised of two stages, Draft and Final.

(1) *Notice of intent to file an environmental impact statement.* As soon as practicable after a determination is made that a HUD action will require the preparation and circulation of an environmental impact statement, a Notice of Intent to File shall be prepared to inform the public and to solicit comments that may be helpful in preparing the statement. Copies of this notice shall be sent to local newspapers, groups known to be interested in the agency's activities, the chief executive of the general unit of local government, local and State agencies, A-95 clearinghouses, the Assistant Secretary for CPD, the RO and CO-ECOs, and the RO Public Information Officer. When the appropriate HUD official determines that an environmental impact statement is not necessary, a Notice of Intent Not To File an EIS shall be prepared to inform the public under the following circumstances:

(i) HUD has previously announced the action would be the subject of an environmental impact statement; or

(ii) HUD has made a Finding of Inapplicability in response to a request from CEQ for the preparation and circulation of an EIS.

The notice shall include a statement of the reasons for this decision. This determination and the reasons for the decision shall be prepared and disseminated in the same manner as a Notice of Intent to File an EIS.

(2) *Draft environmental impact statement.* Stage one involves the preparation of a Draft Environmental Impact Statement and the summary sheet. The Draft is sent to the CEQ (10 copies), circulated to Federal agencies whose areas of jurisdiction by law or special expertise are involved, OMB-designated A-95 clearinghouses (State and regional/metropolitan), the chief executive and planning agency of the appropriate local (county, city or town) government, appropriate local agencies, groups/individuals with special interest in the proposed action, the applicant and made available to the public. Two (2) copies of the Draft Statement and the distribution list shall also be sent to the Assistant Secretary for CPD.

(3) *Final environmental impact statement.* The second stage is the Final Environmental Impact Statement, which takes into account and responds to the comments received as a result of circulating the Draft, and the revised summary sheet. The Final Statement, including the comments received and HUD's response, is filed with the CEQ (10 copies), sent to Federal agencies and organizations which commented on the Draft, the Environmental Protection Agency, A-95 clearinghouses, the chief executive and planning agency of the appropriate local government, appropriate local agencies, the applicant, and made available to the public. Two (2) copies of the Final Statement shall also be sent to the Assistant Secretary for CPD. The Final Statement shall accompany the recommendation of or report on the proposed action through HUD's review and decision-making process.

(b) *Timing.* (1) The Draft EIS shall be filed with the CEQ and made available to the appropriate agencies and to the public. The minimum review period for Draft EISs is forty-five (45) days (if practicable, requests for extension of time up to fifteen (15) days should be granted), and runs from the date of FEDERAL REGISTER publication by the CEQ that the Draft EIS has been prepared by HUD. The Draft must be on file at least ninety (90) days prior to HUD approval of, or commitment to, the proposed action. (See Appendix A of this part for decision points.)

(2) The Final Environmental Impact Statement shall be filed with the CEQ and made available to appropriate agencies and to the public at least thirty (30) days prior to HUD approval of, or commitment to, the proposed action. (See Appendix A to this part for decision points.) The thirty-day period begins on the date of issuance by HUD. After 30 days, and upon consideration of comments on the Final Statement, the initiating HUD Office may approve the project.

(3) The 45-day period and the 90-day period may run concurrently to the extent that they overlap. Exceptions to the 45 or 90 day time limits are permitted only under unusual circumstances. Exceptions must be approved by the Assistant Secretary for CPD, with the concurrence of the General Counsel and in consultation with the CEQ on a case-by-case basis.

(c) *Responsibility for clearance.* The Draft and Final Environmental Impact Statements shall be prepared and distributed by the initiating office or appropriate field office with program review responsibilities. Approval of the Statement and the proposed distribution list by the Regional Administrator (or his ECO) for field project level actions, and by the Assistant Secretary for CPD for policy actions and Central Office Project

actions, is required prior to distribution.

(1) The Regional or Area Counsel shall be given the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for field project level actions to determine whether there is compliance with the legal requirements of NEPA. This review shall be concurrent with other staff reviews. The General Counsel (or his ECO) shall be given the opportunity to review Draft and Final Environmental Impact Statements prior to issuance for policy actions and Central Office project actions.

(2) For Environmental Impact Statements requiring only the approval of the Regional Administrator, two (2) copies of the Draft Statement shall be sent to the Assistant Secretary for CPD when distribution is made to other agencies. The Assistant Secretary for CPD then has the option of requiring, in exceptional cases, that his concurrence be obtained prior to distribution of the Final Statement. If, in the judgment of the Regional Administrator (or his ECO), or the Assistant Secretary for CPD (or his ECO), there are issues of national significance, controversy or significant environmental policy issues involved, the Draft and/or Final Environmental Impact Statement shall be referred to the Assistant Secretary for CPD for concurrence prior to distribution.

(3) In cases where an adverse impact on a National Register property is unavoidable, the proposal may be rejected. If such a proposal is not rejected, a full explanation of efforts to comply with the recommendations of the Advisory Council on Historic Preservation shall be incorporated as a part of the Final Environmental Impact Statement. For projects involving unresolved cases of adverse impact on a National Register property, the Draft and Final Environmental Impact Statement must be approved prior to distribution by the Assistant Secretary for CPD.

(4) In order to facilitate review and utilize environmental expertise outside HUD to the fullest extent possible, agencies whose areas of jurisdiction by law or special expertise are involved in a proposed project shall be consulted during preparation of the Draft Environmental Impact Statement for such project, where such consultation is feasible and contributes to a more complete environmental evaluation.

(5) If after the specified period of time for review of the Draft Statement, HUD has not received comments from those agencies (Federal, State, areawide, or local) whose input is considered important to the project's environmental evaluation, HUD may contact these agencies and request their comments.

(d) *Action resulting from clearance.* Based on the Environmental Impact Statement clearance, including comments and suggestions by other agencies and interested parties, HUD shall attempt to mitigate adverse environmental impacts to the extent practicable. If there remain adverse environmental impacts which are unavoidable, and based on HUD environmental policies and standards, such impacts are also considered unacceptable, the proposal shall be rejected. Otherwise, unavoidable adverse environmental impacts shall be weighed against benefits to be obtained from approval of the proposal. Where environmental costs which would be incurred outweigh such benefits, the proposal shall be rejected. Where benefits of the proposal outweigh environmental costs, processing may proceed; conditions or safeguards found to be necessary in order to protect and enhance environmental quality or minimize adverse environmental impacts shall be set forth in the contract, grant, or comparable document.

§ 50.20 **Public hearings.**

(a) Prior to the distribution of a Draft Environmental Impact Statement for a project, a determination shall be made by the appropriate HUD official as to whether a public hearing should be held. The following factors shall be considered in determining whether a public hearing is appropriate:

(1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved;

(2) The degree of interest in the proposal, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held;

(3) The complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under the Act; and

(4) The extent to which public involvement has been achieved with respect to environmental concerns through other means, such as earlier public hearings, meetings with citizen representatives and/or written comments on the proposed action.

This determination shall be documented and attached to the draft environmental impact statement.

(b) The Draft Environmental Impact Statement shall be made available for public inspection and copying at cost at least 15 days prior to the time any public hearing is held under this section.

(c) If the appropriate HUD official determines that a public hearing is appropriate for a project being planned and/or implemented by a State or local agency, he shall also determine whether HUD or the public agency is to hold the public hearing. HUD shall hold the hearing for projects where the applicant is not a public agency.

(d) The Notice of Public Hearing shall be issued no later than five days after distribution of the Draft Environmental Impact Statement and shall be published in a local newspaper of general circulation at least 15 days prior to the date of the hearing. The notice shall:

(1) State the date, time, place, and purpose of the hearing;

(2) Identify the program and describe the proposed project and project area;

(3) State that any person or organization desiring to be heard on environmental issues will be afforded an opportunity to be heard;

(4) State where the Draft Environmental Impact Statement will be available to members of the public;

(5) Identify the public body which is to hold the hearing.

(e) Minutes of the hearing shall be kept.

(f) A public hearing is required for any project assisted under Title I of the Housing Act of 1949, as amended, prior to the acquisition of land by the local public agency. A hearing held pursuant to that title shall include consideration of the environmental aspects of the proposed action. Whenever possible, the LPA's ECO-1 Form shall be made available for public inspection at least 15 days prior to the hearing. The Notice prescribed by HUD Urban Renewal Handbook RHM 7206.1. chapter 3, section 5(e) shall include a statement regarding the availability of the ECO-1 Form. If no Form ECO-1 is available, the LPA shall consult with the Area Office to determine the procedure to be used in addressing environmental concerns at the public hearing.

(g) The procedures specified for hearings in paragraphs (b) through (e) of this section shall not apply to hearings held in accordance with this section.

§ 50.25 **Public disclosure.**

(a) Draft and Final Environmental Impact Statements and Findings of inapplicability shall be made available to the public in accordance with HUD policy pursuant to Part 15, of this subtitle, Executive Order 11514 and the CEQ Guidelines.

(b) Upon completion of the Draft EIS, a news release shall be submitted to the local newspapers and other appropriate news media, announcing that the Draft Environmental Impact Statement is available for comment and where copies may be obtained by those wishing to comment. The news release shall contain information of the name and location of the proposed action, a brief description of the proposed action, and a summary of the environmental impacts and the alternatives considered, including the alternative of no action.

(c) Copies of environmental impact statements shall be provided free of charge to the public requesting an opportunity to comment, or at a fee which is not more than the actual reproduction cost to the Department. (For distribution details on Draft and Final Statements see § 50.14(a) (2) and (3).)

(d) Copies of statements for project level actions shall be available for public reading in the appropriate Area/Insuring and Regional Offices. Central Office project level actions shall also be available in the Program Information Division in the Central Office and in the appropriate Area/Insuring and Regional Office. For policy actions, copies shall be available for public reading in the Program Information Division in the Central Office and all Regional Offices. The Department shall fill all reasonable requests for environmental impact statements during

the review period. The National Technical Information Service (NTIS) should be used as a secondary source for providing environmental impact statements. Such requests should be referred to NTIS, Department of Commerce, Springfield, Va. 22151.

(e) A Final Environmental Impact Statement shall be sent to all parties who filed substantive comments on the draft.

Subpart C—Review of Other Agencies' Environmental Impact Statements

§ 50.30 Purpose.

The purpose of this subpart is to establish a procedure for commenting on Environmental Impact Statements initiated by other Federal agencies.

§ 50.31 General.

(a) Environmental Impact Statements initiated outside HUD will be referred to the appropriate HUD office for jurisdiction by law or special expertise. Comments shall be sent by the commenting HUD office to the initiating agency and the CEQ within 45 days of transmittal. The CEQ requires that ten (10) copies be mailed to the General Counsel, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006. HUD comments shall also be made available to the public upon request.

(b) Environmental Impact Statements on project level actions initiated outside HUD shall be referred to the HUD Regional Administrator in whose jurisdiction the project falls, or to his designee, for comment. Comments recommending delay or rejection of a major undertaking may be referred to the Assistant Secretary for CPD for concurrence and for forwarding to the requesting agency and to the CEQ. Precedent-making comments of national significance shall be referred to the Assistant Secretary for CPD.

(c) Environmental Impact Statements from other Federal agencies on legislative proposals, regulations, or policy documents shall be sent to the General Counsel and the Assistant Secretary for CPD, respectively, for comment.

§ 50.32 Nature and scope of HUD comments on other agency environmental impact statements.

(a) Special attention should be given to Environmental Impact Statements for transportation projects which have impacts on parklands and are subject to review under section 4(f) of the Department of Transportation Act of 1966. Under section 4(f), approval rests with the Secretary of DOT, and HUD maintains an important advisory role. Particular care should be exercised in reviewing projects which use lands purchased with HUD Open Space funds and those for which adequate replacement provisions are lacking.

(b) Comments should be as specific, substantive and factual as possible. Emphasis should be placed on the assessment of the environmental impacts of the proposed action and the acceptability of those impacts on the quality of the environment, particularly as contrasted with the impacts of reasonable alternatives to the action.

(c) Comments may include recommendations for modification of the proposed action or new alternatives not addressed which would enhance environmental quality or reduce adverse environmental impacts.

(d) Comments should include a statement concerning whether HUD projects not identified in the draft statement are sufficiently advanced in planning and related environmentally to the proposed actions so that a discussion of the environmental interrelationships should be included in the final EIS.

(e) Comments should indicate areas where HUD feels monitoring of environmental effects is in order and may suggest methods to so monitor.

APPENDIX A—PROPOSED HUD ACTIONS WHICH REQUIRE SPECIAL ENVIRONMENTAL CLEARANCE OR ENVIRONMENTAL IMPACT STATEMENT CLEARANCE

NOTE: For programs not listed, consult the Assistant Secretary for Community Planning and Development.

APPENDIX A-1: PROJECT LEVEL ACTIONS SUBJECT TO THRESHOLD CRITERIA [1]

A Special Environmental Clearance is required for projects and major amendatories which meet or exceed one or more of the applicable thresholds. Thresholds shall apply to activities which have been aggregated for the purpose of environmental evaluation, both on the level of the comprehensive activity as well as on the level of individual component activities. All environmental clearances shall be completed before the applicable decision point.

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[1] For innovative programs or approaches such as Annual Arrangements, and individual HUD-financed or assisted project proposal contained within a larger package or program shall be subject to Special Environmental Clearance if any of the applicable program thresholds is met or exceeded. In addition, environmental evaluation of the broad and cumulative impacts of the larger program shall be conducted prior to individual application processing when feasible.

Program	Decision points	Thresholds
Code enforcement program	Approval of application or major amendatory.	All new concentrated code enforcement areas.
Demonstration [1] projects	do	Cost totalling $500,000 (from all sources) in new construction.
Housing assistance or insurance: [2]		
New construction of: [3]		
1-to-4 family structures	Issuance of feasibility letter or major change in letter or project (ASP-6).	50-lot subdivision.
Multifamily structures	Issuance of feasibility letter or major change in letter or project. Preliminary reservation of contract authority to State and local agencies for interest reduction assistance and rent supplement payments for uninsured projects. [4]	100-unit multifamily project (including scattered sites).
Public housing	1. For conventional, letter of notification of tentative site approval or approval of major change. 2. For Turnkey, HUD concurrence in tentative selection of developer. 3. For section 23 leasing (new construction or substantial rehabilitation), letter transmitting approvable proposals.	100-unit public housing project (including scattered sites) or 50-lot subdivisions.
College housing	Approval of fund reservation for college housing or major amendatory.	200-student project.
Mobile homes	Issuance of feasibility letter or major change in letter or project.	100-unit mobile home park.
Nursing homes	do	100-bed nursing home.
Hospitals [5]	do	100-bed hospital.
Group practice facilities	Invitation for formal application	Facilities with site acreage of 50,000 ft², or gross floor area of 30,000 ft².
Housing assistance or insurance: Substantial rehabilitation or property, disposition of:		
1-to-4 family structures. Multifamily structures. College housing. Mobile homes. Nursing homes. Hospitals. [5] Group practice. Facilities.	1. For rehabilitation, feasibility determination. 2. For Project Rehab, submission of proposal to central office. 3. For property disposition, approval of disposition program.	50 contiguous or noncontiguous 1-to-4 family structures/lots. 100-unit multifamily project (including scattered sites). 200-student project—college housing. 100-unit mobile home park. 100-bed nursing home. 100-bed hospital. Group practice facility with site acreage of 50,000 ft², or gross floor area of 30,000 ft².
Model Cities (planned variations)	1. All action years or major amendments, to the extent that the activities have not been previously evaluated.	Approval memorandum or letter of approval, whichever is sooner.
	2. Approval of application for individual project within Model Cities program. [7]	See appropriate categorical program.
Neighborhood facilities. [8]	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendatory.	Site acreage of 50,000 ft², or gross floor area of 30,000 ft².
Open space land. [8]	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendatory. Approval for conversion.	1. All sanitary landfill projects. 2. Impoundment of 2 surface acres or 23 acre-feet of water. 3. 50 acres. 4. All conversions of open space land acquired with HUD assistance to nonopen space uses not originally approved by HUD.
Public facility loans. [8]	Approval of allocation order or approval subject to validation of funds (whichever is sooner), or approval of major amendatory.	See Water and sewer.

Footnotes at end of table.

Program	Decision points	Thresholds
Urban renewal:[9] Conventional	Approval of part I or approval of major amendatory.	All urban renewal projects.
Neighborhood development program.[8]	Approval of allocation order or approval subject to validation of funds, whichever is sooner.	1. All first year NDP's and conversions from conventional urban renewal to NDP. 2. Subsequent action years: To the extent that the urban renewal plan has not been previously evaluated and/or changes in area or plans.
Water and sewer	Approval of application or major amendatory.	1. All above ground reservoirs and stand pipes. 2. All source development projects, including major river impoundments, raw water reservoirs, well fields, and treatment plants. 3. Treated water transmission or sewage collection lines which pass through, are adjacent to, or serve undeveloped areas of 50 acres or more.
Flood and disaster insurance program.	Issuance of special flood plain or mudslide area delineations. Community eligibility	1. Variance from normal practice dedefined by FIA. 2. Variance of land use and control measures from established FIA criteria.

[1] All research projects resulting in new construction of $500,000 are included; other research projects are generally exempt unless it has been determined that the results of the effort; when implemented, will have a significant effect on the human environment.
[2] Project selection criteria are not a substitute for environmental clearance.
[3] Phase 3 Breakthrough housing projects are subject to environmental clearance procedures in the same way as other housing projects.
[4] This handbook shall also apply to HUD approval of interest subsidy on existing properties. However, the environmental assessment does not have to address the impact construction of the project on the environment since it has already taken place. All other environmental factors must be assessed.
[5] HEW has the lead role in environmental evaluation and clearance of proposed hospitals. HUD has responsibility for clearance and conformance with departmental policies and standards to the extent that such clearance is not conducted by HEW.
[6] See §§ 50.11 (f) and (j) for individual projects within the Model Cities program which receive Model Cities supplemental grants but which derive the majority of their Federal assistance from another agency, such as HEW or OEO, the other agency is considered lead agency and responsible for the environmental clearance. For a project which receives all or most of its funding from Model Cities grants, HUD is responsible for the appropriate environmental clearance.
[7] For projects using supplementary funds which result in the construction or acquisition of capital facilities not included in HUD categorical programs, the appropriate environmental clearance shall be prepared prior to the award of the supplemental grant.
[8] Project selection systems are not a substitute for environmental clearance.
[9] For projects in the National Capital area refer to agreement between HUD and the National Capital Planning Commission.

APPENDIX A-2: OTHER HUD ACTIONS WITH SPECIAL REQUIREMENTS [1]

NOTE: Where special requirements are imposed in accordance with this appendix, thresholds set forth in Appendix A-1 do not apply.

Action	Decision point	Requirement
New construction or substantial rehabilitation of residential or other noise sensitive land uses such as nursing homes, hospitals, group practice facilities, in unacceptable noise zone (circular 1390.2).	Decision point stated in appendix A-1.	Environmental impact statement.
New construction or substantial rehabilitation of residential or other noise sensitive land uses such as nursing homes, hospitals, group practice facilities, in discretionary (normally unacceptable) noise zone (circular 1390.2), which is new development in a largely undeveloped area.	do	Do.
New construction or substantial rehabilitation of residential or other noise sensitive land uses in discretionary (normally unacceptable) noise zone (circular 1390.2), which is infill in existing development.	do	Special environmental clearance.
New Communities: Debt guarantee or certification of eligibility or interest loan.	Authorization by Community Development Corporation Board of offer of commitment or major change to approved plan.	Environmental impact statement.
New communities: Special planning assistance loan or grant.	Authorization by Community Development Corporation Board of loan or grant.	Environmental assessment as part of planning product.
Title X mortgage insurance for land development	Issuance of feasibility letter or major change in letter or project.	Environmental impact statement.
Any project which has an effect on a property listed on, or nominated to, the National Register of Historic Places.	Decision point stated in appendix A-1.	Special environmental clearance.
Any project which has an adverse effect on a property listed on, or nominated to the National Register of Historic Places.	Decision point stated in appendix A-1.	Environmental impact statement. Request review by Advisory Council on Historic Preservation.
Legislation	Departmental decision to sponsor legislation.	Finding of inapplicability or draft and final environmental impact statement.
Regulations which have potential for significantly affecting the quality of the human environment.	Publication in FEDERAL REGISTER of notice of proposed rule making. Promulgation	Finding of inapplicability or draft environmental impact statement. Final environmental impact statement, where applicable.
Policy and guidance documents which have potential for significantly affecting the quality of the human environment.	A-85 clearance Promulgation	Finding of inapplicability or draft environmental impact statement. Final environmental impact statement, where applicable.

[1] Project actions affected by Circular 1390.2 require that projects located in the Unacceptable or Discretionary-Normally Unacceptable noise exposure zone require special approvals and must incorporate noise attenuation measures.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[HUD Guide Form ECO-1]

APPLICANT'S ENVIRONMENTAL INFORMATION

Region _____ Area/Insuring Office _____

A. Applicant/Sponsor.
B. Project Name and Location.
C. HUD Program.
D. OMB Circular A-95 Review.
Is proposed project subject to A-95 review?
☐ Yes ☐ No
Date submitted to clearinghouses: _____
Check one:
☐ State/regional clearinghouse comments attached.
☐ No comments received after ____ days before clearinghouses.
E. Description of Project.
F. Description of existing environment of the site and area.
1. Existing physical environment (natural and man-made):
a. Land and Climate:
b. Vegetation, wildlife and natural areas:
c. Surrounding land uses and physical character of area:
d. Infrastructure:
e. Air pollution levels:
f. Noise levels:
g. Water pollution levels:
h. Energy Resources:
i. Other:
2. Existing social environment:
a. Community facilities and services:
b. Employment centers and commercial facilities:
c. Character of community:
d. Other:
3. Existing aesthetic environment: (Including properties listed on, or nominated to, the National Register of Historic Places.
G. How Will the Environment Described in F Affect the Project?
1. Physical environment:
2. Social environment:
3. Aesthetic environment:
H. How Will the Project Affect the Environmental Factors in F?
1. Physical environment:
2. Social environment:
3. Aesthetic environment:
I. Where Appropriate, Describe the Quality of the Environment Created by the Project and Its Impact on the Expected Residents or Users of the Project.
1. Physical environment:
2. Social environment:
3. Aesthetic environment:
J. What Alternatives to the Proposed Project Were Considered and Why Were They Rejected: What Additional Alternatives Can Be Considered To Avoid Adverse Environmental Impacts?
a. Alternative locations or sites:
b. Alternative sizes and designs:
K. Describe provisions of the proposal which were specifically designed to reduce adverse environmental impacts or to enhance environmental quality. Describe abatement measures which were rejected and the reasons for rejection (estimate costs). Describe measures other than those included in the project being taken or planned to enhance environmental quality or reduce adverse environmental impacts.
L. What are the known views of governmental bodies, private organizations, local citizens, etc., concerning the proposed project? Identify known or potential opposition groups and their views.
M. Certification: The applicant/sponsor identified in block A hereby certifies that the information furnished in this Applicant's Environmental Assessment is true and accurate to the best of his (its) knowledge.
Date _____ Signature _____
Title _____

INSTRUCTIONS FOR COMPLETION OF FORM ECO–1, APPLICANT'S ENVIRONMENTAL INFORMATION

For non-housing programs, prepare in triplicate. Attach duplicates to A–95 notice on intent to apply for Federal assistance and send to appropriate clearinghouses; attach original to application and submit to HUD. For housing projects over A–95 thresholds, prepare in triplicate and send to HUD with application for transmittal to clearinghouses. For housing projects under A–95 thresholds, prepare in original and send to HUD with application.

Attach additional sheets as necessary and identify project and item number on each. Reference may be made to information in application or project file.

A. Self-explanatory.

B. Self-explanatory.

C. Self-explanatory.

D. A HUD representative can advise you whether or not your project is subject to A–95 review.

E. Briefly describe the project. Include size or scale, design, type of facilities included, location, cost, and other descriptive features. Include minimum or two (2) maps: One showing location of project within the city, town, or metropolitan area, and another showing the relationship of the project to immediate area and distance from such major landmarks as an airport, highway and roads, park, and CBD. Attach photo of site if available.

F. Identify positive and negative aspects of the existing environment of the site and area. Discuss under separate headings the environmental characteristics of the site and area: 1. *Physical environment (natural and man-made)*—a. *Land and climate.*—Soil (general characteristics, load bearing capacity, existing and potential erosion, permeability);

Topography (general characteristics, slope grade of site—maximum, minimum, average);

Subsurface conditions (geologic characteristics, geologic faults, aquifer recharge);

Special conditions (flood plain, unique landscape, potential for mudslide, landslide, subsidence, or earthquake, aerial or underground transmission lines and right-of-way);

Unusual climatic conditions (subject to very high rainfall, flashfloods, hurricanes, or tornadoes, strong winds, extremes of temperature, etc.).

b. *Vegetation, wildlife and natural areas.* Extent and type of vegetation and wildlife; existence of on site or proximity to unique natural systems (stream systems, wildlife breeding areas, parks, etc.).

c. *Surrounding land uses and physical character of area.* Type of development (single family or high-rise residential, industrial, commercial, open space, mixed); land use configuration (land use map); densities; building height and design; lot sizes; etc.

d. *Infrastructure.* Description (general description, location, responsible body, relation of capacity to existing demand), of water supply, sanitary sewage and solid waste disposal, storm sewers and drainage, energy, and transportation (roads, public transit, parking) facilities servicing site.

e. *Air pollution levels.* Extent of pollution (smog, dust, odors, smoke, hazardous emissions) in relation to local/State standards, and standards of health and safety (freqency of inversions, air pollution alert or emergency); in relation to the rest of the metropolitan area (conditions peculiar to the site and immediate area).

f. *Noise levels.* Source (nearby airport, railway, highway); noise levels in relation to HUD standards in Circular 1390.2 (include worksheet, if appropriate); vibrations.

g. *Water pollution levels.* Ground and surface water relevant to site and area (drainage basin, source of water supply, water bodies with implications for health and recreational uses, etc.).

h. *Energy resources.* Type, amount and purpose of energy to be used, types of actions proposed to conserve energy.

1. *Other.* Not included in above categories.

2. *Existing Social Environment*—a. Community facilities and services—description (general description, location, responsible body, relation of capacity to existing demand) of school, park, recreational and cultural, police and fire, and health facilities servicing the site and area.

b. Employment centers and commercial facilities servicing site and area.

c. Character of community—socioeconomic and racial characteristics.

d. Other—not included in above categories.

3. *Aesthetic environment.* General aesthetic characteristics; special features (natural or man-made) existence of on site or proximity to significant historic, archaeological, or architectural sites or property, including those listed on, or being considered for nomination to, the National Register of Historic Places, scenic areas, and view.

G. Discuss the quality of the environment of the area and its impact on the expected residents or users of the proposed project. Describe major constraints or opportunities presented by the existing environment which serve to limit or contribute to the viability of the proposed project. Concentrate on critical features described in F.

H. Discuss under each heading listed:

1. What is being impacted;

2. Sources of impact;

3. Degree or severity of impact;

4. Relationship to official local and areawide planning.

I. Where appropriate (e.g., for urban renewal project, large multi-family housing project, new community or subdivision), discuss the relationship among the various components of the proposed project. Identify design and other features which will assure that a high quality of living environment will be created by the proposed project. Describe how the plans for the project contribute to such environmental factors as:

1. *Physical environment.* Health, safety, comfort, functional quality.

2. *Social environment.* Racial and economic composition;

Opportunity for social interaction and privacy;

Community life (places to meet, management, organized activities, etc.);

Security.

3. *Aesthetic environment.* Pleasantness, interest, stimulation.

J. Indicate adverse environmental impacts which would be avoided or created by each alternative, and discuss briefly pros and cons of each alternative. Discuss under separate headings:

a. Alternative locations or sites which were considered. Indicate alternative sites owned, controlled, or potentially available which would be investigated if the recommended site is unacceptable.

b. Major alternatives (at least one or two in each category) which were considered in terms of:

(1) Size—anticipated resident/user population or density, extent of coverage, etc.

(2) Design—number and height of buildings and placement on site, architectural and design treatment, land uses, etc.

What additional alternatives, i.e., what modifications to the proposal's size or design plans, not previously considered could be investigated to reduce adverse environmental impacts?

K. Discuss measures that will be taken as part of the project to enhance environmental quality and reduce adverse environmental impacts. Examples of such measures include: Measures to reduce air pollution levels or excessive noise levels (air conditioning, noise barriers, setbacks or greenbelts, insulation, etc.); erosion and siltation control measures; drainage systems capable of carrying 50-year frequency rainfall; on-site sewage or solid waste disposal facilities or contribution to establishment or expansion of local or regional system; preservation of natural areas or open space; landscaping and preservation of cover; screening; expansion of new construction of community facilities; discussion of impact with community groups; special architectural treatment; preservation of relocation of historic property; etc. Discuss abatement measures which were rejected and the reasons for rejection (estimate costs).

Discuss, also, measures other than those included in the proposal being taken or planned by local governmental bodies, State agencies, other Federal agencies, or private groups or individuals which will enhance environmental quality or reduce adverse environmental impacts of the project. These may include actions or plans by the locality to expand infrastructure and community facilities and services to meet the demand imposed by the project and by growth in the area; controls imposed by appropriate agencies or governmental bodies or private organizations to preserve natural areas, open space, or historic sites; plans to anticipate and cope with the long-term impacts of the project specifically and growth in the area in general; efforts to reduce pollution levels in the area and prevent further pollution; public or private projects which will improve the environment of the area or meet the needs of the residents or users of the proposed project. Distinguish between actions underway, firm and tentative plans, and preliminary discussions.

L. Describe the position regarding the proposal of the local and State officials with jurisdiction over planning, zoning, building and subdivision controls and regulations, pollution control, public services needed by the project, conservation and recreation, historic preservation, etc., as appropriate. Does the project conflict with measures taken by governmental bodies to control growth, prevent adverse environmental impacts, or enhance environmental quality for the existing community (e.g., moratorium on building permits, preservation of open space or sites or property of historic, archaeological, architectural, or cultural value or significance, limit on traffic, limitation of loan on sewage treatment facilities)?

Describe private organizations, community groups with special interest in the proposal, both for and against the project. Identify actual or potential opposition, issues involved in the opposition, and extent of controversy. Indicate the probability, if any, of litigation regarding the project and the probable grounds for such litigation.

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PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

Minimum Wages for Federal and Federally Assisted Construction

General Wage Determination Decisions, Modifications, Supersedeas Decisions, and Cancellation

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, Supersedeas Decisions, and Cancellation

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 determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New general wage determination decisions:

Arizona	No. AQ–1086
Missouri	No. AQ–81
North Carolina	Nos. AQ–4078; AQ–4079
Pennsylvania	Nos. AQ–2043; AQ–2044

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–4027	Oct. 19, 1973
AQ–4034	Nov. 23, 1973
Kentucky:	
AQ–4063	Feb. 1, 1974
New Hampshire:	
AQ–3074; AQ–3075	Jan. 25, 1974
North Carolina:	
AQ–4064	Feb. 1, 1974
Pennsylvania:	
AQ–2053	Feb. 8, 1974
South Carolina:	
AQ–4065	Feb. 1, 1974
Texas:	
AQ–67; AQ–69	Dec. 29, 1973
AQ–75	Feb. 2, 1974
Vermont:	
AQ–3085	Feb. 1, 1974
Virginia:	
AQ–2036	Dec. 21, 1973
Washington, D.C.:	
AQ–2035	Do.

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:

California:	
AQ–1059 (AQ–1087)	Nov. 30, 1973
Kentucky:	
AP–147 (AQ–4080)	Jan. 19, 1973
Louisiana:	
AQ–5 & AQ–6 (AQ–83)	July 20, 1973
Minnesota:	
AQ–638 and AP–644 (AQ–3099), AP–639 and AP–645 (AQ–3100); AP–640 and AP–646 (AQ–3101); AP–641 and AP–647 (AQ–3102)	Mar. 9, 1973
Mississippi:	
AP–159 (AQ–4081)	Feb. 16, 1973
Ohio:	
AP–679 (AQ–3118)	May 25, 1973
Texas:	
AQ–27 (AQ–84)	Sept. 21, 1973
Wisconsin:	
AP–53 (AQ–3106); AP–54 and AP–65 (AQ–3107); AP–55 (AQ–3108); AP–56 (AQ–3109); AP–57 (AQ–3110); AP–58 and AP–66 (AQ–3111); AP–59 (AQ–3112); AP–60 and AP–67 (AQ–3113); AP–61 (AQ–3114); AP–62 (AQ–3115); AQ–63 (AQ–3116); AP–64 (AQ–3117)	Dec. 1, 1973

Cancellation of general wage determination decisions. General Wage Determination Decision No. AQ–3076. Essex County, Massachusetts is canceled. Agencies with residential projects pending in this County should utilize the project determination procedure by submitting form SF–308. See 29 CFR 1.5.

Signed at Washington, D.C., this 15th day of February 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: Arizona

COUNTIES: Apache, Coconino, Navajo (Navajo and Hopi Indian Reservations, Arizona Only)

DECISION NUMBER: AQ-1086

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.
Asbestos Workers	$8.93	.50	.65		.01
Bricklayers	11.79	.50	.45		.03
Carpenters	8.25	.40	.60		.025
Cement Masons	7.985	.50	.60		.025
Electricians	8.82	.25	1%		1/2%
Laborers, unskilled	5.08				
Plumbers	9.85	.50	1.07	1.00	.10
Sheet Metal Workers	9.56	.27	.32		.02

NEW DECISION

STATE: Missouri

COUNTIES: Adair, Andrew, Atchison, Audrain, Barry, Barton, Bates, Benton, Bollinger, Boone, Buchanan, Butler, Caldwell, Callaway, Camden, Cape Girardeau, Carroll, Carter, Cedar, Chariton, Christian, Clark, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Dunklin, Franklin, Gasconade, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Howard, Howell, Iron, Jefferson, Johnson, Knox, Laclede, Lafayette, Lawrence, Lewis, Lincoln, Linn, Livingston, McDonald, Macon, Madison, Maries, Marion, Mercer, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Nodaway, Oregon, Osage, Ozark, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Clair, St. Francois, Ste. Genevieve, Saline, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Stone, Sullivan, Taney, Texas, Vernon, Warren, Washington, Wayne, Webster, Worth, and Wright

DECISION NO.: AQ-81

DATE: Date of Publication

Supersedes Decision No. AQ-1, dated July 13, 1973, in FR 18788.

DESCRIPTION OF WORK: Highway Construction

AQ-1 P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS & PILEDRIVERMEN:						
Franklin and Jefferson Counties	$8.66	.30	.30		.03	
Lincoln, Pike, St. Francois, Warren & Washington Counties	8.66	.30	.30		.03	
Lafayette County	8.37	.33	.30		.03	
Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties	7.77	.33	.30		.03	
Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties	7.80	.30	.30		.03	
Boone, Cooper & Howard Counties	8.20	.20			.03	
Adair, Audrain, Benton, Callaway, Chariton, Clark, Cole, Knox, Lewis, Linn, Macon, Marion, Miller, Moniteau, Monroe, Morgan, Osage, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties	8.07	.33			.03	
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties	7.97	.23			.03	
CEMENT MASONS:						
Bates, Carroll and Lafayette Counties	8.275	.20	.25			
Crawford, Franklin, Iron, Jefferson, Lincoln, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve, Warren and Washington Counties	8.20	.60	.40			

AQ-1 P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CEMENT MASONS: (Cont'd)						
Crawford, Iron, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve and Washington Counties on projects less than $75,000.00	$6.95	.60	.40			
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties	6.20	.65		.25		
Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties	6.75					
Dent, Phelps, Pulaski and Texas Counties	6.30					
Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties	7.375	.275				
Adair, Audrain, Boone, Callaway, Camden, Chariton, Cole, Cooper, Gasconade, Howard, Knox, Linn, Macon, Maries, Miller, Moniteau, Monroe, Montgomery, Osage, Randolph, Shelby and Sullivan Counties	8.25					
Barry, Barton, Lawrence, McDonald, Newton and Vernon Counties	6.60					
Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties	7.20					
ELECTRICIANS						
Adair, Audrain (that part east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Ralls, Schuyler, Scotland, Shelby and Sullivan Counties:						
Electrical contracts over $5,000.00	8.05	4%	1%	6-1/2%+5%		
Electrical contracts $5,000.00 and under	6.75	4%	1%	6-1/2%+5%		

AQ-1 P. 4

ELECTRICIANS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Bates, Benton, Henry, Johnson, Lafayette and Pettis Counties:						
Electrical contracts over $5,000.00	8.67	.23	1% + .27	.80	.03	
Electrical contracts $5,000.00 and under	8.15	.23	1% + .27	.80	.03	
Carroll, Cooper, Morgan and Saline Counties:						
Electrical contracts over $5,000.00	8.67	.23	1% + .27	.80	.03	
Electrical contracts $5,000.00 and under	7.57	.23	1% + .27	.80	.03	
Franklin, Jefferson, Lincoln and Warren Counties	8.19	5%	1% + 5½%	11%+4½%	1%	
Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Washington and Wayne Counties:						
Electrical contracts over $5,000,00	8.19	5%	1% + 5½%	11%+4½%	1%	
Bollinger, Cape Girardeau, Perry, St. Francois and Ste. Genevieve Counties:						
Electrical contracts $5,000.00 and under	5.97	5%	1% + 5½%	11%+4½%	1%	
Iron, Madison, Reynolds, Washington, and Wayne Counties:						
Electrical contracts $5,000.00 and under	5.85	5%	1% + 5½%	11%+4½%	1%	
Butler, Carter, Mississippi, New Madrid, Ripley, Scott and Stoddard Counties:						
Electrical contracts $5,000.00 and under	5.73	5%	1% + 5½%	11%+4½%	1%	
Dunklin and Pemiscot Counties:						
Electrical contracts $5,000.00 and under	5.60	5%	1% + 5½%	11%+4½%	1%	
Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas Webster and Wright Counties	8.02	.30	1%	6%	.01	

AQ-1 P. 5

ELECTRICIANS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pulaski County	$ 8.47	.30	1%	6%	.01	
Andrew, Buchanan, Clinton and DeKalb Counties	8.44	.35	1%	7%	.01	
Caldwell, Daviess, Gentry, Holt and Nodaway Counties:						
Electrical contracts over $10,000.00	8.67	.35	1%	7%	.01	
Electrical contracts $10,000.00 and under	8.44	.35	1%	7%	.01	
Atchison, Grundy, Harrison, Livingston, Mercer and Worth Counties:						
Electrical contracts over $10,000.00	9.03	.35	1%	7%	.01	
Electrical contracts $10,000.00 and under	8.44	.35	1%	7%	.01	
Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties:						
Electricians	7.50	.25	1%		.005	
Cable splicers	7.85	.25	1%		.005	
Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage, Phelps and Randolph Counties:						
Electricians	8.00	.25	1%	7% + .25	1/4%	
Cable splicers	8.25	.25	1%	7% + .25	1/4%	
IRONWORKERS:						
Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Francois, Ste. Genevieve, Texas, Warren, Washington and Wright Counties:						
Structural; ornamental; & reinforcing	8.625	.50	.60		.05	
Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll,						

AQ-1 P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
IRONWORKERS: (Cont'd)						
Cedar, Chariton, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Polk, Putnam, Randolph, St. Clair, Saline, Sullivan, Vernon and Worth Counties:						
Structural; ornamental; & reinforcing	$8.50	.50	.55	.80	.05	
Christian, Dade, Douglas, Greene and Webster Counties:						
Structural; ornamental; & reinforcing	8.375	.50	.55	.80	.05	
Barry, Lawrence, McDonald, Newton and Stone Counties:						
Structural; ornamental; & reinforcing	7.74	.30	.35		.05	
Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties:						
Structural; ornamental; & reinforcing	7.65	.30	.30			
Howell, Oregon, Ozark and Taney Counties:						
Structural; ornamental; & reinforcing	6.58	.25	.25		.02	
Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties:						
Structural; ornamental; & reinforcing	7.25	.15	.50		.02	
LINE CONSTRUCTION:						
Bates, Benton, Carroll, Henry, Johnson, Lafayette, Pettis and Saline Counties:						
Lineman	7.95	.15	1% + .15		1/2%	
Lineman Operator	7.50	.15	1% + .15		1/2%	
Lineman Mechanic	6.37	.15	1% + .15		1/2%	
Groundman Powderman	5.47	.15	1% + .15		1/2%	
Groundman	5.19	.15	1% + .15		1/2%	
Groundman (1st year)	4.79	.15	1% + .15		1/2%	

AQ-1 P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LINE CONSTRUCTION: (Cont'd)						
Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties:						
Lineman	$7.60	.15	1% + .15		1/2%	
Lineman Operator	7.60	.15	1% + .15		1/2%	
Lineman Mechanic	6.01	.15	1% + .15		1/2%	
Groundman Powderman	5.21	.15	1% + .15		1/2%	
Groundman	4.83	.15	1% + .15		1/2%	
Groundman (1st year)	3.95	.15	1% + .15		1/2%	
Crawford, Franklin, Iron, Jefferson, Reynolds, St. Francois and Washington Counties:						
Lineman & Cable Splicers	8.07	3%	1%	12 1/4%	1/2%	
Groundman - winch driver	6.03	3%	1%	12 1/4%	1/2%	
Groundman - driver	5.83	3%	1%	12 1/4%	1/2%	
Equipment operator	7.25	3%	1%	12 1/4%	1/2%	
Groundman - 1st 6 mos.	4.73	3%	1%	12 1/4%	1/2%	
Groundman - next 12 mos.	4.92	3%	1%	12 1/4%	1/2%	
Groundman - next 12 mos.	5.37	3%	1%	12 1/4%	1/2%	
Groundman - thereafter	5.83	3%	1%	12 1/4%	1/2%	
Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties:						
Lineman & Cable Splicers	7.80	3%	1%	12 1/4%	1/2%	
Groundman - winch driver	5.68	3%	1%	12 1/4%	1/2%	
Groundman - driver	5.40	3%	1%	12 1/4%	1/2%	
Equipment Operator	7.01	3%	1%	12 1/4%	1/2%	
Groundman - 1st 6 mos.	4.23	3%	1%	12 1/4%	1/2%	

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LINE CONSTRUCTION: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Ripley, Ste. Genevieve, Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties: (Cont'd)						
Groundman - next 12 mos.	$4.43	3%	1%	12 1/4%	1/2%	
Groundman - next 12 mos.	4.96	3%	1%	12 1/4%	1/2%	
Groundman - thereafter	5.41	3%	1%	12 1/4%	1/2%	
Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties:						
Lineman	8.41	.25	1%		.25%	
Groundman - Class I	7.18	.25	1%		.25%	
Groundman - Class II	5.88	.25	1%		.25%	
Groundman - Class A	5.36	.25	1%		.25%	
Groundman - 1st 6 mos.	5.12	.25	1%		.25%	
PAINTERS:						
Bates, Caldwell, Carroll, Clinton, Daviess, Grundy, Harrison, Henry, Johnson, Lafayette, Livingston and Mercer Counties:						
Brush	7.77	.30	.35			
Spray	8.77	.30	.35			
Bollinger, Cape Girardeau, Dunklin, Scott, Stoddard, Mississippi, New Madrid and Pemiscot Counties:						
Brush	5.95		.10			
Spray	6.70		.10			
Lincoln and Pike Counties:						
Brush	6.05					
Spray and Sandblasting	6.35					
Jefferson County:						
Brush	7.635	.20	.30	.21		
Spray	9.135	.20	.30	.21		

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PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Camden, Crawford, Dent, Laclede, Maries, Miller, Phelps, Pulaski and Texas Counties:						
Brush or roller	$6.50	.35	.20			
Spray, Structural steel and Sandblasting	9.75	.35	.20			
Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties:						
Brush	5.25					
Spray	6.25					
Taping machine; Swing Stages; Window Jacks; Storage bins & storage tanks under ground or above ground over 40 ft. in depth; Sandblasting; All work performed on bridges	6.00					
Bridges 75 ft. in height	6.25					
All structural steel over 50 ft. in height	6.00					
Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties:						
Brush	7.25	.20	.35			
Spray	8.00	.20	.35			
Structural steel 30 ft. or more	7.65	.20	.35			
Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties:						
Brush	5.25					
Spray	5.75					
Contracts under $35,000.00:						
Brush	3.25					
Spray	3.60					
Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties	5.95	.15				
Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties:						
Brush	7.40		.20			
Spray	7.90		.20			

AQ-1 P. 10

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Christian, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties:						
Brush; bridge & construction steel	$7.15					
Spray	7.65					

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Buchanan and Lafayette Counties						
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers	$7.175	.40	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman.	7.325	.40	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River	7.475	.40	.40		.10	

AQ-1 P. 12

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Buchanan and Lafayette Counties						
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and fills.	7.675	.40	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	7.925	.40	.40		.10	

AQ-1 P. 13

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties						
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.	$ 6.075	.40	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman	6.225	.40	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers;						

AQ-1 P. 14

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties						
Second Semi-Skill (Cont'd)						
Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	6.375	.40	.40		.10	
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	6.575	.40	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	6.825	.40	.40		.10	

AQ-1 P. 15

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and Worth Counties						
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers	$5.325	.40	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler, - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman	5.475	.40	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers;						

AQ-1 P. 16

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and Worth Counties						
Second Semi-Skill (Cont'd)						
Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	5.625	.40	.40		.10	
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operator; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Sealers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	5.825	.40	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	6.075	.40	.40		.10	

AQ-1 P. 17

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, Warren and Washington Counties						
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers	6.925	.30	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman	7.075	.30	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck						

AQ-1 P. 18

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, Warren and Washington Counties						
Second Semi-Skill (Cont'd)						
Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	7.225	.30	.40		.10	
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	7.425	.30	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	7.675	.30	.40		.10	

AQ-1 P. 19

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve and Scott Counties						
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.	$6.025	.30	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman.	6.175	.30	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work, Topper of						

AQ-1 P. 20

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS: (Cont'd)						
Audrain, Bollinger, Boone, Callaway; Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve and Scott Counties						
Second Semi-Skill (Cont'd)						
Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	6.325	.30	.40		.10	
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	6.525	.30	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	6.775	.30	.40		.10	

AQ-1 P. 21

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties						
General Labor						
Carpenter Tenders; Salamander Tenders; Dump Man and Ticket Takers on Stock Piles; Flagmen; Loading Trucks under Bins, Hoppers and Conveyors; Track Men and all other General Laborers.	$5.725	.30	.40		.10	
First Semi-Skill						
Air Tool Operator; Cement Handler - Bulk or Sack; Dump Man on Earth Fill; Georgie Buggie Man; Material Batch Hopper Man; Scale Man; Spreader on Asphalt Machine; Material Mixer Man. (except on manholes); Coffer Dams; Riprap Pavers - Rock, Block or Brick; Signal Man; Scaffolds over Ten Feet not Self-Supported from Ground Up; Skipman on Concrete Paving; Wire Mesh Setters on Concrete Paving; All Work in Connection with Sewer, Water, Gas, Gasoline, Oil, Drainage Pipe, Conduit Pipe, Tile & Duct Lines and all other pipe lines; Power Tool Operator; All Work in connection with Hydraulic or General Dredging Operations; Form Setter Helpers; Puddlers (paving only); Straw Blower Nozzleman.	5.875	.30	.40		.10	
Second Semi-Skill						
Asphalt Plant Platform Man; Chuck Tender; Crusher Feeder; Men Handling Creosote Ties or Creosote Materials; Men Working With and Handling Epoxy Material or Materials (where special protection is required); Head Pipe Layer on Sewer Work; Topper of Standing Trees; Batter Board Man on Pipe and Ditch Work; Vibrator Man; Feeder Man on Wood Pulverizers; Board and Willow Mat Weavers and Cable Tiers on River Work; Deck Hands; Pile	[illegible]					

AQ-1 P. 22

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties						
Second Semi-Skill (Cont'd)						
Dike and Revetment Work; All Laborers working on underground tunnels less than 25 feet where compressed air is not used; Abutment and Pier Hole Men working six (6) feet or more below ground; Men Working in Coffer Dams for Bridge Piers and Footings in the River.	6.025	.30	.40		.10	
Third Semi-Skill						
Laser Beam Man; Asphalt Raker; Barco Tamper; Jackson or any other similar Tamp; Wagon Driller; Churn Drills; Air Track Drills and all other similar Drills; Cutting Torch Man; Form Setters; Liners and Stringline Men on Concrete Paving, Curb, Gutters, etc.; Hot Mastic Kettleman; Hot Tar Applicator; Hand Blade Operators; Manhole Builder Helpers and Mortar Men on Brick or Block Manholes; Sand Blasting and Gunnite Nozzle Men; Rubbing Concrete; Air Tool Operator in Tunnels; Caulker and Lead Man; Screed Man on Asphalt Machine; Chain or Concrete Saw; Cliff Scalers working from scaffolds, Bosuns' Chairs or Platforms on Dams or Power Plants over Ten (10) Feet above Ground; Grade Checker on Cuts and Fills.	6.225	.30	.40		.10	
Fourth Semi-Skill						
Manhole Builders - Brick or Block; Dynamite and Powder Men; Welder	6.475	.30	.40		.10	

AQ-1 P. 23

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, and Warren Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	8.50	.35	.40		.02	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader, Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	8.30	.35	.40		.02	

AQ-1 P. 24

POWER EQUIPMENT OPERATORS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Franklin, Jefferson, Lincoln, and Warren Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator-1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing Plant, Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	8.10	.35	.40		.02	
Oiler	7.50	.35	.40		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.75	.35	.40		.02	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	9.00	.35	.40		.02	

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Buchanan, Clinton and Lafayette Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	9.30	.50	.50		.05	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	9.10	.50	.50		.05	

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Buchanan, Clinton and Lafayette Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman - Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing Plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	8.90	.50	.50		.05	
Oiler	8.15	.50	.50		.05	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	9.55	.50	.50		.05	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	9.80	.50	.50		.05	

AQ-1 P. 27

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Christian, Greene, Lawrence and Taney Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$8.05	.40	.25		.02	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.70	.40	.25		.02	

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Christian, Greene, Lawrence and Taney Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman - Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator, other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator-1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.50	.40	.25		.02	
Oiler	6.75	.40	.25		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.30	.40	.25		.02	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.55	.40	.25		.02	

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sidebeam Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$8.35	.40	.40		.05	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	8.00	.40	.40		.05	

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator; other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.80	.40	.40		.05	
Oiler	7.30	.40	.40		.05	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.60	.40	.40		.05	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.85	.40	.40		.05	

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington and Wayne Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$ 8.05	.35	.40		.02	
A-Frame; Asphalt Roller Operator; Asphalt Plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement Breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine;						

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington and Wayne Counties						
Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.70	.35	.40		.02	
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator; other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.50	.35	.40		.02	
Oiler	6.65	.35	.40		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or pile-drivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.30	.35	.40		.02	

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington and Wayne Counties						
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.55	.35	.40		.02	

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POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties						
Asphalt finishing machine & Trench Widening Spreader; Autograder; Backhoe; Blade Operator - all types; Boat Operator; Boilers - 2; Central Mix Concrete Plant Operator; Clamshell Operator; Concrete Mixer Paver; Crane Operator; Derrick or Derrick Trucks; Ditching Machine; Dozer Operator; Dragline Operator; Dredge Engineman; Dredge Operator; Drill Cat with Compressor mounted on Cat; Drilling or Boring Machine Rotary Self-propelled; Highloader; Hoisting Engine - 2 active drums; Launchhammer Wheel; Locomotive Operator - standard gauge; Mechanics and Welders; Mucking Machine; Piledriver Operator; Pitman Crane Operator; Sideboom Cats; Skimmer Scoop Operator; Trenching Machine Operator; Truck Crane	$8.05	.40	.25		.02	
A-Frame; Asphalt Roller Operator; Asphalt plant Man; Asphalt Plant Mixer Operator; Backfiller Operator; Barber-Greene Loader; Boat Operator (bridge & dams); Chip Spreader; Compressor Maintenance Operator - 2; Concrete Mixer Operator - Skip Loader; Concrete Plant Operator; Concrete Pump Operator; Crusher Operator; Dredge Oiler; Elevating Grader Operator; Fork lift; Greaser-Fleet; Hoisting Engine - 1; Locomotive Operator - narrow gauge; Multiple Compactor; Pavement breaker; Powerbroom - self-propelled; Rooter; Slip Form Finishing Machine; Stumpcutter Machine; Throttle Man; Tractor Operator (over 50 H.P.); Welding Machine Maintenance Operator - 2 Winch Truck	7.70	.40	.25		.02	

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POWER EQUIPMENT OPERATORS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties						
Boilers - 1; Chip Spreader (front man); Churn Drill Operator; Clef Plane Operator; Compressor Maintenance Operator - 1; Conveyor Operator; Curb Finishing Machine; Distributor Operator; Finishing Machine Operator; Fireman-Rig; Flex Plane Operator; Float Operator; Form Grader Operator; Generator-Maintenance Operator; Light Plant Maintenance Operator; Maintenance Operator; Pump Maintenance Operator; Roller Operator; other than high type asphalt; Screening & Washing plant Operator; Siphons & Jets; Subgrading Machine Operator; Spreader Box Operator, Self-propelled (not asphalt); Tank Car Heater Operator (combination Boiler & Booster); Asphalt Plant Fireman (drum or boiler); Ulmac, Ulric or similar spreader; Vibrating Machine Operator, not hand; Welding Machine Maintenance Operator - 1; Concrete Saw Operator (self-propelled); Tractor Operator (50 H.P. or less)	7.50	.40	.25		.02	
Oiler	6.75	.40	.25		.02	
Dragline Operator - 3 yds. & over; Shovel - 3 yds. & over; Clamshell - 3 yds. & over; Crane, rigs or piledrivers, 100' to 200' of boom (incl. jib); Hoists - each additional active drum over 2 drums	8.30	.40	.25		.02	
Tandem Scoop Operator; Crane, rigs or Piledrivers, 200' of boom or over (incl. jib)	8.55	.40	.25		.02	

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Franklin and Jefferson Counties						
Flat bed trucks - single axle	$ 8.50					
Flat bed trucks - tandem axle	8.65					
Station wagons	8.50					
Pickup trucks	8.50					
Material trucks - single axle	8.50					
Material trucks - tandem axle	8.65					
Semi and/or pole trailers	8.72					
Winch, fork and steel trucks	8.72					
Distributor drivers and operators	8.72					
Agitator and transit mix trucks	8.61					
Tank wagon - single axle	8.50					
Tank wagon - semi-trailer	8.72					
Tank wagon - tandem axle	8.65					
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	8.72					
A-frame and derrick trucks	8.72					
Float or low boy	8.72					
Warehouseman	8.40					

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Lincoln and Warren Counties						
Flat bed trucks - single axle	$ 7.95					
Flat bed trucks - tandem axle	8.10					
Station wagons	7.95					
Pickup trucks	7.95					
Material trucks - single axle	7.95					
Material trucks - tandem axle	8.10					
Semi and/or pole trailers	8.17					
Winch, fork and steel trucks	8.17					
Distributor drivers and operators	8.17					
Agitator and transit mix trucks	8.06					
Tank wagon - single axle	7.95					
Tank wagon - semi-trailer	8.17					
Tank wagon - tandem axle	8.10					
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	8.17					
A-frame and derrick trucks	8.17					
Float or low boy	8.17					
Warehouseman	7.85					

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Buchanan and Lafayette Counties						
Flat bed trucks - single axle	$7.94	.50	.50			
Flat bed trucks - tandem axle	8.09	.50	.50			
Station wagons	7.94	.50	.50			
Pickup trucks	7.94	.50	.50			
Material trucks - single axle	7.94	.50	.50			
Material trucks - tandem axle	8.09	.50	.50			
Semi and/or pole trailers	8.16	.50	.50			
Winch, fork and steel trucks	8.16	.50	.50			
Distributor drivers and operators	8.16	.50	.50			
Agitator and transit mix trucks	8.05	.50	.50			
Tank wagon - single axle	7.94	.50	.50			
Tank wagon - semi-trailer	8.16	.50	.50			
Tank wagon - tandem axle	8.09	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	8.16	.50	.50			
A-frame and derrick trucks	8.16	.50	.50			
Float or low boy	8.16	.50	.50			
Warehouseman	7.84	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Johnson County						
Flat bed trucks - single axle	$ 7.94	.50	.50			
Flat bed trucks - tandem axle	8.09	.50	.50			
Station wagons	7.94	.50	.50			
Pickup trucks	7.94	.50	.50			
Material trucks - single axle	7.94	.50	.50			
Material trucks - tandem axle	8.09	.50	.50			
Semi and/or pole trailers	8.16	.50	.50			
Winch, fork and steel trucks	8.16	.50	.50			
Distributor drivers and operators	8.16	.50	.50			
Agitator and transit mix trucks	8.05	.50	.50			
Tank wagon - single axle	7.94	.50	.50			
Tank wagon - semi-trailer	8.16	.50	.50			
Tank wagon - tandem axle	8.09	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	8.16	.50	.50			
A-frame and derrick trucks	8.16	.50	.50			
Float or low boy	8.16	.50	.50			
Warehouseman	7.84	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Andrew, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Henry, Howard, Linn, Livingston, Pettis and Saline Counties						
Flat bed trucks - single axle	$7.08	.50	.50			
Flat bed trucks - tandem axle	7.23	.50	.50			
Station wagons	7.08	.50	.50			
Pickup trucks	7.08	.50	.50			
Material trucks - single axle	7.08	.50	.50			
Material trucks - tandem axle	7.23	.50	.50			
Semi and/or pole trailers	7.35	.50	.50			
Winch, fork and steel trucks	7.35	.50	.50			
Distributor drivers and operators	7.35	.50	.50			
Agitator and transit mix trucks	7.24	.50	.50			
Tank wagon - single axle	7.08	.50	.50			
Tank wagon - semi-trailer	7.35	.50	.50			
Tank wagon - tandem axle	7.23	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	7.35	.50	.50			
A-frame and derrick trucks	7.35	.50	.50			
Float or low boy	7.35	.50	.50			
Warehouseman	6.98	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Clinton County						
Flat bed trucks - single axle	$ 7.08	.50	.50			
Flat bed trucks - tandem axle	7.23	.50	.50			
Station wagons	7.08	.50	.50			
Pickup trucks	7.08	.50	.50			
Material trucks - single axle	7.08	.50	.50			
Material trucks - tandem axle	7.23	.50	.50			
Semi and/or pole trailers	7.35	.50	.50			
Winch, fork and steel trucks	7.35	.50	.50			
Distributor drivers and operators	7.35	.50	.50			
Agitator and transit mix trucks	7.24	.50	.50			
Tank wagon - single axle	7.08	.50	.50			
Tank wagon - semi-trailer	7.35	.50	.50			
Tank wagon - tandem axle	7.23	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	7.35	.50	.50			
A-frame and derrick trucks	7.35	.50	.50			
Float or low boy	7.35	.50	.50			
Warehouseman	6.98	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Audrain, Barton, Bollinger, Boone, Callaway, Camden, Cape Girardeau, Carter, Cedar, Christian, Cole, Crawford, Dade, Dallas, Dent, Douglas, Gasconade, Greene, Hickory, Iron, Laclede, Lawrence, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Phelps, Pike, Polk, Pulaski, Ralls, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster and Wright Counties						
Flat bed trucks - single axle	$ 7.00	.50	.50			
Flat bed trucks - tandem axle	7.15	.50	.50			
Station wagons	7.00	.50	.50			
Pickup trucks	7.00	.50	.50			
Material trucks - single axle	7.00	.50	.50			
Material trucks - tandem axle	7.15	.50	.50			
Semi and/or pole trailers	7.27	.50	.50			
Winch, fork and steel trucks	7.27	.50	.50			
Distributor drivers and operators	7.27	.50	.50			
Agitator and transit mix trucks	7.16	.50	.50			
Tank wagon - single axle	7.00	.50	.50			
Tank wagon - semi-trailer	7.27	.50	.50			
Tank wagon - tandem axle	7.15	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	7.27	.50	.50			
A-frame and derrick trucks	7.27	.50	.50			
Float or low boy	7.27	.50	.50			
Warehouseman	6.90	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Adair, Barry, Butler, Clark, Dunklin, Howell, Knox, Lewis, McDonald, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone and Taney Counties						
Flat bed trucks - single axle	$ 6.35	.50	.50			
Flat bed trucks - tandem axle	6.50	.50	.50			
Station wagons	6.35	.50	.50			
Pickup trucks	6.35	.50	.50			
Material trucks - single axle	6.35	.50	.50			
Material trucks - tandem axle	6.50	.50	.50			
Semi and/or pole trailers	6.62	.50	.50			
Winch, fork and steel trucks	6.62	.50	.50			
Distributor drivers and operators	6.62	.50	.50			
Agitator and transit mix trucks	6.51	.50	.50			
Tank wagon - single axle	6.35	.50	.50			
Tank wagon - semi-trailer	6.62	.50	.50			
Tank wagon - tandem axle	6.50	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	6.62	.50	.50			
A-frame and derrick trucks	6.62	.50	.50			
Float or low boy	6.62	.50	.50			
Warehouseman	6.25	.50	.50			

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Atchison, Gentry, Grundy, Harrison, Holt, Mercer, Nodaway, Sullivan and Worth Counties						
Flat bed trucks - single axle	$ 6.33	.50	.50			
Flat bed trucks - tandem axle	6.48	.50	.50			
Station wagons	6.33	.50	.50			
Pickup trucks	6.33	.50	.50			
Material trucks - single axle	6.33	.50	.50			
Material trucks - tandem axle	6.48	.50	.50			
Semi and/or pole trailers	6.60	.50	.50			
Winch, fork and steel trucks	6.60	.50	.50			
Distributor drivers and operators	6.60	.50	.50			
Agitator and transit mix trucks	6.49	.50	.50			
Tank wagon - single axle	6.33	.50	.50			
Tank wagon - semi-trailer	6.60	.50	.50			
Tank wagon - tandem axle	6.48	.50	.50			
Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment	6.60	.50	.50			
A-frame and derrick trucks	6.60	.50	.50			
Float or low boy	6.60	.50	.50			
Warehouseman	6.23	.50	.50			

NEW DECISION

STATE: North Carolina
DECISION NUMBER: AQ-4078
COUNTY: See below*
DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

41-R-NC-1-D

*Counties: Alamance, Guilford, Randolph, Rockingham

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Ot
Air Conditioning Mechanic	$4.35					
Bricklayers	5.50					
Carpenters	3.96					
Cement Masons	3.29					
Dry Wall Finisher	5.00					
Dry Wall Hanger	5.00					
Electricians	4.80					
Glaziers	2.90					
Laborers:						
Laborers	2.75					
Mason Tenders	2.78					
Mortar Mixers	2.75					
Painters, brush	3.39					
Plumbers & Pipefitters	5.75					
Roofers	3.13					
Sheet Metal Workers	4.35					
Soft Floor Layers	4.02					
Tile Setters	4.39					
Truck Drivers	2.75					
Welders-rate for craft.						
POWER EQUIPMENT OPERATORS:						
Asphalt Raker	3.00					
Backhoe	3.50					
Bulldozer	2.75					
Forklift Operators	3.41					
Front End Loader	3.00					
Motor Grader	3.50					
Paving Machine Operator	3.18					
Roller	2.93					
Tractor Operator	3.50					

NEW DECISION

STATE: North Carolina
DECISION NUMBER: AQ-4079
COUNTY: See below*
DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

74-R-NC-1-C

*Counties: Bertie, Chowan, Edgecombe, Franklin, Halifax, Hertford, Martin, Northampton, Pitt, Vance, Warren, & Wilson

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Air Conditioning & Heating Mechanic	$3.00				
Bricklayers	5.00				
Carpenters	3.45				
Cement Masons	3.36				
Drywall Finisher	4.00				
Drywall Hanger	2.75				
Electricians	3.39				
Laborers:					
Laborers	2.00				
Mason Tenders	2.46				
Mortar Mixers	3.00				
Pipelayers	2.50				
Painters, brush	3.13				
Plasterers	4.26				
Plumbers & Pipefitters	3.70				
Roofers	3.34				
Sheet Metal Workers	3.11				
Soft Floor Layers	2.75				
Tile Setters	3.50				
Truck Drivers	2.30				
Welders-rate for craft.					
Power Equipment Operators:					
Backhoe	2.74				
Bulldozer	3.06				
Cranes, derricks, draglines	3.20				
Front End Loader	3.25				
Mechanic	3.66				
Motor Grader	3.00				
Paver Operator	3.50				
Roller	2.81				
Scraper	3.50				
Tractor	2.40				

NEW DECISIONS

State: Pennsylvania — County: Venango
Decision No.: AQ-2043 — Date of Publication
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION — 61-PA-1-A — 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$9.69	.30	.30		.04	
Boilermakers	9.07	7%	7%		.01	
Bricklayers, cement masons, marble setters, plasterers, stonemasons, terrazzo workers & tile setters	8.60	.35				
Carpenters & Soft floor layers	7.60	.25	.15			
Electricians	9.10	.27	.09	d	.02	
Elevator constructors	8.51	.345	.23	2%+a+b	.015	
Elevator constructors' helpers	70%ofJR	.345	.23	2%+a+b	.015	
Elevator constructors' helpers (prob.)	50% of JR					
Glaziers	8.45		.20			
Ironworkers	8.87	.35	.10		.03	
Laborers:						
Unskilled	6.25	.40	.40			
Air tool op., jackhammer, drill runner, mortar mixer, scaffold builder, hod carriers	6.40	.40	.40			
Mason tenders, pipelayers, bottom man (10' below grade)	6.35	.40	.40			
Blaster helpers	6.60	.40	.40			
Blaster, wagon drill operator	6.80	.40	.40			
Powered wheel-barrows & buggies	6.325	.40	.40			
Burner (demolition):						
Groundman	6.50	.40	.40			
High climber	6.75	.40	.40			
When working on piers, trenches open coffer dams & caissons at depths more than 10' below the lowest adjacent grade:						
Jackhammerman & drillman	6.55	.40	.40			
Leadburners	8.75	.30		c	.01	
Line Construction:						
Lineman, cable splicer	9.04	.20	1%			
Groundman - truck driver	6.41	.20	1%			
Groundman	6.15	.20	1%			
Painters:						
Brush	7.10	.35	.35		.01	
Roller	7.40	.35	.35		.01	
Spray	8.10	.35	.35		.01	

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BUILDING CONSTRUCTION — 61-PA-1 A — 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Piledrivermen	$9.27	5%	7%		.50of1%	
Plumbers & Steamfitters:						
Contracts under $10,000	7.58	.44	.45		.04	
Contracts over $10,000	8.09	.44	.45		.04	
Roofers	7.20	.30	.30		.03	
Sheet metal workers	8.425	.65	.85		.03	
Sprinkler fitters	9.05	.40	.60		.07	
Welders - rate for craft						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Six paid holidays: A through F.

c. Nine paid holidays: A through F and Washington's Birthday, Good Friday and Christmas Eve, provided the employee has worked 45 full days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

d. Paid Holidays: Thanksgiving Day and Labor Day.

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PA-2-TD-1-F

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Truck Drivers:						
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a		
Dumps and flat tops	5.905	.30	.30	a		
Transit-mix, single axle	5.93	.30	.30	a		
Transit-mix, tandem	5.93	.30	.30	a		
Distributed truck over 33,000 lbs. gross weight	5.905	.30	.30	a		
Distributed truck up to 33,000 lbs. gross weights	6.055	.30	.30	a		
Heavy duty trailers with high bed, 4 wheels	5.955	.30	.30	a		
Heavy duty trailers with low bed, 6 to 16 wheels	6.255	.30	.30	a		
Trucks with dolly	6.055	.30	.30	a		
Euclids or equivalent	6.055	.30	.30	a		
Truck with dump trailers or tandems	6.055	.30	.30	a		
Winch trucks	6.23	.30	.30	a		
Towing equipment off job site	6.055	.30	.30	a		

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day and Veterns Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

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Pa-42-PEO-1-E 1 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. T
POWER EQUIPMENT OPERATORS:					
Austin-Western or similar type up to 25 ton, auto grader (CMI or similar), backhoe, batch plant, cableway, caisson drill, central mix plant, cranes (excluding overhead), cranes tower (mobile), crane tower (stationary), crane tower (climbing type), derrick traveler (self-propelled), derrick (all types), derrick boats, dragline, dredge, engineer-maintenance franki or similar type pile driver, gradall (remote control or otherwise), helicopter & helicopter hoist when used for erection purposes), hi-lift 4 yds. or over, hoist-hod (2 cages up to 10 floors), hoist-single cage with Chicago boom attached, hoist (50 ft. or over), hoist (slipform jobs), hop-to or similar type with 180 swing, hop-to or similar type with 360 swing, kocal, koehring scooper, metro chip harvestor or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pile driver (sonic or similar type), post driver-guard rail (truck mounted), post driver-guard rail (skid type), pumpkrete-mobile or similar type, Quad Nine, shovels (all type), slip form paver (CMI or similar), tractors-boom mounted (all types), tractors (all types with hydraulic backhole attached), tug boat, Whirley	$9.175	.35	.50	.04
Austin-Western or similar type up to 25 ton with jib, Austin-Western or similar type 25 tons or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft.), cranes-mobile (any type 15 ton or over placed on any building structure	9.425	.35	.50	.04
Cranes (boom or mast over 150 ft. up to & including 200 ft.) engineer-lead	9.675	.35	.50	.04
Cranes (boom or mast over 200 ft.)	9.925	.35	.50	.04

PA-42-PEO-1-E 2 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
POWER EQUIPMENT OPERATORS (CONT'D):					
Asphalt plant op., athoy loader, auger-truck, truck or tractor mounted, back filling machine, boat-material or personnel carrying (powered), boat-job work (inboard or outboard), bulldozer, cable layer, compactor with blade, compressors-2, compressor and air pump, compressor and air tugger, compressor & gunnite machine (combination), compressor & sandblasting machine (combination), concrete bolt placer, crane-overhead, crushing and screening plants, drillcore (truck or skid mounted), drill-Davey or similar type, drill-well &core (truck mounted), elevator euclid loader, excavating equipment (all other), forklift-bull or similar, generators-2, grader, grader-elevating, grease-equipment (hand), hi-liftless than 4 yds., hoist-one drum (4 floors or over), hoist-hod (bldgs., 4 floors or more), hoist (2 drums or more in one unit), jumbo op., locomotive, lift slab machine (hydraulic), mixer-paving mucking machine, pipe cleaning machine, refrigeration plant, ross carrier (or similar type), scoop (single bowl) self-powered & tractor drawn), spreader-concrete, asphalt and stone, tower mobile (hoisting or lowering material, trencher, welding machines (up to two small machines, grout pump (10 H.P. or over) paver op., asphalt (spreader), pumphrete machine op., (stationary), tire repairman, welder (repairman)	$9.025	.35	.50		.04
Conveyors 4 units or more	8.55	.35	.50		.04
Oiler, compactor (ridden or self-propelled) concrete finishing machine & spreader, crane, carry, curb builder (self-propelled), drill well drill and horizontal (self-propelled and self-contained, elevator, forklifts (ridden or self-propelled, hoist one drum (regardless of power used), pavement breaker (self propelled or ridden), pipe dream, roller saw concrete, soil					

PA-42-PEO-1-E 3 of 3

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
POWER EQUIPMENT OPERATORS (CONT'D):					
stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher C.M.I. or similar type, tugger, truck winch truck or hydraulic boom (when hoisting and placing), all other minor equipment	8.05	.35	.50		.04
Ballast regulator, boring machine, broom power (except push type), compressor-single (regardless of power used), conveyor-over 1 and up to 3 units (regardless of power used), form line machine, generator (over 5KW) hoists monorail (regardless of power used), hoist roof (regardless of power used), hunk machine or similar type, mixer concrete (regardless of power used), mixer mortar-over 10 c.f. (regardless of power used) pump (over 1-½" discharge regardless of power (used) spray cure machine (power driven) steam Jenny (or similar type) syphon (steam or air) welding machine single (300 Amp or over) plant, private or industrial air or stream valve	7.80	.35	.50		.04
Compressor - 65 c.f. or under (regardless of power used) conveyor 1 unit (regardless of power used) hoist-up to & including 6, jack motor, hydraulic (single type) power driven, ladavator, mixer mortar (10 c.f. or under, mulching machine, pin puller (powered), pulverizer, pump-1½" discharge or less, seeding machine, spreader side delivery shoulder (attachment tie tamper (multiple heads), tractor farm (when used on landscaping) water blaster, oilertruck crane 50 ton or over brake man, deck hand, helicopter, signalman, oiler, mechanic helper	7.05	.35	.50		.04
Crane truck oiler and fireman	7.15	.35	.50		.04
Oiler - truck crane 50 ton or over	7.30	.35	.50		.04

State: Pennsylvania County: Northumberland
Decision No.: AQ-2044 Date of Publication
Description of Work: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

BUILDING CONSTRUCTION	49-PA-1-A 1					
	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.49	.50	.35	.25	.01	
Boilermakers	9.12	.50	1.00	.25	.01	
Bricklayers & Stonemasons	8.50	.30				
Carpenters	7.65	.25	.25		.02	
Cement masons	7.90					
Electricians:						
Delaware, Lewis & Trubut	8.54	.28	.08	.30	.02	
Remainder of County	8.80	.20	1%+.20			
Glaziers:						
Edgewell, Ralph, Knulpmont, Coal, Marion Heights Twps:	7.32	.25	.10		.01	
Remainder of County	5.64	.20	.10		.01	
Ironworkers	8.46	.64	1.06		.05	
Laborers:						
North of Susquehanna River	5.51	.20	.25			
South of Susquehanna River	5.85	.20	.25			
Lathers	7.71	.25	.25		.01	
Marble & Tile Setters	8.32	.20				
Painters:						
Shamokin						
Brush	6.25					
Steel	6.55					
North of Susquehanna River						
Brush	6.20		.20			
Steel	6.50		.20			
Remainder of County						
Brush	4.85					
Steel	5.50					
Piledrivermen	9.42	1.23	.55	a	.07	
Roofers:						
Coal, East Cameron, Jackson, Jordan, Little Mahony, Lower Augusta, Upper Mahony, Point Rockfeller, Shamokin, Upper Mahony, Washington, West Cameron, Zerbe						
Composition	6.60	.16	.10			
Remainder of County						
Composition	7.60	.50	.40			
Plumbers	8.55	.30	.50		.04	
Steamfitters	8.55	.30	.50		.04	
Sprinkler fitters	9.05	.40	.60		.07	
Sheet metal workers	7.87	.25	.30		.04	
Soft floor layers	7.89	.25	.25		.02	
Welders: Receive rate for craft						

BUILDING CONSTRUCTION 49-PA-1-A 1

FOOTNOTE:

a. Paid Holidays: Washington's Birthday, Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day and Thanksgiving Day.

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POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
WAGE GROUP I						
Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above	$9.44	4.6%	9.5%	a	1.2%	
WAGE GROUP II						
All types of cranes, all types of backhoes, cableways, draglines, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3-½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above	9.15	4.6%	9.5%	a	1.2%	
WAGE GROUP III						
Conveyors, building hoists (single drum), scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above	8.27	4.6%	9.5%	a	1.2%	
WAGE GROUP IV						
Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power brooms, seeding spreader, fireman (for power equipment), machines similar to the above	7.50	4.6%	9.5%	a	1.2%	
WAGE GROUP V						
Fireman, grease truck	7.02	4.6%	9.5%	a	1.2%	
WAGE GROUP VI						
Oilers and deck hands (personnel boats), core drill helper	6.10	4.6%	9.5%	a	1.2%	

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POWER EQUIPMENT OPERATORS
BUILDING CONSTRUCTION
(CONTINUE)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
WAGE GROUP VII					
All machines with booms (including jib, masts, leads, etc.):					
100 ft. and over	$9.69	4.6%	9.5%	a	1.2%
150 ft. and over	9.94	4.6%	9.5%	a	1.2%
200 ft. and over	10.94	4.6%	9.5%	a	1.2%

FOOTNOTE:

a. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; and Christmas Day, provided the employee works the day before and after the holiday.

DECISION #AO-4027 - Mod. #2
(38 FR 29155 - October 19, 1973)
Mobile County, Alabama

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Carpenters	$6.80	.30	.30			
Electricians	8.05	.30	1%+.25	.125	.036%	
Glaziers	6.20	.30				
Soft floor layers	7.20	.30	30			
Omit:						
Footnote:						
e. Holiday, F						

DECISION AO-4034 - Mod. #2
(38 FR 32344 - November 23, 1973)
Jefferson County, Alabama

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Change:						
Carpenters & Soft floor layers	6.90	.35	.20		.06	
Millwrights	8.25				.06	
Piledrivermen	7.10	.35	.20		.06	
Cement masons	6.73	.30				
Painters:						
Brush	6.70		.30			
Structural, steel and spray	7.20		.30			
Paperhangers	6.85		.30			
Plasterers	6.87	.30				
Roofers	5.75		.20		.05	
Tile setters & terrazzo workers	6.65					

DECISION #AO-4063 - Mod. #1
(39 FR 4301 - February 1, 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.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Heavy and Highway Construction					
Cement Masons	$8.28	.40			
Electricians:					
Wiremen, Linemen, Cable splicers	9.38	.29	1%+ .40		½ of 1%
Groundmen	5.82	.29	1%+ .40		½ of 1%
Painters:					
Brush and Roller	7.24	.25	.10		.03
Sandblasting	7.59	.25	.10		.03
Spray	7.69	.25	.10		.03
Pipefitters	9.25	.30	.60		.07
Plumbers	9.32	.33	.50		.07
Sheet Metal Workers	8.95	.60	.60		.09

MODIFICATIONS P. 3

DECISION #AQ-3074 - Mod. #1
(39 FR 3415 - January 25, 1974)
Rockingham County, New Hampshire

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building Construction:					
Asbestos workers	$9.26	.60	.65		.01
Carpenters:					
Salem:					
Carpenters and soft floor layers	8.43	.50	.50		.02
Ironworkers, structural, ornamental and reinforcing	7.95	.50	.90		.02
Painters:					
Atkinson, Brentwood, Danville, E. Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton Falls, Kensington, Hampton, Kingston, New Castle, Newfields, Newington, New Market, Newton, N. Hampton, Nottingham, Plaistow, Portsmouth, Rye, Sandown, Seabrook, S. Hampton, Stratham and Northwood:					
Brush, rollers 9 inch	5.85		.25		
Spray and tender	6.85		.25		—
Structural steel	5.90		.25		
Steel 45' or more	6.90		.25		
Salem:					
Brush	8.08	.62	.60		.04
Structural	8.705	.62	.60		.04
Spray	9.08	.62	.60		.04
Sheet metal workers	8.42	.30	.30		.02

MODIFICATIONS P. 4

DECISION #AQ-3075 - Mod. #1
(39 FR 3418 - January 25, 1974)
Rockingham County, New Hampshire

CHANGE:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Residential Construction:					
Asbestos workers	$9.26	.60	.65		.01
Carpenters:					
Salem:					
Carpenters and soft floor layers	8.43	.50	.50		.02
Ironworkers, structural, ornamental and reinforcing	7.95	.50	.90		.02
Painters:					
Atkinson, Brentwood, Danville, E. Kingston, Epping, Exeter, Fremont, Greenland, Hampstead, Hampton Falls, Kensington, Hampton, Kingston, New Castle, Newfields, Newington, New Market, Newton, N. Hampton, Nottingham, Plaistow, Portsmouth, Rye, Sandown, Seabrook, S. Hampton, Stratham and Northwood:					
Brush, rollers 9 inch	5.85		.25		
Spray and tender	6.85		.25		—
Structural steel	5.90		.25		
Structural steel 45' or more	6.90		.25		
Salem:					
Brush	8.08	.62	.60		.04
Structural	8.705	.62	.60		.04
Spray	9.08	.62	.60		.04
Sheet metal workers	8.42	.30	.30		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4064 - Mod. #1 (39 FR 4371 - February 1, 1974) Statewide, North Carolina					
Add:					
Carpenters' Helper	$2.59				
Mechanics' Helper	2.49				
DECISION #AQ-2,053 - Mod. #1 (39 FR 5159 - February 8, 1974) Cumberland, Dauphin, Perry, Junita, New Cumberland Depot in York County, Pennsylvania					
CHANGE:					
Painters:					
Brush	7.03	.20	.15		
Structural steel	7.48	.20	.15		
Spray	7.78	.20	.15		
Tank, bridge, stack	8.28	.20	.15		
Lathers	7.71	.25	.25		.01
DECISION #AQ-4065 - Mod. #1 (39 FR 4381 - February 1, 1974 Statewide, South Carolina					
ADD:					
Carpenters' Helper	$2.42				
Mechaincs' Helper	2.00				

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AQ-67 - Mod. #2 (38 FR 35577 - December 28, 1973) Harris County, Texas						
Change:						
Building Construction:						
Tile setters, marble masons, mosaic & terrazzo workers	$6.78	.37		.25		
DECISION #AQ-69 - Mod. #1 (38 FR 35582 - December 28, 1973) Lubbock County, Texas						
Change:						
Building Construction:						
Bricklayers-Stonemasons	7.05					
DECISION #AQ-75 - Mod. #1 (39 FR 4384 - February 2, 1974) Armstrong, Carson, Castro, Childress, Collingsworth, Dallam, Deaf Smith, Donley, Gray, Hansford, Hartley, Hemphill, Hutchinson, Lipscomb, Moore, Ochiltree, Oldham, Potter, Randall, Roberts, Sherman, Swisher & Wheeler Counties, Texas						
Change:						
Building Construction:						
Power Equipment Operators:						
Light Equipment:						
Air Compressor, Pumps. Welding Machines, Throttle Valves, Light Plants (3-6); Farm type Tractor (Loader, under 1 yd.) with Backhoe; Go-devil; Mixers, 14 cu. ft. or over; Rollers, over 10 tons; Air Compressor & one Tugger; 2 or more Boilers	6.15	.30	.35		.05	
Winch Trucks	6.05	.30	.35		.05	
Front End Scoopmobile, Loader & Payloader	6.01	.30	.35		.05	

MODIFICATIONS P.7

DECISION #AQ-75 (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Light Equipment (Cont'd):						
Blade Grader, towed; Elevators, Building; Fork Lifts; Hoists, single drum or 1 line hoisting (1 tugger); Mixers, less than 14 cu. ft.; Rollers; Screening Plants; Crushing Plants; Tractors Wheel type except when hauling material; Truck Crane Driver and/or Oiler Front End Crane	$5.90	.30	.35		.05	
Mechanic Helper; Welder Helpers; Fireman	5.71	.30	.35		.05	
Greasers	5.51	.30	.35		.05	
Oilers, 1st year	5.40	.30	.35		.05	
Oilers, 2nd year	5.53	.30	.35		.05	
All other equipment of similar nature coming within the light class, when power operated.						
Heavy Equipment:						
Utility Operator	6.49	.30	.35		.05	
Blade Grader, self-propelled; Clam Shells; Cable Ways; Cranes, power operated (all types); Air Compressors; Pumps, Drilling Machines & Light Plants; Derricks, power operated (all types); Draglines; Elevating Graders, self-propelled; Hoist, 2 drums or more; Locomotives; Mixmobiles; Paving Mixers, all types; Pile Drivers; Scrapers; Bulldozers; Side Boom; Cherry Pickers; Shovels; Heavy Duty Mechanic; All Welders; All Tractors with Power Attachments (Crawler Type); Ditching Machine; Farm type Tractor (Loader, 1 yd. & Over) with Backhoe	6.34	.30	.35		.05	
All other equipment of similar nature coming within the heavy class, when power operated.						

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION NO. AQ-3085 - Mod. #1 (39 FR 4391 - February 1, 1974) Statewide, except Rutland County, Vermont					
CHANGE:					
Power Equipment Operators:					
Group 1 - Shovels; crawler; Etc.	$8.20	.35	.50	b	.05
Group 2 - Rotary drill, Etc.	7.95	.35	.50	b	.05
Group 3 - Bulldozer; push cats; Etc.	7.75	.35	.50	b	.05
Group 4 - Hoists; conveyors; Etc.	7.20	.35	.50	b	.05
Group 5 - Compressor (315 cu. ft. or over, 1 or 2); Etc.	6.875	.35	.50	b	.05
Group 6 - Compressor (up to 315 cu. ft.); Etc.	6.35	.35	.50	b	.05
DECISION #AQ-2036 - Mod. #2 (38 FR 35143 - December 21, 1973) Montgomery and Prince Georges Counties, Maryland; City of Alexandria, Virginia; Arlington and Fairfax Counties, Virginia and Dulles International Airport					
Change:					
Sheet metal workers	$8.58	.64	.74		.10
Terrazzo & mosaic workers	8.81	.40	.30		
Tile setters	8.81	.40	.30		
Truck Drivers:					
Boom trucks	5.60	.25	f	g+j	
Small dump, water sprinkler, grease & oil	5.35	.25	f	g+j	
Flat, pick-up hauling materials, small euclids, dump over 8 wheels	5.45	.25	f	g+j	
Trailers, low-boys, tractor pulls	5.65	.25	f	g+j	
Helpers	5.20	.25	f	g+j	
Carryalls, large euclids, euclid water sprinkler, tunnel work under ground	5.75	.25	f	g+j	
Mechanics	5.50	.25	f	g+j	

Footnote:
f. $8.00 per week when employee has worked 90 days and works 3 days in a work week.

Add:
Footnote:
j. One week's paid vacation providing employee has worked 3 years and a minimum of 1450 hours during any calendar year.

DECISION #AQ-2035 - Mod. #3
(38 FR 35218 - December 21, 1973)
Washington, D. C.

Change:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Building Construction:					
Sheet Metal Workers	$8.58	.64	.74		.10
Terrazzo & Mosaic Workers	8.81	.40	.30		
Tile Setters	8.81	.40	.30		
Truck Drivers:					
Boom trucks	5.60	.25	f	g+j	
Small dump, water sprinkler, grease & oil	5.35	.25	f	g+j	
Flat, pick-up hauling materials, small euclids, dump over 8 wheels	5.45	.25	f	g+j	
Trailers, low-boys, tractor pulls	5.65	.25	f	g+j	
Helpers	5.20	.25	f	g+j	
Carryalls, large euclids, euclid water sprinkler, tunnel work under ground	5.75	.25	f	g+j	
Mechanics	5.50	.25	f	g+j	

Footnote:
f. $8.00 per week when employee has worked 90 days and works 3 days in a work week.

Add:
Footnote:
j. One week's paid vacation providing employee has worked 3 years and a minimum of 1450 hours during any calendar year.

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, Eldorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: AQ-1087

DATE: Date of Publication

Supersedes Decision No. AQ-1059 dated November 30, 1973, 38 FR 33230.

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.75	.90	.65	1.07	.06
BOILERMAKERS	7.95	.60	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	8.72	.85	.58	1.00	.05
Alameda and Contra Costa Cos.	9.65	.85	.65		.15
Fresno, Mariposa and Merced Cos.	8.23	.42	.50		
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.15	.65	.60		
Monterey and Santa Cruz Counties	8.11	.73	.65	.75	
San Benito and Santa Clara Cos.	9.65	.85	.65		.15
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	8.47	.33	.15	1.00	
BRICK TENDERS:					
Alameda and Contra Costa Cos.	7.50	.50	.70		.10
Marin County	6.90	.65	.50	.65	
Napa County	5.90	.65	1.35	.80	
San Benito, Santa Clara and Santa Cruz Counties	7.54	.65	.65		
San Francisco and San Mateo Cos.	8.05	.50	.65		
Shasta and Tehama Counties	5.65	.65	1.35	.80	
Alpine, Amador, Eldorado, Nevada Placer, Sacramento and Yolo Cos.	6.155	.395	1.35	.50	
Fresno County	6.05	.65	1.35		
CARPENTERS:					
Carpenters	8.25	.60	.80	.75	.02
Hardwood floor layers; Power saw operators; Saw filers; Shinglers; Steel scaffold erectors and/or steel shoring erectors	8.40	.60	.80	.75	.02
Piledrivermen; Bridge, wharf and dock builders	8.38	.60	.80	.75	.02
Millwrights	8.65	.60	.80	.75	.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS:					
Cement masons	$7.13	.56	.75	.75	
Mastic; Magnesite; All comp. masons	7.38	.56	.75	.75	
Men working from swinging or slip form scaffolds	7.38	.56	.75	.75	
DRYWALL INSTALLERS	8.37	.60	.55	.75	.04
ELECTRICIANS:					
Alameda County					
Electricians	8.85	.50	4%		
Cable splicers	9.99	.50	4%		
Tunnel:					
Electricians	8.85	.50	4%		
Cable splicers	9.99	.50	4%		
Amador, Sacramento, Sutter, Yolo Yuba and those portions of Alpine, Eldorado, Nevada, and Placer Counties West of the Main Sierra Mountain Watershed					
Electricians	9.38	.41	1%+.65		.045
Cable splicers	10.32	.41	1%+.65		.045
Tunnel:					
Electricians	8.96	.31	1%+.55		.045
Cable splicers	9.86	.31	1%+.55		.045
Lake Tahoe Area					
Electricians	9.84	.53	1%+.25		.03
Cable splicers	10.82	.53	1%+.25		.03
Shasta and Tehama Counties:					
Electricians (Family residences limited to 3 stories)	6.68	.55	1%+.35		.005
Electricians (4 stories):					
Electricians	9.14	.55	1%+.35		.005
Cable splicers	10.05	.55	1%+.35		.005
Tunnel:					
Electricians; Cable splicers' helpers	9.00	.42	1%+.30		.005
Cable splicers	9.90	.42	1%+.30		.005
Calaveras and San Joaquin Cos.					
Electricians	9.00	.49	1%		.01
Cable splicers	10.13	.49	1%		.01
Contra Costa County					
Electricians	9.80	.60	1%+.50		.02
Cable splicers	11.05	.60	1%+.50		.02
Del Norte and Humboldt Counties					
Electricians	8.60	.47	1%+.35		.01
Cable Splicers	9.29	.47	1%+.35		.01

AQ-1087 P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Fresno County						
Electricians (Family residences) not to exceed 2 stories)	$ 7.33	.50	1% + .60		.05	
Electricians (3-4 stories):						
Electricians	9.36	.50	1% + .60		.05	
Cable Splicers	9.76	.50	1% + .60		.05	
Marin and Sonoma Counties						
Electricians	9.70	.40	1% + .20		.02	
Cable splicers	10.60	.40	1% + .20		.02	
Mariposa, Merced and Tuolumne Counties						
Electricians	9.83	.62	1%		1%	
Cable splicers	10.81	.62	1%		1%	
Monterey County						
Electricians	10.27	.55	1%		.01	
Cable splicers	11.35	.55	1%		.01	
Napa and Solano Counties						
Electricians	9.42	.58	1% + .30		.03	
Cable splicers	9.92	.58	1% + .30		.03	
San Benito, Santa Clara & Santa Cruz Counties						
Electricians	9.97	.45	1% + .35		.02	
Cable splicers	11.22	.45	1% + .35		.02	
San Francisco County						
Electricians	9.67	.705	1% + .50		.04	
Cable splicers	10.88	.705	1% + .50		.04	
San Mateo County						
Electricians	9.85	.69	1% + .25		.03	
ELEVATOR CONSTRUCTORS	9.48	.345	.23	2% + a	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2% + a	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS:						
Alpine, Amador, Calaveras, Eldorado, Nevada, Placer, Sacramento, San Joaquin, Shasta, Sutter, Tehama, Tuolumne, Yolo, Yuba and Merced (North of the City of Livingston), Counties	7.77	.25	.55	8%	.01	
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano, (SW from E of Fairfield), Sonoma Counties	8.455	.35	.55	.24	.01	
Merced (Remainder of County) and Fresno County	7.68	.41	.55	.66	.05	
Del Norte and Humboldt Counties	6.48	.35	.50	6.4%		
IRONWORKERS:						
Fence erectors	8.64	.73	.975	.85	.02	
Reinforcing	8.75	.73	.975	.85	.02	
Ornamental; Structural	8.78	.73	.975	.85	.02	
LATHERS:						
Alameda and Contra Costa Counties	7.84	.34	.385		.025	
Humboldt, Nevada, Placer, Shasta and Tehama Counties	8.50	.48	.50		.01	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LATHERS: (Cont'd)						
Calaveras and San Joaquin Counties	$ 7.20	.25	.20	.80		
Marin and Sonoma Counties	6.71	.37	.45	.91	1/8%	
Monterey and Santa Cruz Counties	7.10	.40	.40	.20	.01	
Napa and Solano Counties	6.83	.60	.40	1.00	.01	
San Francisco County	8.23	.46	.65	1.00	.01	
San Benito and Santa Clara Counties	7.73	.30	.25			
PAINTERS:						
Shasta, Sutter, Tehama and Yuba Cos.:						
Brush; Roller	5.40	.35	.25	1.05		
Spray; Sandblast; Structural steel; Swing stages; Tapers	5.65	.35	.25	1.05		
Alpine, Amador, Calaveras and San Joaquin Counties:						
Brush	7.12	.50	.95	.80		
Spray; Sheetrock taper, swingstage; Scaffold; Sandblaster; Structural steel	7.42	.50	.95	.80		
Fresno County						
Brush; Tapers	7.82	.40	.20			
Spray; Structural steel	8.07	.40	.20			
Alameda, Contra Costa, Eldorado, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)						
Brush	7.77	.64	.65	.80		
Spray	8.02	.64	.65	.80		
Tapers	8.27	.64	.65	.80		
Lake Tahoe Area						
Brush	8.10	.30	.20			
Spray; Structural Steel; Tapers	8.35	.30	.20			
Marin, San Francisco & Sonoma Counties						
Brush	9.07	.64	.65			
Spray	9.32	.64	.65			
Tapers	9.57	.64	.65			
Del Norte and Humboldt Counties						
Brush	6.90	.35	.20			
Paperhangers; Spray; Tapers	7.15	.35	.20			
Mariposa, Merced and Tuolumne Counties						
Brush	6.30	.35		.75		
Paperhangers, Spray; Tapers	6.55	.35		.75		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS:						
Alameda and Contra Costa Counties	$ 8.24	.575	.45		.01	
Sutter and Yuba Counties	7.85	.395	.50	1.00	.02	
Fresno County	7.59	.56	.50			
Monterey County	8.03	.46	.35		.01	
Eldorado, Nevada, Placer, Sacramento, and Yolo Counties	7.65	.245	.25	.65		
San Benito and Santa Clara Counties	7.63	.59	.50	.80	.01	
San Francisco County	7.72	.48	.90	1.50	.02	
San Mateo County	7.45	.43	.55	1.17		
Del Norte, Humboldt, Marin, Napa, Shasta, Solano, Sonoma and Tehama Cos.	7.55	.53	.35	1.00	.01	
Mariposa, Merced and Tuolumne Counties	6.50	.65	.80	1.00		
PLASTERERS' TENDER:						
Alameda and Contra Costa Counties	7.97	.50	.80		.10	
Fresno County	5.65	.65	1.35	.80		
Marin County	6.55	.65	.60	1.00		
Napa County	6.90	.65		.80		
Alpine, Amador, Eldorado, Nevada, Placer, Sacramento and Yolo Counties	6.515	.395	1.35	.70		
San Francisco and San Mateo Counties	7.30	.50	.65	1.00		
San Benito, Santa Clara and Santa Cruz Counties	8.30	.60	.55			
Monterey County	6.42	.65	1.35			
Shasta and Tehama Counties	5.65	.65	1.35	.80		
Tuolumne County	5.65	.65	1.35	.80		
PLUMBERS:						
Alameda County	10.23	.70	1.00		.10	
Contra Costa County	10.02	.53	1.00		.16	
PLUMBERS; Steamfitters:						
Amador (northern half of County), Eldorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	9.36	.75	1.17		.11	
Lake Tahoe Area	7.85	.53	.60	1.95	.07	
Marin, San Francisco, and Sonoma Cos.	8.23	1.47	.705	.755	.135	
San Benito and Santa Clara Counties	8.81	.61	.95	.72	.10	
Del Norte and Humboldt Counties	8.02	.51	1.12	1.06	.05	
San Mateo County	8.305	.635	.95	.97	.175	
Alpine, Amador (So. portion of Co.), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Shasta, Sutter, Tehama, Tuolumne and Yuba Counties	9.00	1.08	1.23		.06	
Napa and Solano Counties	9.40	.60	.58		.07	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ROOFERS:						
Alameda and Contra Costa Counties						
Roofers	$ 8.27	.63	.75	.35	.01	
Mastic workers; Kettlemen (2 kettles w/o pumps)	8.52	.63	.75	.35	.01	
Bitumastic; Enamelers; Pipewrapper; Coal tar built up	9.27	.63	.75	.35	.01	
Alpine, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties						
Roofers (slate, tile composition and built up)	6.94	.50	.30	.75		
Felt machine operator	7.19	.50	.30	.75		
Eldorado, Placer, Shasta, Sutter and Yuba Counties						
Roofers	7.89	.65	.40			
Fresno County						
Roofers	7.95	.50	.50			
Sonoma County						
Roofers	8.01	.50	.70	.78	.01	
Kettlemen (2 kettles w/o pumps)	8.26	.50	.70	.78	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar pitch built up	9.01	.50	.70	.78	.01	
Marin County						
Roofers	7.64	.45	.75	1.15	.01	
Mastic workers; Kettlemen (2 kettles without pumps)	7.89	.45	.75	1.15	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.64	.45	.75	1.15	.01	
Monterey and Santa Cruz Counties						
Roofers	7.85	.30	.60	1.00		
San Francisco and San Mateo Counties						
Roofers	7.92	.50	.70	.85	.01	
Mastic workers and kettlemen (2 kettles) without pumps	8.17	.50	.70	.85	.01	
Bitumastic; Enamelers; Pipewrappers; Coal tar	8.92	.50	.70	.85	.01	
Napa and Solano Counties						
Roofers	6.88	.35	.55	.62		
Amador, Sacramento and Yolo Counties						
Roofers	7.12	.58	.50	.85	.01	
Enameler and pitch	7.87	.58	.50	.85	.01	
San Benito and Santa Clara Counties						
Roofers; Kettlemen (1 kettle)	8.51	.51	.73			
SHEET METAL WORKERS:						
Alameda and Contra Costa Counties	8.475	.38	.87	12%	.035	
Alpine, Calaveras and San Joaquin Cos.	7.62	.36	.95	1.40		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
SHEET METAL WORKERS: (Cont'd)						
Amador, Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	$ 7.76	.46	1.00	12%	.07	
Fresno County	6.03	.38	.69	.60	.07	
Del Norte and Humboldt Counties	8.18	.38	.83			
Marin, Napa, Sonoma and Solano Cos.	8.55	.36	.44		.15	
Mariposa, Merced and Tuolumne Cos.	8.83	.36	.60		.03	
Monterey, San Benito, Santa Clara and Santa Cruz Counties	8.45	.38	1.025	.845		
San Francisco County	8.48	.38	.55		10%	
San Mateo County	8.35	.38	.62		.02	
SOFT FLOOR LAYERS:						
Alameda, Calaveras, Contra Costa, Napa and Solano Counties	7.50	.36	.30	.29b	.05	
Alpine, Amador, Calaveras, Merced (east of the San Joaquin River), San Joaquin, Shasta, Sacramento, Sutter, Tehama, Tuolumne, Yolo and Yuba Counties and those portions of Eldorado, Nevada and Placer Counties (excluding Lake Tahoe Area)	7.795	.675	.55	1.00	.08	
Lake Tahoe Area	8.35	.30	.20			
Fresno County	8.80	.20				
Marin, San Francisco, San Mateo and Sonoma Counties	7.60	.50	.55	c	.04	
Monterey, San Benito, Santa Clara and Santa Cruz Counties	7.39	.35	.30	.89	.05	
SPRINKLER FITTERS:						
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	10.71	.30	.50		.02	
SPRINKLER FITTERS:						
Remaining Counties	11.30	.40	.60		.07	
STEAMFITTERS:						
Alameda and Contra Costa Counties	10.065	.75	1.25		.12	
TERRAZZO WORKERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano, Sonoma Counties	8.23	.85	.58	1.00		
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	9.15	.65	.60			
Fresno County	7.72	.30				

AO-1087 P. 8

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TILE SETTERS:						
Alameda, Contra Costa, Del Norte, Humboldt, Marin, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties	$ 7.65	.56	.60	.80	.015	
Alpine, Amador, Calaveras, San Joaquin Counties	7.17	.33		.65		
Eldorado, Nevada, Placer, Sacramento, Shasta, Sutter, Tehama, Yolo and Yuba Counties	7.25	.56	.35	.80	.015	
Fresno County	7.72	.30				
Monterey and Santa Cruz County	8.27	.665	.64			
RIGGERS: WELDERS: Receive rate prescribed for craft performing operation to which rigging or welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for over 5 years' service and 2% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. 1st year employment employer contributes $.14 per hour to Vacation; 2nd year thru 5th year $.30 per hour; 6th year and thereafter $.46 per hour.

c. Employer contributes $.75 1st 5 years $.90 after 5 years to Vacation and Holiday Fund.

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LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$5.785	.65	1.35	.80	.10
GROUP 1(a):	6.01	.65	1.35	.80	.10
GROUP 1(b):	5.835	.65	1.35	.80	.10
GROUP 1(c):	6.335	.65	1.35	.80	.10
GROUP 1(d):	5.985	.65	1.35	.80	.10
GROUP 2:	5.635	.65	1.35	.80	.10
GROUP 3:	5.535	.65	1.35	.80	.10
LABOREES (Gunite)					
GROUP 1:	6.245	.65	1.35	.80	.10
GROUP 2:	5.655	.65	1.35	.80	.10

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POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payment.			
	AREA 1	AREA 2	H & W	Pensions	Vacation	App.
GROUP 1:	$6.93	$8.06	.85*	1.05	.60	.24
GROUP 2:	7.21	8.34	.85*	1.05	.60	.24
GROUP 3:	7.38	8.51	.85*	1.05	.60	.24
GROUP 4:	7.83	8.96	.85*	1.05	.60	.24
GROUP 5:	8.00	9.13	.85*	1.05	.60	.24
GROUP 6:	8.11	9.24	.85*	1.05	.60	.24
GROUP 7:	8.24	9.37	.85*	1.05	.60	.24
GROUP 8:	8.56	9.69	.85*	1.05	.60	.24
GROUP 9:	8.74	9.87	.85*	1.05	.60	.24
GROUP 10:	8.90	10.03	.80**	1.05	.60	.24
GROUP 10-A:	8.99	10.12	.80**	1.05	.60	.24
GROUP 11:	9.13	10.26	.80**	1.05	.60	.24
GROUP 11-A:	10.00	11.13	.80**	1.05	.60	.24
GROUP 11-B:	10.22	11.35	.80**	1.05	.60	.24
GROUP 11-C:	10.45	11.58	.80**	1.05	.60	.24

* Includes 13¢ to Pensioned Health and Welfare Fund.

** Includes 8¢ to Pensioned Health and Welfare Fund.

AQ-1087 P. 11

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or manhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dump-crete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helpers; Warehousemen	$ 6.075	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. & under 6 yds. water level); Dump-crete (4 yds. & under 6 yds. water level); Dumpster (4 yds. & under 6 yds. water level); Skids (debris box, 4 yds. & under 6 yds. water level); Single unit flat rack (2 axle unit) Industrial Lift Truck (Mechanical Tailgate) Trucks (dry pre-batch concrete mix, 4 yds. & under 6 yds. water level)	6.17	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (under 2,500 gals.)	6.185	.765	.50	.75	
LIFT JITNEYS, Fork lift	6.205	.765	.50	.75	
TRANSMIT MIX, AGITATOR (under 6 yds.)	6.225	.765	.50	.75	
TRUCK REPAIRMAN HELPER	6.245	.765	.50	.75	
VACUUM TRUCK (under 3,500 gals.)	6.255	.765	.50	.75	
SCISSOR TRUCK; Single unit flat rack (3 axle unit); Industrial Lift Truck (Mechanical Tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	6.27	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	6.285	.765	.50	.75	
COMBINATION WINCH TRUCK WITH HOIST; Transit mix, agitator (6 yds. & under 8 yds.)	6.325	.765	.50	.75	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
VACUUM TRUCK (3,500 gals. & under 5,500 gals.)	6.335	.765	.50	.75	
RUBBER-TIRED MUCK CAR (not self-loaded)	6.345	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 6 yds. & under 8 yds. water level); Dump (6 yds. & under 8 yds. water level); Dump-crete (6 yds. & under 8 yds. water level); Dumpster (6 yds. & under 8 yds. water level); Skids (debris box, 6 yds. & under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. & under 8 yds. water level)	6.37	.765	.50	.75	
A-FRAME, WINCH TRUCKS; Buggymobile; Hydro-lift, Swedish crane type (jetting) Jetting & water truck (4,000 gals. & under 5,000 gals.); Rubber tired jumbo	6.385	.765	.50	.75	
HEAVY DUTY TRANSPORT (high bed)	6.39	.765	.50	.75	
ROSS HYSTER & SIMILAR STRADDLE CARRIER	6.415	.765	.50	.75	
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	6.425	.765	.50	.75	
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	6.435	.765	.50	.75	
JETTING TRUCK & WATER TRUCK (5,000 gals. & under 7,000 gals)	6.485	.765	.50	.75	
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	6.525	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, 8 yds. & incl. 12 yds. water level); Dump (8 yds. & incl. 12 yds. water level); Dump-crete (8 yds. & incl. 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. & incl. 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds & incl. 12 yds. water level); Dumpster (8 yds. & incl. 12 yds. water level)	6.61	.765	.50	.75	
HEAVY DUTY TRANSPORT (gooseneck lowbed)	6.62	.765	.50	.75	

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TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRANSIT MIX AGITATOR (over 12 yds. through 14 yds.)	$ 6.625	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 12 yds. & incl. 18 yds. water level); Dump (over 12 yds. & incl. 18 yds. water level); Dumperete (over 12 yds. & incl. 18 yds. water level); Dumpster (over 12 yds. & incl. 18 yds. water level); Skids (debris box, over 12 yds. & incl. 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. & incl. 18 yds. water level)	6.65	.765	.50	.75	
P. B. OR SIMILAR TYPE SELF-LOADING TRUCK	6.71	.765	.50	.75	
TRUCK REPAIRMAN	6.745	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. & incl. 24 yds. water level); Combination dump & dump trailer; Dump (over 18 yds. & incl. 24 yds. water level); Dumperete (over 18 yds. & incl. 24 yds. water level); Dumpster (over 18 yds. & incl. 24 yds. water level); Skid (debris box, over 18 yds. & incl. 24 yds. water level); Transit mix agitator (over 14 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. & incl. 24 yds. water level)	6.755	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. & incl. 35 yds. water level); Dump (over 24 yds. & incl. 35 yds. water level); Dumperete (over 24 yds. & incl. 35 yds. water level); Dumpster (over 24 yds. & incl. 35 yds. water level); DW 10's, 20's, 21's & other similar cat type, Terra Cobra, LeTourneaupulls, Tournorocker, Euclid & similar type equipment when pulling Aqua/Pak or water tank trailers & fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. & incl. 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. & incl. 35 yds. water level)	6.81	.765	.50	.75	

AQ-1087 P. 14

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULK CEMENT SPREADER (w/wo auger, over 35 yds. & incl. 50 yds. water level); Dump (over 35 yds. & incl. 50 yds. water level); Dumperete (over 35 yds. & incl. 50 yds. water level); Dumpster (over 35 yds. & incl. 50 yds. water level); Skids (debris box, over 35 yds. & incl. 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds & incl. 50 yds. water level)	$ 6.96	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 50 yds. & under 65 yds. water level); Dump (over 50 yds. & under 65 yds. water level); Dumperete (over 50 yds. & under 65 yds. water level); Dumpster (over 50 yds. & under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. & under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. & under 65 yds. water level)	7.11	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. & incl. 80 yds. water level); Dump (65 yds. & incl. 80 yds. water level); Dumperete (65 yds. & incl. 80 yds. water level); Dumpster (65 yds. & incl. 80 yds. water level); Skids (debris box, 65 yds. & incl. 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. & incl. 80 yds. water level)	7.26	.765	.50	.75	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. & incl. 95 yds. water level); Dump (over 80 yds. & incl. 95 yds. water level); Dumperete (over 80 yds. & incl. 95 yds. water level); Dumpster (over 80 yds. & incl. 95 yds. water level); Skids (debris box, over 80 yds. & incl. 95 yds. water level); Trucks (dry pre-batch concrete mix, over 80 yds. & incl. 95 yds. water level)	7.41	.765	.50	.75	

LABORERS

GROUP 1: Asphalt ironers and rakers; Barko, wacker and similar type tamper; Buggymobile; Chainsaw, faller, logloader and bucker; Compactors of all types; Concrete and magnesite mixer 1/2 yd. and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; slip forms; Green cutters; Headerboardmen, hubsetters, aligners; Jackhammer Ops.; Jacking of pipe over 12 in.; Jackson and similar type compactors; Kettlemen, potmen and men applying asphalt, lay-Kold, creosote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracing, trenchjacking, hand-guided lagging hammer; Magnesite, epoxyresin, fiberglass, and mastic workers (wet or dry); Pavement breakers and spaders, incl. tool grinder; Pipelayers, caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers -- air, gas and electric; Power broom sweepers; Power tampers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-slinger, incl. placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chipper; Davis Trencher - 300 or similar type (and all small trenchers); Roto and ditch witch; Rototiller; Sandblasters, potman, gunman, nozzleman; Signalling and rigging; Tank cleaners; Tree climbers; Vibra-screed -- bull float in connection with laborers' work; Vibrators; Dri-pak-it machine; High pressures blow pipe (1½" or over, 100 lbs pressure or over); Hydro seeder and similar type

GROUP 1(a): Joy drill Model TWM-2A; Gardener-Denver Model DH143 and similar type drills; Track drillers; Jack leg drillers; Diamond drillers; Wagon drillers; Mechanical drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and powdermen; All work of loading, placing and blasting of all powder and explosive of whatever type regardless of method used for such loading and placing; High scalers (incl. drilling of same); Tree topper; Bit grinder

GROUP 1(b): Burning and Welding

GROUP 1(c): Laborers on general construction work on or in bell hole footings and shaft

GROUP 1(d): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit Layers and Plastic pipelayers

GROUP 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and rigger (clearing work); Concrete bucket dumper and chuteman; Concrete chipping and grinding; Concrete Laborers (wet or dry); Driller's helper; Chuck Tender; Nipper; Guinea Chaser (Stakeman); Grout Crew; High Pressure Nozzleman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type brush shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 in.

GROUP 3: All cleanup work of debris, grounds and buildings incl. but not limited to street cleaners; Cleaning and washing windows; Construction Laborers incl. bridge and general laborers; Dumpman, load spotter; Fire watcher; Street cleaners; Gardeners, horicultural and landscape laborers; Jetting; Limbers; Brush loaders; Pilers, Maintenance landscape laborers on new construction; Maintenance, repair trackmen and road beds; Streetcar and railroad construction track laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant

LABORERS (cont'd)
(Gunite)

GROUP 1: Nozzlemen; Rodmen; Gunmen; Groundmen

GROUP 2: Reboundmen

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POWER EQUIPMENT OPERATORS (AREAS I & II)
(Except Piledriving and Steel Erection)

GROUP 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

GROUP 2: Compressor Op.; Concrete Mixer (up to and incl. 1 yd.); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Op. (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

GROUP 3: Box Operator (bunker); Helicopter Radioman (signalman); Motorman; Locomotive; Oiler; Rodman or Chainman; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphaltic concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler

GROUP 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Op. (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttlecar; Tie Spacer; Towermobile

GROUP 5: Compressor Op. (2 to 7); Concrete Mixers (over 1 yd.); Concrete Pumps or Pumperete Guns; Generators (100 K.W. or over); Grouting Machine; Press-weld (air-operated); Pumps (2 to 7); Welding Machines (powered other than by electricity) (2 to 7)

GROUP 6: BLH Lima Road Factor or similar; Boom Truck or Dual Purpose A-Frame Truck; Concrete Batch Plants (wet or dry); Concrete Saws (self-propelled unit) on streets, highways, airports and canals; Drilling and Boring Machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jack-hammers); Gradesetter, Grade Checker (mechanical or otherwise); Highline Cableway Signalman; Locomotives (steam or over 30 tons) Maginnis Internal Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical Finishers (concrete) (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and Gutter Machine, concrete or asphalt; Portable Crusher; Post Driver (M-1500 and similar); Power Jumbo Operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled Compactor (single engine); Self-propelled Pipeline Wrapping Machine, Perault, CPC, or similar types); Slip Forms Pumps (lifting device for concrete forms); Small Rubber Tired Tractors; Surface Heater

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POWER EQUIPMENT OPERATORS (AREAS I & II) (CONT'D)
(Except Piledriving and Steel Erection)

GROUP 7: Concrete Conveyor or Concrete Pump, Truck or Equipment mounted (boom length to apply); Concrete Conveyor, building site; Deck Engineers; Dual Drum Mixer; Fuller Kenyon Pump and similar types; Gantry Rider (or similar); Hydra-Hammer (or similar); Instrument Man; Material Hoist (2 or more drums); Mechanical Finishers or Spreader Machine (asphalt, Barber-Greene and similar; Mine or Shaft Hoist; Mixermobile; Pavement Breaker with or without Compressor Combination; Pavement Breaker, Truck mounted with Compressor Combination; Pipe Bending Machine (pipelines only); Pipe Cleaning Machine (tractor propelled and supported); Pipe Wrapping Machine (tractor propelled and supported); Refrigeration Plant; Roller Operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C); Self-propelled Elevating Grade Plane; Slusher Op.; Small Tractor (with boom) Soil Tester; Truck type Loader

GROUP 8: Amor-Coater (or similar); Asphalt Plant Engineer; Cast-in-place Pipe Laying Machine; Combination Slusher and Motor Op.; Concrete Batch Plant (multiple units); Dozer; Heading Shield Op.; Heavy Duty Repairman and/or Welder; Ken Seal Machine (or similar); Kolman Loader; Loader (up to 2 yds.); Mechanical Trench Shield; Portable Crushing and Screening Plants; Push Cat; Rubber Tired Earth-moving Equipment (up to and incl. 45 cu. yds. "struck" m.r.c., Euclids, T-Pulls, DW-10, 20, 21, and similar; Rubber Tired Dozer; Self-propelled Compactor with Dozer; Sheepfoot; Timber Skidder (Rubber tired or similar equipment); Tractor drawn Scraper; Tractor Trenching Machine; Tri-Batch Paver; Tunnel Mole Boring Machine; Welder; Woods-mixer (and other similar Pugmill equipment)

GROUP 9: Canal Finger Drain Digger; Chicago Boom; Combination Mixer and Compressor (gunite); Combination Slurry Mixer and/or Cleaner; Highline Cableway (5 tons and under); Lull Hi-Lift or similar (20 ft. or over); Mucking Machine (rubber tire, rail or track type); Tractor (with boom) (D-6 or larger and similar)

GROUP 10: Boom-type Backfilling Machine; Bridge Crane; Cary-Lift (or similar); Chemical Grouting Machine; Chief of Party; Combination Backhoe and Loader (up to and incl. 1/2 cu. yd. m.r.c.); Derrick (2 ops. required when swing engine remote from hoist); Derrick Barges (except excavation work); Do-Mor Loader; Adams Elegrader; Elevating Grader; Heavy Duty Rotary Drill Rig (incl. Caisson foundation work and Robbins type drills); Kochring Skooper (or similar); Lift Slab Machine (Vagtborg and similar types); Loader (2 yds. up to and incl. 4 yds.); Locomotive (over 100 tons) (single or multiple units); Multiple Engine Earthmoving Machine (Euclids, Dozers, etc.) (no tandem scraper); Pre-Stress Wire Wrapping Machine; Reservoir-Debris Tug (self-propelled floating); Rubber-tired Scraper, Self-loading(Paddle wheels, etc.); Shuttle Car (reclaim station); Single Engine Scraper over 45 yds.; Soil Stabilizer (P & H or equal); Sub-grader (Curries or other automatic type); Tractor, Compressor Drill Combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Vacuum Cooling Plant; Whirley Crane (up to and incl. 25 tons)

POWER EQUIPMENT OPERATORS (AREAS I & II) (cont'd)
(Except Piledriving and Steel Erection)

GROUP 10-A: Backhoe (hydraulic) (up to and incl. 1 cu. yd. m.r.c.); Backhoe (cable) (up to and incl. 1 cu. yd. m.r.c.); Combination Backhoe and Loader over 1/2 cu. yd. m.r.c.); Continuous Flight Tie Back Auger (up to and incl. 1 cu. yd.) (crane attached); Cranes (not over 25 tons, hammerhead and gantry); Grade-alls (up to and incl. 1 cu. yd.); Power Shovels, Clamshells, Draglines, (up to and incl. 1 cu. yd. m.r.c.); Power Blade (single engine); Self-propelled Boom-type Lifting Device (center mount) (over 10 tons); Self-propelled Boom-type Lifting Device (center mount) (over 15 tons)

GROUP 11: Automatic Concrete Slip Form Paver; Automatic Railroad Car Dumper; Canal Finger Drain Backfiller; Canal Trimmer; Canal Trimmer w/ ditching attachments; Cranes (over 25 tons up to and incl. 125 tons); Continuous Flight Tie Back Auger over 1 cu. yd. (incl. crane); Drott Travelift 650-A-1 or similar (45 tons or over); Highline Cableway (Over 5 tons); Loader (over 4 yds., up to and incl. 12 cu. yds.); Power Blade (multi-engine); Power Shovels, Clamshells, Draglines, Backhoes, Grade-alls (over 1 yd. and up to and incl. 7 cu. yds. m.r.c.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and incl. 75 cu. yds. "struck" m.r.c.); Self-propelled Compactor (with multiple propulsion power units); Single engine Rubber-tired Earthmoving Machines (with tandem scrapers); Slip Form Paver (concrete or asphalt); Tandem Cats; Tower Cranes Mobile; Trencher (pulling attached shield); Universal Liebher and Tower Cranes (and similar types); Wheel Excavator (up to and incl. 750 cu. yd. per hour); Whirley Crane (over 25 tons

GROUP 11-A: Band Wagons (in conjunction with Wheel Excavator); Cranes (over 125 tons); Loader (over 12 cu. yds.; up to and incl. 18 cu. yds.); Power Shovels and Draglines (over 7 cu. yds., m.r.c.); Rubber Tired Multi-Purpose Earth Moving Machines (2 units over 75 cu. yds. "struck" m.r.c.); Wheel excavator (over 750 cu. yds. per hour)

GROUP 11-B: Loader (over 18 cu. yds.)

GROUP 11-C: Operator of Helicopter (when used in erection work); Remote controlled earthmoving equipment

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 2: All areas not included within Area 1 as defined below.

*AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Daiblo base line and meridian,
Thence Southerly to the S.W. corner of township 20S, range 6E,
Thence Easterly to the S.W. corner of township 20S, range 13E,
Thence Southerly to the S.W. corner of township 21S, range 13E,
Thence Easterly to the S.W. corner of township 21S, range 17E,
Thence Southerly to the S.W. corner of township 22S, range 17E,
Thence Easterly to the S.E. corner of township 22S, range 17E,
Thence Southerly to the S.W. corner of township 23S, range 18E,
Thence Easterly to the S.E. corner of township 23S, range 18E,
Thence Southerly to the S.W. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E,
Thence Northerly to the N.E. corner of township 21S, range 29E,
Thence Westerly to the N.W. corner of township 21S, range 29E,
Thence Northerly to the N.E. corner of township 13S, range 28E,
Thence Westerly to the N.W. corner of township 13S, range 28E,
Thence Northerly to the N.E. corner of township 11S, range 27E,
Thence Westerly to the N.W. corner of township 11S, range 27E,
Thence Northerly to the N.E. corner of township 10S, range 26E,
Thence Westerly to the N.W. corner of township 10S, range 26E,
Thence Northerly to the N.E. corner of township 9S, range 25E,
Thence Westerly to the N.W. corner of township 9S, range 25E,
Thence Northerly to the N.E. corner of township 8S, range 24E,
Thence Westerly to the N.W. corner of township 8S, range 24E,
Thence Northerly to the N.E. corner of township 6S, range 23E,
Thence Westerly to the S.E. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 5S, range 19E,
Thence Westerly to the N.W. corner of township 5S, range 19E,
Thence Northerly to the N.E. corner of township 3S, range 18E,
Thence Westerly to the N.W. corner of township 3S, range 18E,
Thence Northerly to the N.E. corner of township 2S, range 17E,
Thence Westerly to the N.W. corner of township 2S, range 17E,
Thence Northerly crosing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E,
Thence Northerly to the N.E. corner of township 3N, range 15E,
Thence Westerly to the N.W. corner of township 3N, range 15E,
Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd):
Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.W. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. cotner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the Eastern boundary of the state of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the state of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 22N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner ot township 30N, range 6E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N. range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 6W,

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly to the S.E. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 16N, range 12W,
Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 13W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Easterly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 16N, range 13W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Easterly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Easterly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Easterly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the Pacific Ocean excluding that portion of Northern California within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo baseline and Meridian:
Thence in a Southerly direction to the S.W. corner of township 7S, range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S, range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S, range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S, range 3E, to the point of beginning which portion is a part of Area 2.
Area 1 also includes that portion of Northern California within the following lines:
Commencing in the Pacific Ocean on an extension of the Southerly line of township 2N, Humboldt baseline and meridian:
Thence Easterly along the Southerly line of township 2N to the S.W. corner of township 2N, range 1W,
Thence Southerly to the S.W. corner of township 1N, range 1W,
Thence Easterly along the Humboldt baseline to the S.W. corner of township 1N, range 2E,
Thence Southerly to the S.W. corner of township 2S, range 2E,
Thence Easterly to the S.E corner of township 2S, range 2E,
Thence Southerly to the S.W. corner of township 4S, range 3E,
Thence Easterly to the S.E. corner of township 4S, range 3E,
Thence Northerly to the N.E. corner of township 2S, range 3E,
Thence Westerly to the N.W. corner of township 2S, range 3E,
Thence Northerly crossing the Humboldt baseline to the S.W. corner of township 1N, range 3E,
Thence Easterly along the Humboldt baseline to the S.E. corner of township 1N; range 3E,
Thence Northerly to the N.E. corner of township 9N, range 3E,
Thence Westerly to the N.W. corner of township 9N, range 2E,
Thence Northerly to the N.E. corner of township 10N, 1E,

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CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS (cont'd)

*Area 1 (cont'd)
Thence Westerly along the Northerly line to township 10N, into the Pacific Ocena.
Area 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the state of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:
Thence Southerly to the S.W. corner of township 44N, range 7W,
Thence Easterly to the S.E. corner of township 44N, range 7W,
Thence Southerly to the S.W. corner of township 43N, range 6W,
Thence Easterly to the S. E. corner of township 43N, range 5W,
Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the state of California,
Thence Westerly along the Northerly boundary of the state of California to the point of beginning.

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AQ-4080
Supersedes Decision No. AP-147 dated January 19, 1973 in 38 FR 2048.
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTY: Johnson & Lawrence - Area 5
DATE: Date of Publication

5-KY-3-B

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$8.48	.25	.40		
Carpenter	6.61	.30	.30		
Cement Masons	8.28	.40			
Electricians:					
Wiremen, Linemen, Cable splicers	9.38	.29	1%+.40		¼ of 1%
Groundmen	5.82	.29	1%+.40		¼ of 1%
Ironworkers:					
Structural and Ornamental	8.70	.55	.65		.05
Reinforcing	8.70	.55	.65		.05
Millwrights	6.86	.30	.30		
Painters:					
Brush	7.24	.25	.10		.03
Roller	7.59	.25	.10		.03
Spray	7.69	.25	.10		.03
Pilodrivermen	6.86	.30	.30		
Pipefitters	9.25	.30	.60		.07
Plumbers	9.32	.33	.50		.07
Sheet Metal Workers	8.95	.60	.60		.09

AQ-4080 P. 2

KENTUCKY 3-LAB-C (1-1)

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1					
Laborers:					
Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers and placers, landscaping and seeding, planters and tree trimmers, sign, guard rail and fence installers, grade checkers, ageing and curing of concrete, truck spotters and dumpers, flagmen, rip-rap and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper	$5.59	.25	.25		
Group 2					
Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixer, pipe layers, joint maker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scow man, burner and welder	5.84	.25	.25		
Group 3					
Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and mixer man, gunnite nozzleman, asphalt luteman and rakeman, air tract driller (all types), grout pump operator	5.89	.25	.25		
Group 4					
Tunnel blasters, tunnel muckers (free air), miners and drillers (free air), caisson workers (free air)	6.49	.25	.25		

AQ-4080 P. 3

Kentucky 1-TD-C

Heavy & Highway Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Driver, 3 Tons and Under; Greaser, Tire Changer	5.90	a	b		
Driver, Over 3 Tons; Driver of Distributors; Driver, Dump Truck Tandem Axle; Driver, Semi-Trailer or Pole Trailer when used to pull Building Material or Equipment; Truck Mechanic	6.08	a	b		
Driver on Mixer Trucks (All types)	6.11	a	b		
Driver, Euclid and Other Heavy Earth Moving Equipment and Low Boy: Driver, Fork Lift Truck when used to transport building materials; Driver on Pavement Breakers; Driver, Winch Truck and A-Frame Truck when used in transporting materials	6.18	a	b		

FOOTNOTES:

a. $9.50 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.

b. $12.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for tha employer.

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Kentucky-6-PEO-3-B (1-2)

Highway Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators						
Class A						
Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Central Compressor Plant Operator, Clamshell, Concrete Mixer (21 cu. ft. or over), Concrete Pump, Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Elevator (regardless of ownership when used for hoisting any building material), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine (two or more drums), Locomotive, Motor Scraper, Bulldozer, Mechanic, Orangepeel Bucket, Piledriver, Power Blade, Roller (bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Winch Truck, Push Dozer, High Lift, Fork Lift (regardless of lift height), all types of Boom Cats, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Grade-All, Hoist (two or more drums), Hyster, Pumpcrete, Ross Carrier, Side Boom, Rotary Drill (5" and over), Mucking Machine, Rock Spreader attached to equipment, Scoopmobile, KoCal Loader, Tower Cranes (French, German, and other types), Hydrocrane, Backfiller, Gurries, Subgrader, Tailboom and Dredge Engineer.	7.18	.25	.25			
Class B						
All Air Compressors (600 cu. ft. per min. or greater capacity), Bituminous Mixer, Concrete Mixer (under 21 cu. ft.), Elevator (one drum or buck hoist), Welding Machine, Form Grader, Grout Pump, Roller (rock), Tractor (50 h.p. and over), Bull Float, Finish Machine, Outboard Motor Boat, Electric Vibrator Compactor/Self-Propelled Compactor Boom Type Tamping Machine, Truck Crane Oiler, Greaser on Grease Facilities Servicing Heavy Equipment, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Tractair and Road Widening Trencher, Joint Sealing Machine, Rotary Drill (under 5"), Throttle Valve Man, Tugger, Well Points, Flexplane, Firemen, and Hoist (one drum)	5.95	.25	.25			

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Kentucky-6-PEO-3-B (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators (Cont'd):					
Class C					
Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (earth), Tamping Machine, Tractors (under 50 h.p.), Vibrator, Oiler, Concrete Saw, Burlap and Curing Machine, Hydro Seeder, Power Form Handling Equipment, Deckhand Oiler, and Hydraulic Post Driver	5.48	.25	.25		

AO-4080 P. 6

KENTUCKY 1-PEO-2 C (1-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Heavy Construction:					
Power Equipment Operators:					
Class A Operators:					
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge engineer, elevator, (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, hoe-type machine, hoisting engine, locomotive, LeTourneau or carry-all scoop, bulldozer, mechanic, mechanic welder, orangepeel bucket, pile driver, power blade, roller (bituminous), scarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, high lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, A-frame winch truck, concrete paver, gradeall, hoist (two or more drums), hyster, pumpcrete, rose carrier, side boom, tail boom, rotary drill, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal Loader, tower cranes (French, German & other types), hydrocrane, backfiller, quarries, subgrader	$7.60	.25	.25		
Class B Operators:					
All air compressors (600 cu. ft. per min. or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), welding machine, form grader, roller (rock), tugger, tractor (50 H.P. and over), bull float, finish machine, outboard motor boat, well points, flexplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, joint sealing machine, mechanic helper, whirley oiler, tractair and road widening trencher, grout pump, electric vibrator compactor/self-propelled compactor, throttle valve, elevator (one drum or buck hoist)	6.11	.25	.25		

AQ-4080 P. 7

KENTUCKY 1-PEO-2 C (2-2)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Heavy Construction:					
Power Equipment Operators:					
Class C Operators:					
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 H.P.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deckhand oiler, hydraulic post driver	$5.67	.25	.25		

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(1-1)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Heavy Construction					
Carpenters	$3.40				
Cement Masons	3.25				
Electricians	4.35				
Ironworkers:					
Structural & ornamental	3.75				
Reinforcing	3.75				
Laborers:					
Unskilled	2.00				
Air tool op. (jack-hammer, vibrator)	2.25				
Painters, brush	3.00				
Truck Drivers:					
3-tons & under	2.25				
Over 3-tons	3.50				

SUPERSEDEAS DECISION

STATE: Louisiana PARISHES: Bossier & Caddo
DECISION NO.: AQ-83 DATE: Date of Publication
Supersedes Decisions No. AQ-5, dated July 20, 1973, in 38 FR 19647 and No. AQ-6, dated July 20, 1973, in 38 FR 19649.
DESCRIPTION OF WORK: Building (including Residential) Construction

(1 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ASBESTOS WORKERS	$7.56	.30	.51		.025	
BOILERMAKERS	7.00	.30	.76		.02	
BRICKLAYERS	7.25	.20	.20			
CARPENTERS:						
Carpenters; soft floor layers, linoleum	6.95		.25		.03	
Pile drivers	7.20		.25		.03	
Millwrights	7.45		.25		.03	
CEMENT MASONS:						
Cement masons	6.25					
Troweling machine operators	6.50					
ELECTRICIANS:						
Cable splicers	7.90	.40	1%		1%	
Electricians	7.40	.40	1%		1%	
ELEVATOR CONSTRUCTORS	6.26	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.345	.23	2%+a+b	.015	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR					
GLAZIERS	5.90					
IRONWORKERS:						
Structural; Ornamental	7.15	.30	.35		.04	
Reinforcing	7.15	.30	.35		.04	
Shooters	7.15	.30	.35		.04	
LABORERS:						
Building laborers	4.05	.15	.10			
Mason tenders; Plasterers' tenders	4.15	.15	.10			
Asphalt rakers & smoothers	4.15	.15	.10			
Mortar mixers	4.20	.15	.10			
Pipelayers (concrete & clay); Air jack & vibrator operators	4.25	.15	.10			
LATHERS	7.475				.01	
MARBLE SETTERS	5.50					
MARBLE SETTERS' HELPERS	3.00					
PAINTERS:						
Painters, tape & float and paper-hangers; stage, window jacks & structural steel	6.25					
Stage, window jacks & structural steel:						
Heights exceeding 30 feet	6.50					
Heights exceeding 75 feet	6.75					
Sandblasting	6.05					
Spray	6.85					

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(2 - 2)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
PLASTERERS	$7.475					
PLUMBERS - PIPEFITTERS	6.91		.30	.55	.06	
ROOFERS:						
Roofers	5.50		.20		.02	
Helpers	3.40		.20		.02	
Kettleman	3.77		.20		.02	
SHEET METAL WORKERS	7.07	.40	.25		.05	
SPRINKLER FITTERS	8.20	.40	.60		.07	
STONEMASONS	7.25	.20	.20			
TILE SETTERS & TERRAZZO WORKERS	5.50					
TILE SETTERS' HELPERS	3.00					
TERRAZZO WORKERS' HELPERS	3.30					
TERRAZZO MACHINE OPERATORS	3.65					
TRUCK DRIVERS:						
Pick-up drivers; Spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers	4.57					
Stake bodies; flat beds (all sizes)	4.65					
Single axle dumps & water trucks; transit mix, up to and including 3 yds.	4.90					
Tandem axle dumps; batch & water trucks over 3 tons; pick-up trucks with trailer	5.05					
Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels	5.20					
Euclids; low-boys; dempsy dumpsters; koehring dumps; five axle trucks; transit mix over 3 yds.; fuel trucks	5.40					
Fork lift	5.75					
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.

AQ-83 P. 3

COMMERCIAL BUILDING (EXCLUDING RESIDENTIAL) CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
HEAVY DUTY OPERATORS Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinery or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum 4 stories or more; Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Pile-drivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractor-vators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)	$7.40	.25	.15			
LIGHT DUTY OPERATORS Air Compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-type Tractor (with all attachments except Backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)	6.35	.25	.15			
Scaleman	6.10	.25	.15			
Oiler-Driver	6.06	.25	.15			
Mechanic Helper	5.80	.25	.15			
Oiler	5.56	.25	.15			

SUPERSEDEAS DECISION

STATE: Minnesota
COUNTY: Anoka
DECISION NUMBER: AQ-3099
DATE: Date of Publication
Supersedes Decisions No. AP-638, dated March 9, 1973 in 38 FR 6540 and No. AP-644, dated March 9, 1973, in 38 FR 6562
DESCRIPTION OF WORK: Building (Including Residential), Construction.

2-MINN

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$7.67	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.81	.455	.23	.56		
Carpenters:						
Carpenters, Millwrights & Piledrivermen	7.56	.40	.20	.50	.02	
Soft Floor Layers	7.65b	c		d		
Cement Masons	8.08	.30	.25			
Electricians:						
Townships of Anoka & Fridley	8.30	6½%	4%	9%	1%	
Remainder of County	8.30	5%	2.5%	11.5%	1.5%	
Elevator Constructors:						
Elevator Constructors	8.35	.395	.26	2%+a		
Helpers	70%JR	.395	.26	2%+a		
Helpers (Prob.)	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All	8.10	.50	.50		.02	
Lathers	7.60	.20			.01	
Marble Setters	7.585	.445	.23	.56		
Painters:						
Brush	7.80	.35	.25		.04	
Structural Steel & Spray	8.30	.35	.25		.04	
Plasterers	7.68	.45	.20		.01	
Plumbers & Steamfitters	7.53	.38	.45	1.25	.03	
Roofers	7.56	.44	.25		.01	
Sheet Metal Workers	8.93	.42	.40		.04	
Sprinkler Fitters	8.79	.40	.60		.02	
Tile Setters	7.84	.37	.50			

Welders - Receive rate prescribed for craft performing operation to which welding is incidential.

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES: a. Employer contributes 4% of Basic Hourly Rate for over 5 yrs. service. 2% Basic Hourly Rate for 6 Mths. to 5 yrs. service as Vacation Pay Credit. Six paid Holidays A through F.
b. Out of town Employers will pay $8.40 per hour with no Fringe Benefits.
c. Employer shall contribute $25.00 per month for each employee into the Health & Welfare Fund.
d. Employees with at least 1,700 hours service during the current year & one years service, 1 week vacation w/pay; 3 years service, 2 weeks vacation with pay; 15 years, 3 weeks w/pay.

MINN 27 LAB -

Laborers:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Building Construction						
Class 1						
Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.20	.35	.35	.40		
Class 2						
Reinforced Steel Handler	6.25	.35	.35	.40		
Class 3						
Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.30	.35	.35	.40		
Class 4						
Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Shooting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.35	.35	.35	.40		
Class 5						
Underground work	6.45	.35	.35	.40		
Class 6						
Pipe layer	6.50	.35	.35	.40		
Class 7						
Caisson work, Underpinning	6.55	.35	.35	.40		
Class 8						
Nozzlemen	6.60	.35	.35	.40		
Class 9						
Dynamite men, Power drillers for blasting Purposes	6.905	.35	.35	.40		

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Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$7.56	.40	.20	.50	.02	
PILEDRIVERMEN	7.56	.40	.20	.50	.02	
CEMENT MASONS	8.68	.30	.25			

Site Preparation, Excavation and Incidential Paving

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MINN-9-LAB-2-3- P APPA I (1-2)

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GLASS I						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$6.15	.35	.35	.40		
GLASS II						
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.25	.35	.35	.40		
GLASS III						
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.30	.35	.35	.40		

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MINN-9-LAB-2-3- (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
GLASS IV						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.40	.35	.35	.40		
GLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.45	.35	.35	.40		
GLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.50	.35	.35	.40		
GLASS VII						
NOZZLEMEN (gunite)	6.55	.35	.35	.40		
GLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.58	.35	.35	.40		
GLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.60	.35	.35	.40		
GLASS X						
Tunnel Man (Air Pressure) Tunnel miner	6.83	.35	.35	.40		
GLASS XI						
POWDERMAN	6.78	.35	.35	.40		

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MINN-1-PEO-1- G

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS 1						
HELICOPTER OPERATORS (Hoisting material)	$11.50	.35	.25			
CLASS 2						
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.10	.35	.25			
CLASS 3						
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.75	.35	.25			
CLASS 4						
TRAVELING TOWER CRANE	8.65	.35	.25			
CLASS 5						
MASTER MECHANIC	8.55	.35	.25			
CLASS 6						
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.30	.35	.25			
CLASS 7						
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumperete or Complaco type machine op.	8.18	.35	.25			
CLASS 8						
FORK LIFT OPERATOR	8.18	.35	.25			
CLASS 9						
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KW & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.10	.35	.25			
CLASS 10						
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.83	.35	.25			
CLASS 11						
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.55	.35	.25			
CLASS 12						
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.10	.35	.25			

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MINN-7M-PEO-2-3 B 1 of 2

POWER EQUIPMENT OPERATORS: Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Helicopter Pilot	$11.60	.35	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.31	.35	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	8.05	.35	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumperete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.93	.35	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

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POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	7.83	.35	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.15	.35	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.85	.35	.25			

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Building, Site Preparation, excavation and incidential paving

MINN-62-TD-1-2-3

TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
Truck driver (hauling machinery for employer's own use, including operator of hand & power operator winches) Truck drain; mechanic welder; tractor trailer, Off-Road truck drivers	$7.05	.35	.30			
GROUP II						
Tri-axle (including four axles)	6.75	.35	.30			
GROUP III						
Bituminous distributor driver, bituminous distributor (one man operation) Tandem axle trucks	6.65	.35	.30			
GROUP IV						
Bituminous distributor spray operator (rear end oiler) dumpman; greaser & truck serviceman; tank truck helper (gas, oil, road oil and water) teamster & stableman; tractor operator (wheel type used for any purpose) Pilot car driver; self propelled packer, Slurry operator; single axle trucks	6.45	.35	.30			

THE FOLLOWING CLASSIFICATIONS SHALL COME UNDER THE APPROPRIATE AXLE RATE WAGE GROUP:

Dump truck driver
Dry batch hauler driver
Tank truck driver (gas, oil, road oil and water)
Boom and "A" frame driver
Ready mix concrete truck driver
Slurry drivers

SUPERSEDEAS DECISION

STATE: Minnesota

COUNTIES: Carver, Hennepin & Scott

DECISION NUMBER: AQ-3100

DATE: Date of Publication

Supersedes Decisions No. AP-639, dated March 9, 1973 in 38 FR 6544 and No. AP-645, dated March 9, 1973, in 38 FR 6566

DESCRIPTION OF WORK: Building (Including Residential), Construction.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$7.67	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.81	.455	.23	.56		
Carpenters:						
Scott Co. S/W of Bell Plaine	7.85	.30			.02	
Remainder of County	7.56	.40	.20	.50	.02	
Millwrights & Piledrivermen	7.56	.40	.20	.50	.02	
Soft Floor Layers	7.65b	c		d		
Cement Masons	8.03	.30	.25			
Electricians & Line Construction:						
Electricians & Linemen	8.30	6½%	4%	9%	1%	
Equipment Operator	8.30	6½%	4%	9%	1%	
Groundmen	6.90	6½%	4%	9%	1%	
Elevator Constructors:						
Elevator Constructors	8.35	.395	.26	2%+a		
Helpers	70%JR	.395	.26	2%+a		
Helpers (Prob.)	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All	8.10	.50	.50		.02	
Lathers	7.60	.20			.01	
Marble Setters	7.585	.445	.23	.56		
Painters:						
Brush	7.80	.35	.25		.04	
Spray, Structural Steel	8.30	.35	.25		.04	
Plasterers	7.68	.45	.20		.01	
Plumbers, Pipefitters & Steamfitters	7.53	.38	.45	1.25	.03	
Roofers	7.56	.44	.25		.01	
Sheet Metal Workers	8.83	.42	.50		.02	
Sprinkler Fitters	8.79	.40	.60		.02	
Tile Setters	7.84	.37	.50			

Welders - receive rate for craft performing operation to which welding is incidental.

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES: a. Employer contributes 4% B.M.R. for over 5 Yrs. Service; 2% B.M.R. for from 6 Mths. to 5 Yrs. Service as Vacation Pay Credit. 6 Paid Holidays A through F.

b. Out of town contractors pay the rate of $8.40 with no Fringe Benefits.

c. Employer shall contribute $25.00 per Mth. for each employee to H&W fund.

d. Employee with at least 1,700 hrs. service during the current year & 1 years service; 1 week vacation w/pay; 3 years service; 2 weeks vacation w/pay; 15 years service; 3 weeks vacation w/pay.

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MINN 27 LAB -

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Class 1						
Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.20	.35	.35	.40		
Class 2						
Reinforced Steel Handler	6.25	.35	.35	.40		
Class 3						
Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.30	.35	.35	.40		
Class 4						
Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.35	.35	.35	.40		
Class 5						
Underground work	6.45	.35	.35	.40		
Class 6						
Pipe layer	6.50	.35	.35	.40		
Class 7						
Caisson work, Underpinning	6.55	.35	.35	.40		
Class 8						
Nozzlemen	6.60	.35	.35	.40		
Class 9						
Dynamite men, Power drillers for blasting Purposes	6.905	.35	.35	.40		

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Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.56	.40	.20	.50	.02	
PILEDRIVERMEN	7.56	.40	.20	.50	.02	
CEMENT MASONS	8.03	.30	.25			

Site Preparation, Excavation & Incidential Paving

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MINN-9-LAB-2-3- P APPA T (1-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS:						
CLASS I						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$6.15	.35	.35	.40		
CLASS II						
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone, or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.25	.35	.35	.40		
CLASS III						
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.30	.35	.35	.40		

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MINN-9-LAB-2-3- (2-2)

	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
LABORERS CONTINUED:						
CLASS IV						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; cofferdam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.40	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.45	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.50	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.55	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.58	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.60	.35	.35	.40		
CLASS X						
Tunnel Man (Air Pressure)						
Tunnel miner	6.83	.35	.35	.40		
CLASS XI						
POWDERMAN	6.78	.35	.35	.40		

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MINN-1-PEO-1- G

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS 1						
HELICOPTER OPERATORS (Hoisting material)	$11.50	.35	.25			
CLASS 2						
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.10	.35	.25			
CLASS 3						
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.75	.35	.25			
CLASS 4						
TRAVELING TOWER CRANE	8.65	.35	.25			
CLASS 5						
MASTER MECHANIC	8.55	.35	.25			
CLASS 6						
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150' of boom incl. JIB	8.30	.35	.25			
CLASS 7						
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.18	.35	.25			
CLASS 8						
FORK LIFT OPERATOR	8.18	.35	.25			
CLASS 9						
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.10	.35	.25			
CLASS 10						
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.83	.35	.25			
CLASS 11						
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.55	.35	.25			
CLASS 12						
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.10	.35	.25			

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POWER EQUIPMENT OPERATORS: Site Preparation, excavation & incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Helicopter Pilot	$11.60	.35	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.31	.35	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	8.05	.35	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.93	.35	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

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MINN-7M-PEO-2-3 2 of 2

POWER EQUIPMENT OPERATORS: (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Multiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (power, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	7.83	.35	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.15	.35	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler	6.85	.35	.25			

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MINN-62-TD-1-2-3

Building, Site Preparation, Excavation & Incidental Paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
GROUP I						
Truck driver (hauling machinery for employer's own use, including operator of hand & power operator winches) Truck drain; mechanic welder; tractor trailer, Off-Road truck drivers	$7.05	.35	.30			
GROUP II						
Tri-axle (including four axles)	6.75	.35	.30			
GROUP III						
Bituminous distributor driver, bituminous distributor (one man operation) Tandem axle trucks	6.65	.35	.30			
GROUP IV						
Bituminous distributor spray operator (rear end oiler) dumpman; greaser & truck serviceman; tank truck helper (gas, oil, road oil and water) teamster & stableman; tractor operator (wheel type used for any purpose) Pilot car driver; self propelled packer, Slurry operator; single axle trucks	6.45	.35	.30			
THE FOLLOWING CLASSIFICATIONS SHALL COME UNDER THE APPROPRIATE AXLE RATE WAGE GROUP:						
Dump truck driver						
Dry batch hauler driver						
Tank truck driver (gas, oil, road oil and water)						
Boom and "A" frame driver						
Ready mix concrete truck driver						
Slurry drivers						

SUPERSEDEAS DECISION

STATE: Minnesota

COUNTIES: Dakota, Ramsey & Washington

DECISION NUMBER: AQ-3101

DATE: Date of Publication

Supersedes Decisions No. AP-640, dated March 9, 1973 in 38 FR 6548 and No. AP-646, dated March 9, 1973 in 38 FR 6570

DESCRIPTION OF WORK: Building (Including Residential), Construction.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$7.67	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.81	.455	.23	.56		
Carpenters:						
Carpenters	7.56	.40	.20	.50	.02	
Millwrights & Piledrivermen	7.56	.40	.20	.50	.02	
Soft Floor Layers	7.65b	c		d		
Cement Masons	8.08	.30	.25			
Electricians & Line Construction:						
Electricians, Linemen & Equipment Opr.	8.30	5%	2.5%	11.5%	1.5%	
Cable Splicer & Technician	8.70	5%	2.5%	11.5%	1.5%	
Groundman	5.25	5%	2.5%	11.5%	1.5%	
Elevator Constructors:						
Elevator Constructors	8.35	.395	.26	2%+a		
Helpers	70%JR	.395	.26	2%+a		
Helpers (Prob.)	50%JR					
Glaziers	7.70	.15	.10	.13		
Ironworkers, All	8.10	.50	.50		.02	
Lathers	7.66	.25	.25	.50	.01	
Marble Setters	7.585	.445	.23	.56		
Painters:						
Brush & Paperhanger	7.68	.35	.15		.06	
Spray, Structural Steel	8.18	.35	.15		.06	
Plasterers	7.52	.45	.25	.60	.01	
Plumbers & Steamfitters	7.52	.38	.45	1.22	.05	
Roofers	7.56	.44	.25		.01	
Sheet Metal Workers	8.93	.42	.40		.04	
Sprinkler Fitters	8.79	.40	.60		.02	
Tile Setters	7.84	.37	.50			

Welders - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES: a-Employer contributes 4% B.M.R. for over 5 years service, 2% B.M.R. for 6 mths. to 5 years as vacation pay credit. b-Paid Holidays A through F. b-Out of town contractors will pay the rate of $8.40 per hour with no fringe benefit payments. c-Employer will contribute $25.00 per month for each employee into the Health & Welfare Fund. d-Employees with at least 1,700 hours service during the current year & 1 year's service - 1 week vacation with pay; 3 years' service - 2 weeks vacation with pay; 15 years' service - 3 weeks with pay.

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MINN 27 LAB -

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Building Construction						
Class 1						
Common laborer, Steel joist handler (erection), Power buggy operator, Carpenter tender, Earth dumpman, flagman	$6.20	.35	.35	.40		
Class 2						
Reinforced Steel Handler	6.25	.35	.35	.40		
Class 3						
Men handling cement 2 Hrs. per day (bulk or sack, excluding mortar mixer), Mason tender, Concrete joint saw Op., Demolition & wrecking laborer	6.30	.35	.35	.40		
Class 4						
Hot tar caulker & corker, Labs. on swing stage line scaffold (excl. "Patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator Op., Sheeting setter & driver on Heavy Bldg. excavation, Jackhammer men	6.35	.35	.35	.40		
Class 5						
Underground work	6.45	.35	.35	.40		
Class 6						
Pipe layer	6.50	.35	.35	.40		
Class 7						
Caisson work, Underpinning	6.55	.35	.35	.40		
Class 8						
Nozzlemen	6.60	.35	.35	.40		
Class 9						
Dynamite men, Power drillers for blasting Purposes	6.905	.35	.35	.40		

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Site preparation, excavation and incidental paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
CARPENTERS	$7.56	.40	.20	.50	.02	
PILEDRIVERMEN	7.56	.40	.20	.50	.02	
CEMENT MASONS	8.08	.30	.25			

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Site Preparation, Excavation & Incidental Paving

MINN-9-LAB-2-3. P APPA I (1-2)

LABORERS:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS I						
UNSKILLED LABORERS; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Powder monkey; Reinforced steel laborer; Reinforced steel setter (pavement); Salamander heater & blower tender; Carpenter tender; Winch handler (manual)	$6.15	.35	.35	.40		
CLASS II						
LABORER, WRECKING & DEMOLITION; Bituminous batcherman (stationary plant); Bituminous shoveler; Blacksmith helper; Bottom man (sewer, water or gas trench); Bricklayer tender; Cement handler (bulk or bag); Cement coverman (batch trucks); Compaction equipment (hand operated); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Concrete batcherman (proportioning plant); Concrete longitudinal floatmen (manual bull float on paving); Conduit layers (w/o wiring); Chipping hammer; Curb setter (stone or precast concrete); Dumper (wagon, truck, etc.); Dump man; Dump man (paver-batch truck, etc.); Form setter (municipal type curb & sidewalk); Formsetter (pavement); Hydrant & valve setter; Joint filler (concrete pavement); Kettleman (bituminous or lead); Service connection maker (water or gas); Power buggy; Joint sawer; Squeegeman (bituminous brick or block); Stabilizing batcherman (stationary plant); Stonemason tender; Drill runner (heavy, incl. churn drill)	6.25	.35	.35	.40		
CLASS III						
CHAINSAW MAN; Concrete mixer (1 bag); Jackhammer man & paving buster; Mortar mixer; Pipe handler (water, gas, cast iron); Pipe derrickman (triped, manual)	6.30	.35	.35	.40		

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MINN-9-LAB-2-3- (2-2)

LABORERS CONTINUED:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
CLASS IV						
BOTTOM MAN (sewer, water or gas trench, more than 8 ft. below starting level of manual work); Tunnel laborer (atmospheric pressure); Underground laborers; coffordam work; Tunnel work; Underpinning work; Caisson work; Other work more than 8 ft. below starting level of manual work; Open ditch work	6.40	.35	.35	.40		
CLASS V						
BITUMINOUS TAMPER; Pipelayer (sewer, water, gas); Sand cushion & bed maker	6.45	.35	.35	.40		
CLASS VI						
CEMENT GUN (1½ in. & over); Leadman	6.50	.35	.35	.40		
CLASS VII						
NOZZLEMEN (gunite)	6.55	.35	.35	.40		
CLASS VIII						
BRICK OR BLOCK PAVING SETTER	6.58	.35	.35	.40		
CLASS IX						
BITUMINOUS RAKER, FLOATER & UTILITY MAN	6.60	.35	.35	.40		
CLASS X						
Tunnel Man (Air Pressure)						
Tunnel miner	6.83	.35	.35	.40		
CLASS XI						
POWDERMAN	6.78	.35	.35	.40		

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MINN-1-PEO-1- G

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS 1						
HELICOPTER OPERATORS (Hoisting material)	$11.50	.35	.25			
CLASS 2						
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.10	.35	.25			
CLASS 3						
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.75	.35	.25			
CLASS 4						
TRAVELING TOWER CRANE	8.65	.35	.25			
CLASS 5						
MASTER MECHANIC	8.55	.35	.25			
CLASS 6						
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.30	.35	.25			
CLASS 7						
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines; Hoist engineer (2 drums); Mechanic or welder; Pumpcrete or Complaco type machine op.	8.18	.35	.25			
CLASS 8						
FORK LIFT OPERATOR	8.18	.35	.25			
CLASS 9						
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caisson drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.10	.35	.25			
CLASS 10						
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.83	.35	.25			
CLASS 11						
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.55	.35	.25			
CLASS 12						
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.10	.35	.25			

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MINN-7M-PEO-2-3 B 1 of 2

POWER EQUIPMENT OPERATORS: Site Preparation, Excavation & Incidental Paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Helicopter Pilot	$11.60	.35	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.31	.35	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	8.05	.35	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumpcrete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.93	.35	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

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MINN-7M-PEO-2-3 2 of 2

POWER EQUIPMENT OPERATORS: (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 5 (Cont'd)						
Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	7.83	.35	.25			
GROUP 6						
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.15	.35	.25			
GROUP 7						
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.85	.35	.25			

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MINN-62-TD-1-2-3

Building, Site Preparation, Excavation & Incidential Paving

TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
GROUP I						
Truck driver (hauling machinery for employer's own use, including operator of hand & power operator winches) Truck drain; mechanic welder; tractor trailer, Off-Road truck drivers	$7.05	.35	.30			
GROUP II						
Tri-axle (including four axles)	6.75	.35	.30			
GROUP III						
Bituminous distributor driver, bituminous distributor (one man operation) Tandem axle trucks	6.65	.35	.30			
GROUP IV						
Bituminous distributor spray operator (rear end oiler) dumpman; greaser & truck serviceman; tank truck helper (gas, oil, road oil and water) teamster & stableman; tractor operator (wheel type used for any purpose) Pilot car driver; self propelled packer, Slurry operator; single axle trucks	6.45	.35	.30			

THE FOLLOWING CLASSIFICATIONS SHALL COME UNDER THE APPROPRIATE AXLE RATE WAGE GROUP:

Dump truck driver
Dry batch hauler driver
Tank truck driver (gas, oil, road oil and water)
Boom and "A" frame driver
Ready mix concrete truck driver
Slurry drivers

SUPERSEDEAS DECISION

STATE: Minnesota COUNTY: St. Louis (Duluth Only)
DECISION NUMBER: AQ-3102 DATE: Date of Publication
Supersedeas Decisions No. AP-641, dated March 9, 1973 in 38 FR 6552 and No. AP-647, dated March 9, 1973, in 38 FR 6574
DESCRIPTION OF WORK: Building (Including Residential), Construction.

69-MINN

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$8.35	.25	.25			
Boilermakers	7.80	.30	.85		.02	
Boilermakers' Helpers	7.55	.30	.85		.02	
Bricklayers & Stonemasons	7.67	.25	.25	.50		
Carpenters:						
Carpenters, Piledrivermen & SFL	7.50	.25		.30		
Millwrights	7.72	.25		.30		
Cement Masons	7.895	.25				
Electricians	8.29	4%	4%	11%	1½%	
Elevator Constructors:						
Elevator Constructors	7.74	.195	.20	2%+a	.005	
Helpers	70%JR	.195	.20	2%+a	.005	
Helpers (Prob.)	50%JR					
Glaziers	7.70	.25				
Ironworkers	8.25	.25	.50	.10		
Laborers:						
Common Laborer & Flagman	6.45	.25	.15	.25		
Mortar Mixer, Carpenter & Mason Tender						
Jackhammer & Concrete Vibrator Opr.	6.55	.25	.15	.25		
Plasterer Tender	6.67	.30	.15	.50		
Lathers	7.75	.15			.01	
Marble Setters	7.585	.445	.23	.56		
Painters:						
Brush	7.60	.25	.20		.05	
Structural Steel, Sandblasting, Spray	7.85	.25	.20		.05	
Plumbers & Pipefitters	6.86	.25	.75	1.00	.05	
Roofers:						
Roofers	7.70	.25	.10	.50		
2nd Roofers	7.45	.25	.10	.50		
Kettlemen	7.25	.25	.10	.50		
Helpers	6.15	.25	.10	.50		
Sheet Metal Workers	7.74	.30	.30			
Sprinkler Fitters	8.75	.30	.50		.02	

Welders - Receive rate prescribed for craft performing operation to which welding is incidential.

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F- Christmas Day.

FOOTNOTE: a. Employer contributes 4% Basic Hourly Rate for over 5 Years Service and 2% Basic Hourly Rate for 6 Months to 5 Years Service as Vacation Pay Credit. Six Paid Holidays: A through F

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Site Preparation, Excavation & Incidential Paving

MINN-14-LAB-2-3 Area 2A

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
CLASS I						
Unskilled Laborers; Laborers; wrecking & demolition; Bricklayer tender; Drill runner helper; Landscape gardener; Sod layer & nurseryman; Pipehandler (water, gas, cast iron); Salamander heater & blower tender; Carpenter tender; Stonemason tender	$6.28	.25	.15	.25		
CLASS II						
Bituminous Shoveler; Bottom man (sewer, water or gas trench); Cement handler (bulk or bag); Cement coverman (batch trucks); Chain saw man; Compaction equipment (hand operated); Concrete mixer operator (1 bag); Concrete shoveler, tamper & puddler (paving); Concrete vibrator; Conduit layers (w/o wiring); Dumper (wagon, truck, etc.); Formsetter (municipal type curb & sidewalk) Formsetter (pavement); Jackhammer mah & paving busters; Kettleman (bituminous or lead); Mortar mixer; Power buggy; Joint sawer; Tunnel Laborer (atmospheric pressure)	6.38	.25	.15	.25		
CLASS III						
Bituminous Tamper; Cofferdam work; Caisson work	6.53	.25	.15	.25		
CLASS IV						
Drill Runner (heavy, including churn-drill)	6.58	.25	.15	.25		
CLASS V						
Bituminous Raker, Floater & Utility Man; Pipelayer (sewer, water, gas); Leadman	6.63	.25	.15	.25		
CLASS VI						
Nozzleman (Gunite)	6.68	.25	.15	.25		
CLASS VII						
Powderman	6.78	.25	.15	.25		
CLASS VIII						
Tunnel Miner	6.88	.25	.15	.25		

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Site preparation, excavation and incidential paving	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$7.58	.25		.30		
PILEDRIVERMEN	7.58	.25		.30		
CEMENT MASONS	8.28	.25				

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MINN-1-PEO-1- G

BUILDING CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CLASS 1						
HELICOPTER OPERATORS (Hoisting material)	$11.50	.35	.25			
CLASS 2						
TRUCK & CRAWLER CRANES with 200' of boom & over inc. JIB	9.10	.35	.25			
CLASS 3						
TRUCK & CRAWLER CRANES with 150' of boom incl. JIB up to 200' of boom	8.75	.35	.25			
CLASS 4						
TRAVELING TOWER CRANE	8.65	.35	.25			
CLASS 5						
MASTER MECHANIC	8.55	.35	.25			
CLASS 6						
DERRICK (GUY & STIFF LEG); Hoist engineer (3 drums or more); Locomotive op., master mechanic; Overhead crane op. (inside building perimeter); Truck & crawler cranes up to 150" of boom incl. JIB	8.30	.35	.25			
CLASS 7						
AIR COMPRESSOR OPERATOR, Pump op. &/or Conveyor, 2 or more machines: Hoist engineer (2 drums); Mechanic or welder; Pumperete or Complaco type machine op.	8.18	.35	.25			
CLASS 8						
FORK LIFT OPERATOR	8.18	.35	.25			
CLASS 9						
BOOM TRUCK OPERATOR; Concrete mixer op.; Drill rigs (heavy duty rotary or churn drill when used for caissor drilling or when drilling for elevator cylinder on building construction); Fron end loader op.; Hoist engineer (1 drum); Power plant engineer (100 KWH & over); Straddle carrier op.; Tractor op. (over D-2); Well point pump op.	8.10	.35	.25			
CLASS 10						
CONCRETE BATCH PLANT OPERATOR; Gunite op.; Tractor op (D-2 or similar size & front end loader operator up to ½ cu. yd.)	7.83	.35	.25			
CLASS 11						
AIR COMPRESSOR OPERATOR, Pump &/or Conveyor op.; Fireman, Temporary heat; Brakeman; Pick up sweeper (combustion engine operated); Truck crane oiler	7.55	.35	.25			
CLASS 12						
MECHANIC SPACE HEATER (Temporary heat); Oiler or greaser	7.10	.35	.25			

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MINN-7M-PEO-2-3 B 1 of 2

POWER EQUIPMENT OPERATORS: Site Preparation, excavation and incidential	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 1						
Helicopter Pilot	$11.60	.35	.25			
GROUP 2						
Crane with over 135' Boom, excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds. & over Mfg. rated capacity	8.31	.35	.25			
GROUP 3						
Cableway Op., Concrete Mixer, Stationary Plant over 34E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Type), Truck Crane Op., Tugboat Op. 100 HP & over	8.05	.35	.25			
GROUP 4						
Dual Tractor Op., Elevating Grader Op., Pumperete Op., Scraper Op., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer	7.93	.35	.25			
GROUP 5						
Air Track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavey Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter,						

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MINN-7M-PEO-2-3 2 of 2

POWER EQUIPMENT OPERATORS: (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP 5 (Cont'd) Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machine Op., (power driven) Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Op., Power Plant Engineer, Power Actuated Horizontal Boring Mach. over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power Take-Off, Trenching Machine Op., (sewer, water, gas) Turnapull Op., (or similar type) Well Point Installation, Dismantling or Repair Mechanic	7.03	.35	.25			
GROUP 6 Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Mach. Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Saw Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motor Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augers and Boring Mach. Op., Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H. P. with power take-off	7.15	.35	.25			
GROUP 7 Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser, Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power takr-off, Truck Crane Oiler	6.85	.35	.25			

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MINN-62-TD-1-2-3

Building, Site Preparation, Excavation and Incidential Paving

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS: GROUP I Truck driver (hauling machinery for employer's own use, including operator of hand & power operator winches) Truck drain; mechanic welder; tractor trailer, Off-Road truck drivers	$7.05	.35	.30			
GROUP II Tri-axle (including four axles)	6.75	.35	.30			
GROUP III Bituminous distributor driver, bituminous distributor (one man operation) Tandem axle trucks	6.65	.35	.30			
GROUP IV Bituminous distributor spray operator (rear end oiler) dumpman; greaser & truck serviceman; tank truck helper (gas, oil, road oil and water) teamster & stableman; tractor operator (wheel type used for any purpose) Pilot car driver; self propelled packer, Slurry operator; single axle trucks	6.45	.35	.30			
THE FOLLOWING CLASSIFICATIONS SHALL COME UNDER THE APPROPRIATE AXLE RATE WAGE GROUP: Dump truck driver; Dry batch hauler driver; Tank truck driver (gas, oil, road oil and water); Boom and "A" frame driver; Ready mix concrete truck driver; Slurry drivers						

SUPERSEDEAS DECISION

STATE: Mississippi
DECISION NUMBER: AQ-4,081
COUNTY: Harrison & Pearl River
DATE: Date of Publication
Supersedes Decision No. AP-159 dated February 16, 1973, in 38 FR 4638.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy, water and sewer construction.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers (Harrison County)	$7.70	.395	.75	c	.02	
Asbestos workers (Pearl River Co.)	6.65	.30				
Boilermakers	7.13	.40	.70		.01	
Bricklayers:						
Bricklayers	6.95		.15			
Stonemasons	6.95		.15			
Marble masons	6.95		.15			
Terrazzo workers	6.85		.15			
Tile setters	6.85		.15			
Plasterers	6.85		.15			
Blockmasons	6.95		.15			
Caulkers & pointers	6.95		.15			
Cement masons	6.33		.15			
Carpenters:						
Carpenters	6.65					
Millwrights	6.97					
Electricians:						
Electricians	7.55	.25	1%+.20		1/8of 1%	
Cable splicers	7.80	.25	1%+.20		1/8of 1%	
Elevator constructors:						
Elevator constructors	6.13	.345	.23	2%+a+b	.015	
Helpers	4.29	.345	.23	2%+a+b	.015	
Helpers (probationary)	50%JR					
Glaziers	5.00				.03	
Ironworkers:						
Structural, ornamental, reinforcing	7.13	.30	.30			
Laborers:						
Laborers	4.20	.10				
Vibrator - jackhammer, mortar mixer; pipelayers (sewer; power saw op)	4.35	.10				
Lathers	6.00		.10		.01	
Line Construction:						
Linemen	6.80	.25	20 + 1%		1/8 of 1%	
Cable splicers	7.05	.25	20 + 1%		1/8 of 1%	
Groundmen:						
1st 6 months	3.40	.25	20 + 1%		1/8 of 1%	
Thereafter	4.08	.25	20 + 1%		1/8 of 1%	
Painters - Commercial						
Brush & roller	5.30				.03	
Spray	6.55				.03	
Structural, steel under 30':						
Brush and roller	5.55				.03	
Spray	6.55				.03	

AQ-4,081 P. 2

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Piledrivermen	7.02	.28	.25			
Piledrivermen on creosote material	7.26	.28	.25			
Plumbers; Steamfitters	7.35	.18	.20		.01	
Roofers:						
Roofers	5.85					
Helpers	4.15					
Kettlemen	4.75					
Sheet metal workers	7.315	.25	.35	.25	.08	
Soft floor layers	6.30					
Sprinkler fitters	8.20	.40	.60		.07	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays; A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays: Labor Day; Mardi Gras Day; provided the employee works at least one day out of the 3 workdays prior to the paid holiday, and the first workday after the paid holiday.

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Miss. 2 PEO-1- J 1 of 2

BUILDING AND HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP A						
Engineer, operating under air pressure	$7.55	.25	.25			
GROUP B						
Mechanic	6.55	.25	.25			
GROUP C						
Air tugger (2 drum); asphalt plant; backhoe; blacksmith; boom tractor; bulldozer; central mixing plant; cherrypicker; clamshell; crane; derrick; derrick boat; derrick car; dragline; dredge; elevating grader; excavator (power belt); fork lift; hoist (2 drum); locomotive engineer; marine engineer (Chief); master pilot; mixermobile; motor patrol & similar type equipment; paver (21 c.f. or larger); piledriver; recharger; roaming greaser (1st); scoop (skimmer); Scraper; shovel; trenching machine (over 18" bucket line width); Tournapull; DW-10 & similar pulltype scrapers; traxcavator and similar endloaders; welder; welding machines or S/W pumps (2 to 6); well driller; well point pumps	6.35	.25	.25			
GROUP D						
Air tugger; asphalt spreader (bituminous distributor); asphalt spreader bituminous mixer); backfilling machine; conveyor; drill (earth); finishing machine; fireman; heating plant; hoist; marine engineer (assistant); mixer; payloader; and similar endloaders; pilot; power generating plant; pump (concrete); roller; scoopmobile; tractor (with power take-off); trenching machine(18" or smaller bucket line width); tugboat; well driller (1st helper); winch truck	5.80	.25	.25			

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Miss. 2 PEO-1-J 2 of 2

POWER EQUIPMENT OPERATORS (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP E						
Air compressor; form grader; locomotive hostler; mechanic helper; oiler (truck crane); pump; roughneck; tractor (without attachments); welding machine	$5.25	.25	.25			
GROUP F						
Batch scale; deckhand; motorboat (in or outboard); oiler; scowman	5.25	.25	.25			

Mississippi 1-TR-1-P

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
TRUCK DRIVERS:						
Up to but not including 1½ tons such as Station Wagons, Jeeps, Autos, Pick-up Trucks, Motor Cycles, Bicycles, Truck Spotters, Teamsters, Team Drivers	$5.04	.28	.25			
1½ tons and up to but not including 5 tons such as Dump Trucks, Flat Beds, Stake Bodies, Bus Drivers, Winch and "A" Frame Trucks	5.51	.28	.25			
5 tons or 6 yards and over, including heavy equipment such as pole trucks, miss, or corning wagons, dumpsters, semi-drivers, agitators, ross-carriers dempsey dumps, euclid trucks, fork-lift truck in warehouse and similar equipment such as tractors, 10 wheelers, jeeps, or dump trucks or pickup trucks pulling 2 or 4 wheel trailers hauling equipment	6.55	.28	.25			
Truck and Auto Mechanics	7.12	.28	.25			
Truck Drivers Helpers, Unloaders, Unloading and handling creosote or copportox Material	5.04	.28	.25			
Truck Drivers Helper	4.41	.28	.25			

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24-WS-Mississippi A

WATER & SEWER CONSTRUCTION:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Carpenters	$2.50					
Cement Masons	3.00					
Laborers:						
Unskilled	1.60					
Mason Tenders	1.85					
Piledrivermen	2.00					
Truck Drivers	1.60					
Power Equipment Operators:						
Asphalt Mulchers	1.80					
Air Compressors	1.75					
Bulldozers	2.50					
Cranes, Derricks & Draglines	2.50					
Mechanics	2.50					
Mixers-All Types	2.00					
Motor Patrols	2.50					
Loaders	2.125					
Oilers & Greasers	2.00					
Piledrivers	2.35					
Rollers-Self Propelled	2.00					
Scrapers	2.50					
Spreaders	2.25					
Tractors-Wheel Type	2.00					
Trucks-Crane	2.50					

SUPERSEDEAS DECISION

STATE: OHIO
COUNTY: PORTAGE
DECISION NUMBER: AQ-3118
DATE: Date of Publication
Supersedes Decision No. AP-679 dated May 25, 1973 in 38 FR 14033
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Asbestos workers	$9.235	.35	.80		.04	
Boilermakers	9.33	.50	.85		.01	
Bricklayers	9.39	.45	.20		.02	
Carpenters	9.49	.30	.30		.02	
Millwrights	9.70	.47	.60		.03	
Piledrivermen	9.70	.47	.60		.03	
Cement masons (building)	8.48	.40	.50		.02	
Cement masons (heavy & highway)	8.04	.44			.02	
Electricians - Townships of Charleston Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham	9.73	.35	5%		1/10of1%	
Electricians & Linemen (Remainder of County)	9.38	.37	1%+.50		2/10 of1%	
Elevator constructors	8.135	.17	.185	1%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	1%+a&b	.005	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers	9.73	.40	.65		.01	
Ironworkers:						
Ravena Ordance Depot						
Structural, Reinforcing & Ornamental	9.37	.35	.45		.05	
Remainder of County						
Structural, Reinforcing & Ornamental	8.47	.50	.80	1.00	.03	
Lathers	8.55	.30	.15		.01	
Lead burners	8.25	.30		c	.01	
Line Construction:						
Linemen - Townships of Charleston, Edinburg, Freedom, Hiram, Nelson, Palmyra, Paris & Windham	10.05	.25	1%			
Marble setters	8.30	.52	.25			
Marble setters' helpers	7.80	.52	.25			
Painters:						
South of East West Turnpike:						
Brush	7.89	.55	.20			
Structural steel	8.14	.55	.20			
Spray	8.39	.55	.20			
North of East West Turnpike:						
Brush	8.92	.48	.39		.03	
Structural steel	9.62	.48	.39		.03	
Ravena & Windham Townships:						
Brush	8.215	.35	.30			
Structural steel	8.42	.35	.30			
Spray	8.515	.35	.30			

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Plasterers	$8.35	.40	.50		.01	
Plumbers & steamfitters	9.45	.54	.50		.04	
Roofers	8.84	.40	.30		.02	
Roofers' helpers:						
1st year	60%JR	.40	.30		.02	
2nd year	70%JR	.40	.30		.02	
3rd year	80%JR	.40	.30		.02	
Sheet metal workers	8.80	.45	.45		.02	
Soft floor layers	8.90	.30	.49			
Sprinkler fitters	9.45	.40	.60		.07	
Stonemasons	9.39	.45	.20		.02	
Terrazzo workers	8.30	.52	.25			
Terrazzo workers' helpers	7.80	.52	.25			
Tile setters	8.30	.52	.25			
Tile setters' helpers	7.80	.52	.25			
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. six paid holidays, A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Nine paid holidays, A through F, plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

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OHIO - 21 * LAB M

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
BUILDING CONSTRUCTION						
Gunite nozzel man, tunnel miner, water line caulker, dynamite man, structural precast welder & layout	$8.24	.50				
Barco type tamper, pipe layer, rock driller, mucker - tunnel, burner, formsetter, power saw, jack hammer, bottom man, hod carrier, power buggy and power wheelbarrow	7.94	.50				
Air driven boring machine, tamper operator, asphalt raker, paving bed maker, concrete puddler on highway, building and heavy work, concrete batch dumper on highway work, material mixer, wire mesh handler, hook-up man on demolition work, scaffold erector, structural precast erector, power tools-air, gas or electric	7.89	.50				
Construction laborer, welder's helper, carpenter's helper, landscape laborer and mason tender	7.74	.50				

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Ohio - 13- PEO R 1 of 2

Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS:						
CLASS I						
A-Frames, air-compressor on steel erection, all rotary drills used on caisson for foundations and sub-structure work, boiler operator or compressor operator when compressor or boiler is mounted on crane (piggyback operation boom trucks (all types), cableways, cherry pickers, combination concrete mixer & tower, concrete pumps, cranes (all types), derricks (all types), draglines, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator (hoisting builders materials), helicopter winch oper., (hoisting builders materials), hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operators, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction site), tower derricks, trench machines (over 24" wide)	$9.23	.42	.80		.11	
CLASS II						
Asphalt paver, bulldozer, CMI type equipment, endloaders, kholman type loaders (dirt loading), mucking machines, power graders, power scoops, power scrapers	9.07	.42	.80		.11	
CLASS III						
Air compressor (pressurizing shafts or tunnels), all asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boiler (over 15 lbs., pressure), pump operator installing or operating well points or other type of dewatering system, pump (4" and over discharge), submersible pumps (4" & over discharge), trenchers (24" & under)	8.92	.42	.80		.11	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
POWER EQUIPMENT OPERATORS: (CONT'D)						
CLASS IV						
Compressors on building construction, conveyors (building material), gunite machines, mixers (cap., more than one bag), mixers (one bag cap., side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator	8.21	.42	.80		.11	
CLASS V						
Backfillers and tamper, batch plant, bar & joint installing machine, bull floats burlap & curing machines, clefplanters, concrete spreading machines, crushers, drum fireman (asphalt), farm type tractors (pulling attachment) finishing machines, form trenchers, high pressure pumps (over ½" discharge), hydro seeders, self propelled power spreader, self propelled sub-grader, tractor (pulling sheep foot roller or grader) tire repairman, vibratory compactors (with integral power)	7.88	.42	.80		.11	
CLASS VI						
Oiler, helper, signalman, light plant oper., power driven heaters (oil fired), power boilers (less than 15 lbs, pressure), submersible pumps (under 4" discharge), pumps (under 4" discharge)	7.22	.42	.80		.11	

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OHIO-8-TD F

Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Trucks under 1-1/2 tons	$4.705	.14				
Dump trucks (over 1-1/2 tons), water wagons, stake body trucks, fuel trucks	4.805	.14				
Semi-, ready-mix trucks, tandem drive trucks, semi-water wagons	4.855	.14				
Semi-pole double hook-up tractor trailers	5.15	.14				

OHIO 6-TD L

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
CLASS I						
4-wheel service trucks, 4-wheel dump trucks, Batch trucks, Oil distributors, asphalt distributors	$6.07	a$14.00	a$5.00			
CLASS II						
Tandem trucks	6.12	a 14.00	a 5.00			
CLASS III						
Tractor-trailer combinations, Semi-tractor trucks, pole trailers, readymix trucks, Fuel trucks	6.17	a 14.00	a 5.00			
CLASS IV						
All trucks five axle and over	6.27	a 14.00	a 5.00			
CLASS V						
Asphalt-oil spray bar man when operated from cab	6.37	a 14.00	a 5.00			
CLASS VI						
Euclid wagons, Euclid end-dumps, lowboys, heavy duty equipment over 12 cu. yds. capacity (irrespective of load carried) when used exclusively for transportation, Truck mechanics	6.54	a 14.00	a 5.00			

FOOTNOTES:

a. Per week per employee.

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Heavy and Highway Construction	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
GROUP 1						
Laborers (construction), plant laborers or yardmen, right-of-way laborer, landscape laborer, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector	$6.53	.50	.30		.02	
GROUP 2						
Asphalt raker, concrete puddler, kettle man (pipeline), all machine driven tools (gas, electric, air), mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power wheelbarrow	6.655	.50	.30		.02	
GROUP 3						
Form setter, bottom man, welder helper (pipeline), concrete saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, cleaning, repairing and reconditioning), tunnel laborer (without air) and caisson, cofferdam (below 25 feet deep), air track and wagon drill	6.73	.50	.30		.02	
GROUP 4						
Blaster and powder man, mucker, wrencher (mechanical joints and utility pipeline), yarner, top lander	6.88	.50	.30		.02	
GROUP 5						
Curb setter and cutter, miner without air, concrete crew in tunnels, utility pipeline tapper, gunnite nozzle man, waterline caulker	7.18	.50	.30		.02	

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POWER EQUIPMENT OPERATORS: (Heavy & Highway Construction)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
CLASS I						
Air compressor on steel erection, asphalt plant engineers, boiler, operator, compressor or generator when mounted on a rig, cableways, combination concrete mixer and tower, concrete plants (over 4 yd. capacity), concrete pumps, cranes (all types, including A frames, boom trucks, cherry pickers), derricks, draglines, dredge (dipper, clam or suction), elevating grader or euclid loader, floating equipment (all types), helicopter crew (operator-hoist or winch), hoes (all types), hoisting engines, hoisting engines on shaft or tunnel work, industrial-type tractor locomotives (stand- and gauge), maintenance operator Class A, mixer, paving (single or double drum) mucking machines, multiple scraper, pile driving machines (all types), power shovels, Quad 9 (Double pusher), refrigerating machine (freezer operation), rotary drill on caisson work, slip-form paver, tower derricks, tree shredder, trench machines over 24" wide), truck mounted concrete pumps, tug boat, tunnel machine, wheel excavator	$8.78	.42	.80		.11	
CLASS II						
Asphalt paver, automatic subgrader machine, self-propelled (CMI type), bulldozers, endloader, kolman loader (production type-dirt), lead grease man, maintenance operator Class B, power grader, power scoops and scrapers, push cat, trench machines (24" wide and under	8.68	.42	.80		.11	
CLASS III						
Air compressors on tunnel work (low pressure), asphalt plant engineer, locomotive (narrow gauge), mixers, concrete more than one bag capacity), mixers one bag capacity (side Loader), power boilers over 15 lb. pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers - asphalt, utility operator (small equipment), welding machines and generators	7.99	.42	.80		.11	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
POWER EQUIPMENT OPERATORS: (CONT'D)						
CLASS IV						
Back fillers, bar, joint and mesh installing machines, batch plant, bull floats, burlap and curing machines, compressors (portable, sewer, heavy and highway), concrete plant (capacity 4 yd. and under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill highway (with integral power), farm-type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenchers, hydros seeders, plant mixers, post driver, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grade, macadam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, tractor (pulling sheepfoot roller or grader), vibratory compactors (with integral power	$7.57	.42	.80		.11	
CLASS V						
Drum fireman (asphalt plant), helpers, inboard-outboard motor boat-launch, oil heaters (asphalt plant), oilers, power driven heaters, pumps (under 4" discharge), signalman, tire repairman	7.03	.42	.80		.11	

SUPERSEDEAS DECISION

STATE: Texas
DECISION NO.: AQ-84
COUNTY: Bexar
DATE: Date of Publication
Supersedes Decision No. AQ-27, dated September 21, 1973, in 38 FR 26592.
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
AIR CONDITIONING INSTALLERS	$3.50					
BRICKLAYERS	7.27	.30	.30		.05	
CARPENTERS	4.10					
CEMENT MASONS	7.02	.25				
DUCT INSTALLERS	3.45					
ELECTRICIANS:						
Single or multiple family dwellings or apartments up to and including 8 units not exceeding 2 stories	5.20	.25	1%		1/2%	
Over 8 units or over 2 stories	7.58	.25	1%		1/2%	
FORM SETTERS	3.29					
GLAZIERS	3.50					
INSULATION INSTALLERS	4.50					
IRONWORKERS	4.66					
LABORERS, UNSKILLED	2.34					
PAINTERS	3.675					
TAPE & FLOAT	4.00					
PLASTERERS	7.40				.01	
PLUMBERS & PIPEFITTERS	7.13	.25	.35		.10	
ROOFERS	3.10					
ROOFERS, SHINGLERS	3.50					
SHEETROCK INSTALLER	4.00					
SOFT FLOOR LAYERS	3.71					
TILE SETTERS	5.18					
TRUCK DRIVERS	2.25					
T.V. ANTENNA INSTALLERS	3.50					
POWER EQUIPMENT OPERATORS:						
Fork lifts	2.75					
Foundation drill operator (crawler mounted)	5.85					
Front end loader	2.58					
Tractor	3.75					

AQ-84 P. 2

16 - Texas - 3 (1 - 2)

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Air Tool Man	$2.00					
Asphalt Heaterman	2.75					
Asphalt Raker	2.80					
Batching Plant Scaleman	3.00					
Carpenter	3.30					
Carpenter Helper	2.25					
Concrete Finisher (Paving)	3.50					
Concrete Finisher Helper (Paving)	2.60					
Concrete Finisher (Structures)	3.00					
Concrete Finisher Helper (Structures)	2.60					
Concrete Rubber	2.10					
Electrician	5.35					
Fireman	2.85					
Form Builder (Structures)	3.50					
Form Builder Helper (Structures)	2.50					
Form Setter (Paving and Curb)	3.50					
Form Setter Helper (Paving and Curb)	3.00					
Form Setter (Structures)	3.00					
Form Setter Helper (Structures)	2.50					
Laborer, Common	2.00					
Laborer, Utility Man	2.25					
Manhole Builder, Brick	2.00					
Mechanic	3.15					
Mechanic Helper	2.75					
Oiler	2.50					
Serviceman	2.75					
Pipelayer	2.50					
Pipelayer Helper	2.30					
Powderman	3.00					
Powderman Helper	2.45					
Reinforcing Steel Setter (Structures)	2.90					
Reinforcing Steel Setter Helper	2.50					
Steel Worker (Structural)	3.95					
Spreader Box Man	2.85					
Swamper	2.75					
Power Equipment Operators:						
Asphalt Distributor	2.90					
Asphalt Paving Machine	3.10					
Bulldozer, 150 H.P. and Less	3.00					
Bulldozer, over 150 H.P.	3.25					

AQ-84 P. 3

16 - Texas - 3 (2 - 2)

INCIDENTAL PAVING & UTILITIES & SITE PREPARATION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Power Equipment Operators (Cont'd):						
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (less than 1½ CY)	$3.00					
Crane, Clamshell, Backhoe, Derrick, Dragline, Shovel (1½ CY and Over)	3.50					
Crusher or Screening Plant Operator	3.00					
Foundation Drill Operator (Truck Mounted)	4.90					
Front End Loader (2½ CY and Less)	2.75					
Front End Loader (Over 2½ CY)	3.25					
Motor Grader Operator, Fine Grade	3.75					
Motor Grader Operator	3.25					
Roller, Steel Wheel (Plant-Mix Pavements)	2.55					
Roller, Steel Wheel (Other-Flat Wheel or Tamping)	2.25					
Roller, Pneumatic (Self-Propelled)	2.25					
Scrapers (17 CY and Less)	3.00					
Scrapers (Over 17 CY)	3.25					
Tractor (Crawler Type) 150 H.P. and Less	2.40					
Tractor (Crawler Type) over 150 H.P.	2.50					
Tractor (Pneumatic) 80 H.P. and Less	2.30					
Tractor (Pneumatic) over 80 H.P.	2.50					
Traveling Mixer	2.50					
Wagon Drill, Boring Machine or Post Hole Driller Operator	3.00					
Truck Drivers:						
Single Axle, Light	2.00					
Single Axle, Heavy	2.50					
Tandem Axle or Semitrailer	2.25					
Lowboy-Float	2.75					
Welder	4.00					
Welder Helper	2.85					

SUPERSEDEAS DECISION

STATE: WISCONSIN COUNTY: BROWN
DECISION NUMBER: AQ-3106 DATE: Date of Publication
Supersedes Decision No. AP-53 dated December 1, 1972 37 FR 25643
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.85	.35	.20	.55+f	.06	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	7.00	.30	.20	.35		
Carpenters	7.33	.25	.25		.02	
Cement masons	6.43	.30	.20	.35		
Electricians	8.15	.28	.1%	3%	½ Of 1%	
Elevator constructors	6.40	.17	.185	2%+a&b	.005	
Elevator constructors' helpers	70%JR	.17	.185	2%+a&b	.005	
Elevator constructors' helpers (prob)	50%JR					
Ironworkers:						
Structural, ornamental & reinforcing	8.41	.50	.60	.50	.11	
Lathers:	7.00	.50		.25+a	.01	
Lead burners	8.75	.30		e	.01	
Marble setters	6.80	.30	.15	.30		
Millwrights	7.58	.25	.25		.02	
Painters:						
Brush	6.35	.30				
Structural	6.73	.30				
Spray	6.73	.30				
Swing stage	6.73	.30				
Piledrivermen	7.58	.25	.25		.02	
Plasterers	7.00	.30	.20	.35		
Plumbers	7.75	.40	.60	.30	.03	
Roofers, composition	6.75			.25		
Sheet metal workers	7.08	.40	.20	h.60		
Soft floor layers	7.33	.25	.25		.02	
Steamfitters	7.75	.40	.60	.30	.03	
Stonemasons	7.00	.25	.15	.30		
Terrazzo workers	7.00	.25	.15	.30		
Tile setters	7.00	.25	.15	.30		
Truck Drivers:						
Regular	5.27	d	c			
Tandem & Semi	5.35	d	c			
Welders - receive rate prescribed for craft performing operation to which welding in incidental.						

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5 - Wisconsin 2 of 2

PAID HOLIDAYS:
A- New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays, A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Employer contributes $10.00 per week.

d. Employer contributes $27.71 per month.

e. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

f. .05 holiday pay.

g. Includes .15 holiday pay.

h. Includes .20 holiday pay.

AQ-3106 P.3

Wis. - 15 - Lab 0

Building Construction	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Class I						
Construction laborers, form stripper, form oiler, form cleaner, dump men, pit men, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pump and nozzle man, bituminous worker.	$5.95	.25	.15			
Class II						
Plasterer tender, hod carrier, dry cement handler, kettleman, vibrator operator, stacking line; tile setter helper, core drill operator	6.00	.25	.15			
Class III						
Jackhammer operator, driller, gunite man, burner on wrecking, air operated concrete breaker, sheeting driver, power tamper, fork lift operator, jarping jack, terrazzo grinder, mortar and plaster mixer, creosote worker, bob cat operator, sand blaster, welder, mud jack operator, precast erector bituminous raker and lutesman.	6.15	.25	.15			

AQ-3106 P. 4

Wisc. 5-Lab - 2- 3 I

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
Group A					
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler, loader, utility man	$6.28	.25	.15		.02
Group B					
Formsetter (curb, walk & pavement); tree trimmer	6.33	.25	.15		.02
Group C					
Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; jar tool opr. (hand operated)	6.38	.25	.15		.02
Group D					
Demolition burning torch laborer; Bituminous worker: raker, lutesman; Chain saw operators	6.43	.25	.15		.02
Group E					
Powderman, blaster	6.48	.25	.15		.02
Group F					
Pipelayer crew (sewer, water);					
Pipelayer	6.73	.25	.15		.02
Bottom man	6.53	.25	.15		.02
Topman	6.38	.25	.15		.02

Wis. 1 PEO B 1 of 2

BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.) Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25') tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

Wis. 1. PEO 2 of 2

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) crane; derrick; dragline; dredge; Piledriver; power shovel, material hoist: mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: caisson rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatman, bump cutter & grooving machine; shoulder widener: winches & A-Frame; tube finisher	38 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver); shouldering machine; self-propelled chip spreader	8.12	45	.50		.05
Group IV					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, bolting machine, burlap machine, jeep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Environmental burner	7.96	.45	.50		.05

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

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Wisc. 5 - TD L

HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Two axle trucks	$6.50	a	b	.35+c		
Three or more axles	6.65	a	b	.35+c		
Euclids or dumpter type hauling units	6.65	a	b	.35+c		
Mechanic truck	6.65	a	b	.35+c		
Mechanic's helpers, truck	6.50	a	b	.35+c		

Footnotes:

a. $62.84 per month for employee who has been on payroll 30 days or longer.

b. $12.00 per week

c. Includes .10 employer contribution to holiday fund.

WIS. 9-LAB-S-T-W b

SEWER, TUNNEL AND WATER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborer, Wellpoint installation, wore mesh and reinforcement	$6.00	.30	.15		.02	
Machine and equipment operator, Sheeting, Formsetting, Patch-finisher Bottomman, Jointsawer, Gunnite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Torchman, Blaster, Calker, Bracer	6.20	.30	.15		.02	
Pipelayer Laser Operator	6.45	.30	.15		.02	
TUNNEL WORK						
All tunnel work add fifteen (.15) cents to each classification.						

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: Dane
DECISION NUMBER: AQ-3107 DATE: Date of Publication
Supersedes Decisions AP-54 dated December 1, 1972 in 37 FR 25647 and AP-65 dated December 1, 1972 in 37 FR 25606.
DESCRIPTION OF WORK: Building (including residential), Heavy and Highway Construction

13 - Wisconsin Z 1 Of 2

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others/
Asbestos workers	$8.37	.35	.60	.60		
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	8.00	.25	.40			
Carpenters	7.65	.25	.15			
Cement masons	7.85	.25	.30			
Electricians:						
Electricians	8.46	.34	1%	7%	.5%	
Cable splicers	9.11	.34	1%	7%	.5%	
Elevator constructors	7.905	.345	.23	2%+b&d	.015	
Elevator constructors' helpers	5.53	.345	.23	2%+b&d	.015	
Elevator constructors' helpers (prob)	3.95					
Glaziers	7.30	.40	.20	.40	.01	
Ironworkers, structural	8.47	.40	.25		.03	
Ironworkers, ornamental	8.47	.40	.25		.03	
Ironworkers, reinforcing	8.47	.40	.25		.03	
Lathers	7.40	.30	.20	.50	.01	
Leadburners	8.75	.30		c	.01	
Line construction:						
Lineman	6.94	.25	1%	7%	.5%	
Digger, crane & tractor operator winch truck or truck tractor	5.79	.25	1%	7%	.5%	
line trucks w/o winch	4.80	.25	1%	7%	.5%	
Experienced groundman	4.59	.25	1%	7%	.5%	
Marble setter	4.38	.25	.20	.25		
Millwrights	7.35	.25	.15	.25		
Painters:	7.90					
Brush	7.24	.40	.30	.20	.01	
Spray	7.99	.40	.30	.20	.01	
Structural steel (brush)	7.39	.40	.30	.20	.01	
Swing stage	7.99	.40	.30	.20	.01	
Sandblaster	7.24	.40	.30	.20	.01	
Piledriverman	7.90	.25	.15	.25		
Plasterers	7.95	.25	.30			
Plumbers	7.92	.30	.40	.35	.3%	
Roofers	7.75		.40			
Sheet metal workers	8.30	.40	.15			
Soft floor layers	7.45	.25	.15			
Sprinkler fitters	8.00	.25	.40			
Steamfitters	7.92	.30	.55	.65	.3%	
Stone masons	8.00	.25	.40			
Terrazzo workers	7.65	.25	.15	.25		
Tile setters	7.40	.25	.15	.25		
Truck drivers	4.26	A	c	f		
Welders - receive rate prescribed for craft performing operation to which welding is						

13 - Wisconsin 2 of 2

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 $27.71 per month.

b. Holidays: A through F.

c. Employer contributes $8.00 per week.

d. 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.

e. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

f. After 1 year's employment, 1 week paid vacation; after 3 years, but less than 10 years, 2 weeks paid vacation; over 10 years, but less than 20 years, 3 weeks paid vacation, 20 years or more 4 weeks paid vacation.

Wisconsin 14 - Lab

BUILDING, SEWER, WATER, EXCAVATING AND INCIDENTAL PAVING	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OT
Laborers, Building:						
Pneumatic tool op., air hammer, jackhammer, concrete buster, sheeting driver, air spade	$7.15	.30	.15			
Vibrator, air tamper & mortar mixer	7.05	.30	.15			
General laborer, concrete work, form strippers, mason tenders, building wreckers	6.90	.30	.15			
Sewer and Watermain Construction:						
Pipe layer	7.15	.30	.15		.02	
Caulker	6.90	.30	.15		.02	
Bottoman, bracer & manhole builder (cement)	6.90	.30	.15		.02	
General laborer	6.70	.30	.15		.02	
Plasterers' Laborers:						
Master mixer	7.30	.30	.15			
Hod carrier	7.05	.30	.15			

Wisc. 5 - TD L

HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Two axle trucks	$6.50	a	b	.35+c		
Three or more axles	6.65	a	b	.35+c		
Euclids or dumpter type hauling units	6.65	a	b	.35+c		
Mechanic truck	6.65	a	b	.35+c		
Mechanic's helpers, truck	6.50	a	b	.35+c		

Footnotes:

a. $62.84 per month for employee who has been on payroll 30 days or longer.

b. $12.00 per week

c. Includes .10 employer contribution to holiday fund.

Wis. 1 PEO B 1 of 2

BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.) Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25') tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

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Wis. 1. PEO 2 of 2

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

AQ-3107 P.6

Wis 2 - Lab -2 P

HEAVY & HIGHWAY CONST. LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Othe
Group A						
Laborer; Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (con. paving); Strike off man; Demolition and Wrecking laborer; Bituminous worker Dumper, ironer, smoother, tamper, shoveler, loader, utility-man	$6.61	.30	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	6.66	.30	.15		.02	
Group C						
Biv. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; air tool opr. (hand operated)	6.71	.30	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, luteman; Cabin saw operators	6.76	.30	.15		.02	
Group E						
Powderman, blaster	6.81	.30	.15		.02	
Group F						
Pipelayer crew (sewer, water):						
Pipelayer	7.06	.30	.15		.02	
Bottom man	6.86	.30	.15		.02	
Topman	6.71	.30	.15		.02	

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HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Crane; derrick, dragline; dredge; Piledriver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: caisson rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatmen, bump cutter & grooving machine; shoulder widener; winches & A-Frame; tube finisher	$8 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver); shouldering machine; self-propelled chip spreader	8.12	45	.50		.05
Group IV					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, belting machine, burlap machine, jeep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Enviromental burner	7.96	.45	.50		.05

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POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

SUPERSEDEAS DECISION

STATE: WISCONSIN
COUNTY: EAU CLAIRE
DECISION NUMBER: AQ-3108
DATE: Date of Publication
Supersedes Decision No. AP-55 dated December 1, 1972 in 37 FR 25650
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.67	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	7.15	.25	.20	.50	.03	
Carpenters	7.57	.25	.25		.03	
Cement masons	7.60			.50		
Electricians:						
Electricians, wiremen	8.60	3%	1%		¼ of 1%	
Elevator constructors	8.35	.395	.26	2% + a&b		
Elevator constructors' helpers	5.843	.395	.26	2% + a&b		
Elevator constructors' helpers (prob)	50%JR					
Ironworkers, structural	8.10	.50	.50		.02	
Ironworkers, ornamental	8.10	.50	.50		.02	
Ironworkers, reinforcing	8.10	.50	.50		.02	
Laborers:						
Laborers, common	5.70	.25	.15			
Mason tender	5.70	.25	.15			
Mortar mixer & plaster laborer, air, gas, electric equipment, & vibrator operator, kettlemen dumpman & pitman, burner on wrecking, scaffold builder & washing walls on swinging scaffold	5.85	.25	.15			
Gunnite man & nozzle man, puddlers (when concrete pumps & when working behind paving machine), cement dumper, scaffold builder, kettlemen, burner on wrecker, dumpman & pitman	5.85	.25	.15			
Jackhammer	5.95	.25	.15			
Lathers	7.50					
Line Construction:						
Linemen	6.94	.25	1%	7%	.5%	
Cable splicer	7.58	.25	1%	7%	.5%	
Groundmen - Hvy. Truckdriver	4.80	.25	1%	7%	.5%	
Groundmen - Light Truckdriver	4.59	.25	1%	7%	.5%	
Equipment operator	5.77	.25	1%	7%	.5%	
Groundmen - 1st 6 months	3.79	.25	1%	7%	.5%	
Groundmen - thereafter	4.38	.25	1%	7%	.5%	
Lead burners	8.75	.30		c	.01	
Millwrights	7.97	.25	.25		.03	
Painters:						
Brush	6.35			5%		
Structural steel & iron painting	6.60			5%		
Swing stage	6.60			5%		
Spray	6.85			5%		
Sandblaster	6.85			5%		

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Pile driverman	7.97	.25	.25		.03	
Plasterers	7.50					
Plumbers	7.50	.45	.35	.65		
Roofers:						
Composition	7.20			3%+10		
Kettlemen	6.95			3%+10		
Sheet metal workers	8.06	.32	.25		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitter	7.50	.45	.35	.65		
Stonemasons	7.15	.25	.20	.50	.03	
Terrazzo workers	6.02	.20		.50		
Tile setters	6.02	.20		.50		
Truck Drivers:						
Two axles	4.05	d	e	.20		
Three or more axles	4.20	d	e	.20		

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 regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

b. Holidays: A through F.

c. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

d. $36.83 per month for each employee.

e. $4.00 per week for each employee.

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BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.) Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25') tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

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POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

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WIS. 9-LAB-S-T-W b

SEWER, TUNNEL AND WATER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborer, Wellpoint installation, wore mesh and reinforcement	$6.00	.30	.15		.02	
Machine and equipment operator, Sheeting, Formsetting, Patch-finisher Bottomman, Jointsawer, Gunnite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Torchman, Blaster, Calker, Bracer	6.20	.30	.15		.02	
Pipelayer Laser Operator	6.45	.30	.15		.02	
TUNNEL WORK						
All tunnel work add fifteen (.15) cents to each classification.						

Winc. 5 - TD L

HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Two axle trucks	$6.50	a	b	.35+c		
Three or more axles	6.65	a	b	.35+c		
Euclids or dumper type hauling units	6.65	a	b	.35+c		
Mechanic truck	6.65	a	b	.35+c		
Mechanic's helpers, truck	6.50	a	b	.35+c		

Footnotes:

a. $62.84 per month for employee who has been on payroll 30 days or longer.

b. $12.00 per week

c. Includes .10 employer contribution to holiday fund.

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Winc. 5-Lab - 2- 3 I

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
LABORERS						
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler, loader, utility man	$6.28	.25	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	6.33	.25	.15		.02	
Group C						
Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; jar tool opr. (hand operated)	6.38	.25	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, luteman; Chain saw operators	6.43	.25	.15		.02	
Group E						
Powderman, blaster	6.48	.25	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.73	.25	.15		.02	
Bottom man	6.53	.25	.15		.02	
Topman	6.38	.25	.15		.02	

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HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Crane; derrick, dragline: dredge; Piledriver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: caisson rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatmen, bump cutter & grooving machine; shoulder widener; winches & A-Frame; tube finisher	$8 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver); shouldering machine; self-propelled chip spreader	8.12	45	.50		.05
Group IV:					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, belting machine, burlap machine, jeep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Enviromental burner	7.96	.45	.50		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS CONTD:					
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

SUPERSEDEAS DECISION

STATE: WISCONSIN COUNTY: JUNEAU

DECISION NUMBER: AQ-3109 DATE: Date of Publication

Supersedes Decision No. AP-56 dated December 1, 1972 in 37 FR 25654

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos Workers	$8.37	.45	.60	.50	.03	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers & Stonemasons	7.00	.35	.15			
Carpenters:						
So. of Hwy. #21 & E. of County Trunk # 80						
Carpenters	7.65	.25	.15	.25		
Millwrights	7.90	.25	.15	.25		
Piledrivermen	7.90	.25	.15	.25		
Soft floor layers	7.65	.25	.15	.25		
Camp Douglas, Hustor, Elroy &vic.:						
Carpenters	7.30	.25	.15			
Millwrights	7.65	.25	.15			
Piledrivermen	7.65	.25	.15			
Soft floor layers	5.90			g		
N.E. section of Co. above Camp Douglas						
Carpenters	6.72	.25	.40	.18		
Piledrivermen	7.22	.25	.40	.18		
Millwrights	7.32	.25	.40	.18		
Cement masons	7.85	.25	.30			
Electricians	8.52	.31	1%			
Elevator constructors (Western ½ of Co.)	8.35	.395	.26	2%+a&b		
Elevator constructors' helpers (Western ½)	5.845	.395	.26	2%+a&b		
Elevator constructors' helpers)prob)	50%JR					
Elevator constructors (Eastern ½ of Co.)	7.905	.345	.23	2%+a&b	.015	
Elevator constructors' helpers	5.53	.345	.23	2%+a&b	.015	
Elevator constructors' helpers (prob)	3.95					
Glaziers	7.30	.40	.20	.40	.01	
Ironworkers, structural, ornamental & reinforcing	8.47	.40	.25		.03	
Lathers (Extreme No. part of County)	6.08			.50		
Lathers (Balance of County)	7.40	.30	.20	.50	.02	
Leadburners	8.75	.30		c	.01	
Marble setters	7.00	.35	.15			
Painters (South western part of Co.):						
Brush	6.18		.25			
Structural steel	6.45		.25			
Swing stage, bos'n chair	6.50		.25			
Spray	6.87		.25			
Painters (Remainder od County):						
Brush	7.24	.40	.30	.20	.01	
Structural steel	7.39	.40	.30	.20	.01	
Spray	7.99	.40	.30	.20	.01	

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Plasterers	$7.00					
Plumbers & Steamfitters	7.90	.35				
Roofers	6.13			5%		
Sheet metal workers	6.73	.20	.20			
Soft floor layers (Area No. of Camp Douglas)	5.75	.15	.10			
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	7.00	.35	.15			
Tile setters	7.00	.35	.15			
Truck drivers (Southern ½ of Co.):						
Building	5.27					
Dump truck drivers on excavating and grading	4.62					
Truck drivers (Northern ½ of Co.):						
General	3.63	e$26.50	f$4.00	b & d		
Ready-mix & dump	3.72	e$26.50	f$4.00	b & d		
Semi	3.82	e$26.50	f$4.00	b & d		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% 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 2 years.

b. Holidays: A through F.

c. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

d. Employee with 1 year's service - 1 week paid vacation; 3 year's service - 2 weeks paid vacation; 10 year's service - 3 weeks & 20 year's or more service - 4 weeks.

e. Per month for each employee.

f. Per week for each employee.

g. Holidays: A through F, providing employee works one year, and the day before and after the holiday. With one year of service employee also receives a one-week paid vacation.

AQ-3109 P. 3

WIS 16 LAB K

LABORERS (BUILDING CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I					
Building laborers, caisson top men helpers, cement & concrete workers, hand handling of pre-cast concrete decking products, wire, ironworkers & blacksmith laborers, wreckers & house movers, form oiler, form cleaner, concrete, dump men, pit men, signal men, scaffold builder, clean-up work, railroad work, material conveyor, roofers hoist, powered sweeper, power buggie operation for concrete, tile & terrazzo laborer, form stripper	$5.50	.30	.15		
GROUP II					
Drill, jackhammer & all types vibrators, hand carrier hod, handling hot tar & asphalt, kettlemen, mortar & plaster mixer, fork lift operator (masonery work), plaster & concrete pump, roofers, welder & torch work, nozzlr man, gunnite man, creosote worker, sandblaster, concrete planer, concrete saw, mudjack, side grinders, wire brushers, roto hammers, air dpades & other similar pieces of equipment (gas, electric or air)	5.65	.30	.15		
GROUP III					
Swinging scaffold & chimney work up to 40' above solid-base structure	5.75	.30	.15		
GROUP IV					
Drill operators (tunnel and caisson), tunnel and sewer miners	6.05	.30	.15		
GROUP V					
Flagmen, watchmen & waterboys	5.17	.30	.15		

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Wis. 1 PEO B 1 of 2

BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.) Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25') tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

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Wis. 1. PEO 2 of 2

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

AQ-3109 P. 6

Wisc. 5-Lab - 2- 3 J

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler, loader, utility man	$6.43	.30	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	6.48	.30	.15		.02	
Group C						
Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; jar tool opr. (hand operated)	6.53	.30	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, luteman; Chain saw operators	6.58	.30	.15		.02	
Group E						
Powderman, blaster	6.63	.30	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.88	.30	.15		.02	
Bottom man	6.68	.30	.15		.02	
Topman	6.53	.30	.15		.02	

AQ-3109 P. 7

SEWER, WATER, EXCAVATION AND INCIDENTAL PAVING

WISC & 30- LAB b

LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborer, Wellpoint Installation, Wire mesh and reinforcement, Concrete worker, Form stripper, Strike-off Worker,	$5.65	.30	.15		.02	
Machine and equipment operator, Sheating, Formsetting, Patch finisher, Bottomman, Jointsawer, Gunnite Man, Manhole Builder, Welder, Torchman, Blaster, Caulker, Bracer, Bull Float, Conduit Worker, All power driven tools, Mucker, Car Pusher, Raker, and Luteman,	5.85	.30	.15		.02	
Pipe Layer, Miner, Laser Operator	6.10	.30	.15		.02	

Wisc. 5 - TD L

HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Two axle trucks	$6.50	a	b	.35+c		
Three or more axles	6.65	a	b	.35+c		
Euclids or dumpter type hauling units	6.65	a	b	.35+c		
Mechanic truck	6.65	a	b	.35+c		
Mechanic's helpers, truck	6.50	a	b	.35+c		

Footnotes:

a. $62.84 per month for employee who has been on payroll 30 days or longer.

b. $12.00 per week

c. Includes .10 employer contribution to holiday fund.

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SES

Wis. - 4 -PEO -3 M 1 of 2

HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Crane; derrick, dragline; dredge; Piledriver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: caisson rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatmen, bump cutter & grooving machine; shoulder widener; winches & A-Frame; tube finisher	$8 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver); shouldering machine; self-propelled chip spreader	8.12	45	.50		.05
Group IV					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, belting machine, burlap machine, deep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Enviromental burner	7.96	.45	.50		05

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POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.-Tr.
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car loaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

SUPERSEDEAS DECISION

STATE: WISCONSIN COUNTY: KENOSHA
DECISION NUMBER: AQ-3110 DATE: Date of Publication
Supersedes Decision No. AP-57 dated December 1, 1972 in 37 FR 25658
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others/
Asbestos workers	$8.37	.45	.60	.50	.03	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers:						
Bricklayers	7.67	.40	.25	.40	-	
Stonemasons	7.67	.40	.25	.40		
Carpenters	7.72	.40	.50		.03	
Cement masons (building)	7.32	.40				
Cement masons (heavy and highway)	6.65	.25				
Electricians	8.95	.34	1%	.25	.75%	
Elevator constructors	8.06	.345	.23	2%+a&c	.015	
Elevator constructors' helpers	5.64	.345	.23	2%+a&c	.015	
Elevator constructors' helpers (prob.)	4.03					
Ironworkers, structural & ornamental	8.41	.50	.60	.50	.11	
Ironworkers, reinforcing	8.41	.50	.60	.50	.11	
Millwrights	7.92	.40	.50		.03	
Lathers	7.55		.35		.01	
Lead burners	8.75	.30		e	.01	
Painters, bruch & roller	6.685	.40	.20			
Painters, structural steel	6.835	.40	.20			
Painters, spray	7.435	.40	.20			
Painters, swing stage	6.885	.40	.20			
Piledrivermen	7.77	.40	.50		.03	
Plasterers	7.90	.40				
Plumbers:						
Plumbers	8.42	.50	.40	g		
Steamfitters	8.42	.50	.40	g		
Roofers	7.50	.40	.15			
Sheet metal workers	7.55	.40	.15	b. 28		
Sprinkler fitters	8.00	.25	.40		.05	
Soft floor layers--resilient floor layer	7.72	.40	.50		.03	
Terrazzo workers	7.87	.65	.60	.47		
Tile setters	6.50	.40	.25	.40		
Truck drivers:						
Two axle	3.75	f	d	a		
Semi trailers & three axles	3.86	f	d	a		
Euclid or dumpsters	4.21	f	d	a		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.						

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays, A through F.

b. Includes .14 holiday pay.

c. Employer contributes 4% of regular hourly to Vacation Pay Credit for employee who has worked in business mor than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business lwss than 5 years.

d. $8.00 per week.

e. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

f. $7.30 per week.

g. Holidays: A through F plus Christmas Eve, the day after Thankgiving and Good Friday.

h. Additional payment of 4 hours per month plus .03 per hour weekly for employee who has worked less than 5 years - 6-2/3 hours per month for employee who has worked 5 years or more.

WIS. 20 - LAB-1 H

BUILDING CONSTRUCTION LABORERS	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers, Mason tenders	$6.00	.40	.25		.02	
Plaster tender	6.15	.40	.25		.02	
Air, electric & gas tool operator	6.30	.40	.25		.02	
Jack hammer, fork lift, buggies	6.60	.40	.25		.02	

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Wisconsin 11-LAB S & T R

SEWER CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Laborers (Tunnel & open cut main sewer):						
Laborer (top and general)	$6.55	.40	.25	.40		
Blasters	7.25	.40	.25	.40		
Sewer masons	7.25	.40	.25	.40		
Mason tenders	6.60	.40	.25	.40		
Miners, bracemen, concrete form setters, shovelers, timber man, rock driller, pipelayer, yarner, joint cement man, jackhammer, concrete buster and air spade operator	6.90	.40	.25	.40		
Mucker, car pusher & form stripper and all Bottoms	6.90	.40	.25	.40		

Wisc. LC Area II b 1 of 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Lineman	$6.94	.25	1%		.5%	
Cable splicer	7.58	.25	1%		.5%	
Groundman equipment operator (digging machine, tractor oper. & "H" frame setting rigs)	5.77	.25	1%		.5%	
Groundman - Truck Driver (truck with boom or digger or tractor)	4.80	.25	1%		.5%	
Groundman - Truck Driver	4.59	.25	1%		.5%	
Groundman:						
Experienced	4.38	.25	1%		.5%	
1st 6 mos.	3.79	.25	1%		.5%	

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Wis. 1 PEO B 1 of 2

BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p. Forklift (25' and over), motor patrol, scraper operator, sidoboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25') tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

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Wis. 1. PEO 2 of 2

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.-Tr.
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

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Wisc. 24-Lab -2-3- L

LABORERS HEAVY & HIGHWAY CONST.	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group A						
Laborer, Misc., unskilled; Tree trimmer; Stone handler; Reinforcing steel setter (pavement); Guard rail builder; Demolition and wrecking laborer; Bituminous worker; Shoveler loader utility man	$6.86	.40	.40	.25	.02	
Group B						
Puddler (concrete paving); Batch truck dumper or cement handler; Bituminous worker; Dumper, ironer, smoother, tamper	6.96	.40	.40	.25	.02	
Group C						
Vibrator or tamper operator, Mech. (hand operated); joint sawer or filler (pavement); Demolition burning torch laborer; Chain saw operator	7.01	.40	.40	.25	.02	
Group D						
Air tool operator (hand operated)	7.06	.40	.40	.25	.02	
Group E						
Strike off man; formsetter (curb, walk and pavement)	7.11	.40	.40	.25	.02	
Group F						
Bituminous worker; Raker luteman	7.16	.40	.40	.25	.02	
Group G						
Powderman, blaster	7.51	.40	.40	.25	.02	

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Wis. - 4 -PEO -3 M 1 of 2

HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Crane; derrick, dragline; dredge; Pilodriver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: caisson rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatmen, bump cutter & grooving machine; shoulder widener; winches & A-Frame; tube finisher	$8 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver); shouldering machine; self-propelled chip spreader	8.12	45	.50		.05
Group IV					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint saver (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, belting machine, burlap machine, deep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Environmental burner	7.96	.45	.50		05

AQ-3110 P. 8

Wis - 4 -PEO -3 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS CONTD:					
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car loaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

Wis. 7 - TD 0

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth
Truck Drivers						
Two axle trucks	$6.59	a	b	.35+c		
Three or more axle trucks	6.74	a	b	.35+c		
Euclids or dumpter type hauling units	6.74	a	b	.35+c		
Mechanics	6.74	a	b	.35+c		
Mechanic's helpers	6.59	a	b	.35+c		

Footnotes:

a. $62.84 per month for employee who has been on payroll 30 days or longer.

b. $12.00 per week.

c. Includes $.10 contribution to Holiday fund.

SUPERSEDEAS DECISION

STATE: Wisconsin COUNTY: La Crosse
DECISION NUMBER: AQ-3111 DATE: Date of Publication
Supersedes Decisions AP-58 dated December 1, 1972 in 37 FR 25662 and AP-66 dated December 1, 1972 in 37 FR 25609.
DESCRIPTION OF WORK: Building (including residential), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others/
Asbestos workers (23 mi. radius around City of La Crosse)	$6.85	.45	.60	.50	.03	
Asbestos workers (remainder of County)	8.37	.45	.60	.50	.03	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers:						
Bricklayers	7.40	.35	.15			
Stone masons	7.40	.35	.15			
Carpenters:						
Carpenters	7.30	.25	.15			
Millwrights	7.65	.25	.15			
Piledrivermen	7.65	.25	.15			
Cement masons	6.98	.25	.20			
Electricians	8.52	.31	1%			
Elevator constructors:						
Elevators constructors	8.35	.395	.26	2%+b&c		
Elevator constructors' helpers	5.845	.395	.26	2%+b&c		
Elevator constructors (prob.)	50%JR					
Glaziers	7.30	.40	.20	.40	.01	
Ironworkers (all but N.W. corner of Co.):						
Structural, ornamental & reinforcing	8.47	.40	.25		.03	
Lathers	6.85		.15		.01	
Lead burners	8.75	.30		c	.01	
Marble setters	6.15	.35	.15			
Painters:						
Brush	6.18		.25			
Structural steel	6.45		.25			
Swing stage	6.50		.25			
Spray	6.37		.25			
Sandblasting	6.87		.25			
Plasterers	7.00					
Swing scaffold	7.25					
Plumbers:						
Plumbers	7.90	.35	.45			
Steamfitters	7.90	.35	.45			
Roofers:						
Roofers	6.13		5%			
Sheet metal workers	7.53	.20	.20			
Soft floor layers	5.90					
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	6.19	.35	.15			
Tile setters	6.15	.35	.15			
Truck drivers:						
Building	5.27					
Dump truck drivers on excav. & grading	4.62					

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Welders-receive rate presceived for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years, and 2% of rate for employee who has worked less than 5 years.

c. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

d. Holidays: A through F, providing employee works one year, and the day before and after the holiday. With one year of service employee also receives a one-week paid vacation.

AQ-3111 P. 3

WIS 16, LAB K

LABORERS (BUILDING CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I					
Building laborers, caisson top men-helpers, cement & concrete workers, hand handling of pre-cast concrete decking products, wire, ironworkers & blacksmith laborers, wreckers & house movers, form oiler, form cleaner, concrete, dump men, pit men, signal men, scaffold builder, clean-up work, railroad work, material conveyor, roofers hoist, powered sweeper, power buggie operation for concrete, tile & terrazzo laborer, form stripper	$5.50	.30	.15		
GROUP II					
Drill, jackhammer & all types vibrators, hand carrier hod, handling hot tar & asphalt, kettlemen, mortar & plaster mixer, fork lift operator (masonery work), plaster & concrete pump, roofers, welder & torch work, nozzlr man, gunnite man, creosote worker, sandblaster, concrete planer, concrete saw, mudjack, side grinders, wire brushers, roto hammers, air dpaden & other similar pieces of equipment (gas, electric or air)	5.65	.30	.15		
GROUP III					
Swinging scaffold & chimney work up to 40' above solid-base structure	5.75	.30	.15		
GROUP IV					
Drill operators (tunnel and caisson), tunnel and sewer miners	6.05	.30	.15		
GROUP V					
Flagmen, watchmen & waterboys	5.17	.30	.15		

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Wis. 1 PEO B 1 of 2

BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.) Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25') tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

AQ-3111 P. 5

Wis. 1. PEO 2 of 2

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.-Tr.
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

AQ-3111 P. 6

Wisc. 5-Lab - 2- 3 J

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler, loader, utility man	$6.43	.30	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	6.48	.30	.15		.02	
Group C						
Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; jar tool opr. (hand operated)	6.53	.30	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker; raker, lutemen; Chain saw operators	6.58	.30	.15		.02	
Group E						
Powderman, blaster	6.63	.30	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.88	.30	.15		.02	
Bottom man	6.68	.30	.15		.02	
Topman	6.53	.30	.15		.02	

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Wisc. 5 - TD L

HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Two axle trucks	$6.50	a	b	.35+c		
Three or more axles	6.65	a	b	.35+c		
Euclids or dumpter type hauling units	6.65	a	b	.35+c		
Mechanic truck	6.65	a	b	.35+c		
Mechanic's helpers, truck	6.50	a	b	.35+c		

Footnotes:

a. $62.84 per month for employee who has been on payroll 30 days or longer.

b. $12.00 per week

c. Includes .10 employer contribution to holiday fund.

WISC # 30- LAB b

SEWER, WATER, EXCAVATION AND INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborer, Wellpoint Installation, Wire mesh and reinforcement, Concrete worker, Form stripper, Strike-off Worker,	$5.65	.30	.15		.02	
Machine and equipment operator, Sheeting, Formsetting, Patch finisher, Bottoman, Jointsaver, Gunnite Man, Manhole Builder, Welder, Torchman, Blaster, Caulker, Dracer, Bull Float, Conduit Worker, All power driven tools, Mucker, Car Pusher, Raker, and Lutsman,	5.85	.30	.15		.02	
Pipe Layer, Miner, Laser Operator	6.10	.30	.15		.02	

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HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Crane; derrick, dragline; dredge; Piledriver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: chicson rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary. drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatman, bump cutter & grooving machine; shoulder widener; winches & A-Frame; tube finisher	$8 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver); shouldering machine; self-propelled chip spreader	8.12	.45	.50		.05
Group IV					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint saver (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, bolting machine, burlap machine, jeep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Environmental burner	7.96	.45	.50		.05

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POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.-Tr.
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

STATE: WISCONSIN COUNTY: MARATHON
DECISION NUMBER: AQ- 3112 DATE: Date of Publication
Supersedes Decision No. AP-59 dated December 1, 1972 in 37 FR 25666
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others/
Asbestos workers	$6.85	.35	.20	.55+c	.06	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	7.17	.25	.15			
Stonemasons	7.17	.25	.15			
Carpenters	6.72	.25	.40	.18		
Millwrights	7.32	.25	.40	.18		
Piledrivermen	7.22	.25	.40	.18		
Cement masons	6.67	.25	.15			
Electricians	7.65	.29	1%	4%		
Elevator constructors	7.355	.195	.20	2%+a&b	.005	
Elevator constructors' helpers	5.15	.195	.20	2%+a&b	.005	
Elevator constructors' helpers (prob)	3.68					
Glaziers						
Ironworkers, structural & ornamental	8.47	.40	.25		.03	
Ironworkers, reinforcing	8.47	.40	.25		.03	
Laborers	5.35	.25	.15			
Air tool op. (jackhammer, vibrator)	5.60	.25	.15			
Mason tender and concrete worker	5.35	.25	.15			
Mortar mixers	5.60	.25	.15			
Building wrecker, form stripper and scaffold builder	5.35	.25	.15			
Kettleman, conc. buster & gunniteman	5.60	.25	.15			
Lathers (Southeastern corner of Co.)	6.08			.50		
Lathers (Western ½ of Co.)	7.50					
Lathers (Remainder of Co.)	7.00	.50		.25		
Painters:						
Brush	6.30					
Spray & structural steel	6.80					
Plasterers	6.78	.25	.15			
Plumbers	7.15	.35	.20	.60+b		
Roofers	6.01			d		
Sheet metal workers	7.36	.35	.15		.02	
Soft floor layers-resilient floor layer	5.75	.15	.10			
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.15	.35	.20	.60+b		
Terrazzo workers	6.82	.25	.15			
Tile setters	6.82	.25	.15			
Truck drivers:						
Dump or regular	5.30	e		b		
Semi-driver	5.40	e		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. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

b. Holidays: A through F.

c. Includes .05 holiday pay.

d. 1 week's vacation after 1 year's employment.

e. $30.67 per month for each employee.

WIS. 9-LAB-S-T-W b

SEWER, TUNNEL AND WATER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborer, Wellpoint installation, wire mesh and reinforcement	$6.00	.30	.15		.02	
Machine and equipment operator, Shooting, Formsetting, Patch-finisher Bottleman, Jointsawer, Gunnite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Torchman, Blaster, Calker Bracer	6.20	.30	.15		.02	
Pipelayer Laser Operator	6.45	.30	.15		.02	

TUNNEL WORK
All tunnel work add fifteen (.15) cents to each classification.

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HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Crane; derrick, dragline; dredge; Piledriver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: caisson rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatmen, bump cutter & grooving machine; shoulder widener; winches & A-Frame; tube finisher	$8 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver); shouldering machine; self-propelled chip spreader	8.12	45	.50		.05
Group IV					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, belting machine, burlap machine, jeep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Enviromental burner	7.96	.45	.50		.05

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Wis - 4 -PEO -3 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS CONTD:					
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

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Wisc. 5-Lab - 2- ? J

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vocation	App. Tr.	Others
LABORERS						
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler, loader, utility man	$6.43	.30	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	6.48	.30	.15		.02	
Group C						
Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; jar tool opr. (hand operated)	6.53	.30	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, lutemen; Chain saw operators	6.58	.30	.15		.02	
Group E						
Powderman, blaster	6.63	.30	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.88	.30	.15		.02	
Bottom man	6.68	.30	.15		.02	
Topman	6.53	.30	.15		.02	

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Wis. 1 PEO B 1 of 2

BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vocation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.) Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (1LS or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25') tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

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Wis. 1. PEO 2 of 2

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.-Tr.
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

Wisc. 5 - TD L

HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Two axle trucks	$6.50	a	b	.35+c		
Three or more axles	6.65	a	b	.35+c		
Euclids or dumpter type hauling units	6.65	a	b	.35+c		
Mechanic truck	6.65	a	b	.35+c		
Mechanic's helpers, truck	6.50	a	b	.35+c		

Footnotes:

a. $62.84 per month for employee who has been on payroll 30 days or longer.

b. $12.00 per week

c. Includes .10 employer contribution to holiday fund.

SUPERSEDEAS DECISION

STATE: Wisconsin

COUNTIES: Milwaukee, Ozaukee, Waukesha, & Washington

DECISION NUMBER: AQ-3113

DATE: Date of publication

Supersedes Decisions AP-60, dated December 1, 1972 in 37 FR 25669 and AP-67 dated December 1, 1972 in 37 FR 25612

DESCRIPTION OF WORK: Building (including residential), Heavy and Highway Construction.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.37	.45	.60	.50	.03	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers:						
Bricklayers	8.28	.60	.60	.56		
Carpenters	7.80	.50	.60	.51		
Millwrights	8.10	.50	.60	.51+a		
Piledrivermen	8.03	.50	.60	.51		
Leaderman	8.43	.50	.60	.51		
Welder-burner	8.03	.50	.60	.51		
Loftman	8.13	.50	.60	.51		
Cement masons	7.54	.50	.60	.51		
Electricians	8.74	.51	1%+.20	7%	1.25%	
Elevator constructors	8.06	.345	.23	2%+a&b	.015	
Elevator constructors' helpers	5.64	.345	.23	2%+a&b	.015	
Elevator constructors' helpers (prob)	4.03					
Glaziers	5.10	.35	.40	.50		
Ironworkers, structural & ornamental	8.41	.50	.60	.50	.11	
Ironworkers, reinforcing	8.41	.50	.60	.50	.11	
Lathers	7.07	.45	.50	.65	.03	
Leadburners	8.75	.30		c	.01	
Line construction:						
Linemen	6.94	.25	1%	7%	.5%	
Equipment operator	5.77	.25	1%	7%	.5%	
Truck driver - w/ winch	4.80	.25	1%	7%	.5%	
Groundmen - Experienced	4.38	.25	1%	7%	.5%	
Marble setters	7.66	.60	.50	.56		
Marble setters' helpers	6.07	.30	.50	.50		
Painters:						
Brush	7.26	.45	.50	.50		
Swing stage, up to 80 ft.	7.41	.45	.50	.50		
Structural steel	7.61	.45	.50	.50		
Spray and sandblasting	7.61	.45	.50	.50		
Swing stage, 80 ft. and over	7.51	.45	.50	.50		
Plasterers	7.26	.65	.60	.66	.01	
Plumbers and gasfitters	8.27	.50	.60	.50	.03	
Roofers:						
Mastic work:						
Spreaders	7.81	.50	.60	.51		
Rubbers and Kettlemen	7.61	.50	.60	.51		
Additional help	7.36	.50	.60	.51		
Tower work:						
Without swings	7.76	.50	.60	.51		
With swing seat or bos'n chair	8.06	.50	.60	.51		
Slate, tile and transite work:						
Roofers	7.76	.50	.60	.51		
Steepy and siding work:						
Composition, damp and waterproof roofers	7.76	.50	.60	.51		

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Sheet metal workers	$7.96	.45	.45	.75	.01	
Soft floor layers	7.60	.50		.51+a		
Sprinkler fitters	8.65	.30	.50		.02	
Steam fitters	8.31	.46	.60	.50	.03	
Stone masons	8.28	.60	.60	.56		
Terrazzo workers	7.87	.65	.60	.47		
Tile setters	7.60	.30	.60	.45		
Tile setters' helpers	6.07	.30	.50	.50		
Welders - receive rate prescribed for craft perfroming operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F

b. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

c. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

d. Additional payment of 4 hrs. per month plus .03 per hr. weekly for employee who has worked less than 5 years - 6-2/3 hrs. per month for employer who has worked 5 years or more.

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Wisc. 13-Lab. H 1 of 1

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (Building Construction):						
General laborers, form stripper, concrete worker, mason tender	$6.87	.45	.60	.51		
Scaffold builder, pitman or dumpman, building wrecker, hod carrier, mortar mixer, vibrator operator, settleman, air spade operator	6.98	.45	.60	.51		
Barco tamper, jackhammer operator, sheeting driver, gunite man concrete buster	7.09	.45	.60	.51		
Topman on chimney (up to 50')	6.98	.45	.60	.51		
Nozzleman	7.38	.45	.60	.51		
Plasterer laborer	7.08	.45	.60	.51		
Topman (every addl. 50 ft.)	7.23	.45	.60	.51		
Caisson work	7.53	.45	.60	.51		
Caisson worker - top man	7.18	.45	.60	.51		
Bridge, Road and Railway Construction:						
General laborer	6.92	.45	.60	.51		
Vibrator, pitman & dumpman	6.98	.45	.60	.51		
Bullfloat, strikeoff man, puddler, cement dumper	7.03	.45	.60	.51		
Formsetter	7.20	.45	.60	.51		

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Wis. 1 PEO B 1 of 2

BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.) Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25') tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

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Wis. 1. PEO 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS CONTD:					
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; boboats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

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Wis. 6-TD m 1 of 1

Building Const.	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. Tr.	OTHERS
Truck Drivers:						
Excavating, paving, batch work, gas, pipe, sewer and tunnel work, asphalt blacktop snow removal, ashes:						
Two Axle trucks	5.095	a10.50	a10.00	b		
Three axle trucks & semi-trailer	5.145	a10.50	a10.00	b		
Ready mix concrete truck	5.395	a10.50	a10.00	b		
Cinders, sand, gravel, stone and gravel pit stripping:						
Two axle trucks	5.045	a10.50	a10.00	b		
Three axle trucks and semi-trailers	5.095	a10.50	a10.00	b		
Building materials:						
Two axle trucks	5.095	a10.50	a10.00	b		
Three axle trucks	5.145	a10.50	a10.00	b		
Helpers	4.985	a10.50	a10.00	b		
Warehousemen	5.035	a10.50	a10.00	b		

PAID HOLIDAYS (Where Applicable):
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
A. Per week for each employee

B. Six paid holidays: A through F

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Wis-8-Lab. (S-T-W) N 1 of 2

SEWER, WATER, & TUNNEL CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Laborers:						
Tunnel (Free Air)						
Blaster	$7.77	.50	.60	.50		
Concrete manhole builder, Concrete buster, Jackhammer operator & Rock driller, Caisson worker & Pipe layer, Caulker joint man & Pipe Yarner, Bracerman, Nozzle man on Gunnite, & Timber man-Concrete brusher	7.61	.50	.60	.50		
Topman & Sawman	7.05	.50	.60	.50		
Muckers, mucking, dinkey & welder on surface	7.32	.50	.60	.50		
Form strippers & car pushers	7.22	.50	.60	.50		
Tower Man & General labor on surface	7.00	.50	.60	.50		
Miner, mining machine & welder (Compressed Air)	7.71	.50	.60	.50		
Blaster	8.16	.50	.60	.50		
Miner, mining machine & welder	8.09	.50	.60	.50		
Lock tender in tunnel, Concrete buster, Jackhammer operator & Rock driller, Caisson worker & Pipe layer, Caulker, Joint man & Pipe yarner, Bracerman, Nozzleman on gunite, Timber man, Concrete brusher	7.99	.50	.60	.50		
Mucker, Mucking machine & Dinkey	7.82	.50	.60	.50		
Form stripper & Car Pusher	7.72	.50	.60	.50		
Lock tender on surface	7.63	.50	.60	.50		
Welder on Surface	7.32	.50	.60	.50		
Open Cut						
Blaster	7.77	.50	.60	.50		
Concrete manhole builder, Caisson worker & miner, Pipe layer, Caulker Joint man & Pipeyarner; Timber man & Concrete brusher, Bracer in Trench behind machine, Bracer in tight sheeting, Concrete formsetter & Shoveler, Concrete buster Jackhammer operator and Rock driller	7.61	.50	.60	.50		
Blaster	7.77	.50	.60	.50		
Mucker, Form stripper, Bottom digger & Misc. bottom man, weler on surface	7.22	.50	.60	.50		
Gunite man on top & scaffold man, mud mixer	7.05	.50	.60	.50		

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Wisc. 1- LAB - 2 3 N

LABORERS (Heavy & Highway Const)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Group A						
Laborer, Misc., unskilled; Tree trimmer; Stone handler; Reinforcing steel setter (pavement); Guard rail builder; Demolition and wrecking laborer; Bituminous worker; Shoveler, loader utility man	$6.86	.45	.60	.25	.02	
Group B						
Puddler (concrete Paving); Batch truck dumper or cement handler; Bituminous worker; Dumper, ironer, smoother, tamper	6.96	.45	.60	.25	.02	
Group C						
Vibrator or tamper operator, Mech. (hand operated); joint sawer or filler (pavement); Demolition burning torch laborer; Chain saw operator	7.01	.45	.60	.25	.02	
Group D						
Air tool operator (hand operated)	7.06	.45	.60	.25	.02	
Group E						
Strike off man; formsetter (curb, walk and Pavement)	7.11	.45	.60	.25	.02	
Group F						
Bituminois worker; Raker, luteman	7.16	.45	.60	.25	.02	
Group G						
Powderman, blaster	7.51	.45	.60	.25	.02	

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HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) crane; derrick, dragline; dredge; Pileriver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: caisson rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, beatmen, bump cutter & grooving machine; shoulder widener; winches & A-Frame; tube finisher	$8 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver); shouldering machine; self-propelled chip spreader	8.12	45	.50		.05
Group IV					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint saver (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, bolting machine, burlap machine, jeep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Environmental burner	7.96	.45	.50		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS CONTD:					
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

1- WISCONSIN-TD P

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Two axle truck	$6.59	a	b	.35+c		
Three or more axle truck	6.74	a	b	.35+c		
Euclids or dumpster type hauling units	6.74	a	b	.35+c		
Truck mechanics	6.74	a	b	.35+c		
Truck Mechanics' helpers	6.59	a	b	.35+c		

FOOTNOTES:

a. $14.50 per week for employee who has been on payroll 30 days or longer.

b. $12.00 per week.

c. Includes $.10 contribution to Holiday Fund.

SUPERSEDEAS DECISION

STATE: WISCONSIN COUNTY: POLK
DECISION NUMBER: AQ-3114 DATE: Date of Publication
Supersedes Decision No. AP-61 dated December 1, 1972 in 37FR 25674
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$7.67	.36	.35		.02	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	7.15	.25	.20	.50	.03	
Carpenters	7.57	.25	.25		.03	
Millwrights & Piledrivermen	7.97	.25	.25		.03	
Cement masons	7.60			.50		
Electricians:						
Electricians, wiremen & technician	8.60	3%	1%		½ of 1%	
Elevator constructors	8.35	.395	.26	2%+a&b		
Elevator constructors' helpers	5.845	.395	.26	2%+a&b		
Elevator constructors' helpers (prob)	50%JR					
Ironworkers, structural, ornamental & reinforcing	8.10	.50	.50		.02	
Laborers:						
Laborers, common	5.70	.25	.15			
Mason tender	5.70	.25	.15			
Mortar micer & plasterer laborer air, gas & electric equipment, vibrator operator, Kettlemen, dumpmen & pitmen, Burner on wrecking, Scaffold builder & washing walls on swinging scaffold	5.85	.25	.15			
Gunnite man & nozzle men, puddlers. (when concrete pumps & when working behind paving machine), Cement dumper	5.85	.25	.15			
Jackhammer	5.95	.25	.15			
Lathers:						
Western ½ of County	7.66	.25	.25	.50	.01	
Eastern ½ of County	6.90					
Leadburners	8.75	.30		c	.01	
Line Construction:						
Linemen	6.94	.25	1%	7%	.5%	
Groundmen - Heavy truck driver	4.80	.25	1%	7%	.5%	
Groundmen - Light truck driver	4.59	.25	1%	7%	.5%	
Groundmen - 1st 6 mos.	3.79	.25	1%	7%	.5%	
Equipment operator	5.77	.25	1%	7%	.5%	
Groundmen - Thereafter	4.38	.25	1%	7%	.5%	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Painters:						
Brush	$6.35			5%		
Structural steel	6.60			5%		
Sandblaster & Spray	6.85			5%		
Swing stage	6.60			5%		
Plasterers	7.50					
Plumbers & Steam Fitters	7.50	.45	.35	.65		
Roofers:						
Sheet metal workers	7.56	.44	.25		.01	
Sprinkler fitters	8.06	.32	.25		.02	
Stone masons	8.00	.25	.40		.05	
	7.15	.25	.20	.50	.03	
Truck drivers:						
two axle	4.05	g	g	.20		
3 or more axles	4.20	g	h	.20		

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES

a. Employer contributes 4% 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 woked in business less than 5 years.

b. Holidays, A through F.

c. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

g. $36.83 per month for each employee.

h. $4.00 per week for each employee.

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Wis. 1 PEO B 1 of 2

BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.) Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (1½S or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25') tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

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Wis. 1. PEO 2 of 2

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

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WIS. 9-LAB-S-T-W B

SEWER, TUNNEL AND WATER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborer, Wellpoint installation, wore mesh and reinforcement	$6.00	.30	.15		.02	
Machine and equipment operator, Sheeting, Formsetting, Patch-finisher Bottomman, Jointsawer, Gunnite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Torchman, Blaster, Calker, Bracer	6.20	.30	.15		.02	
Pipelayer Laser Operator	6.45	.30	.15		.02	
TUNNEL WORK						
All tunnel work add fifteen (.15) cents to each classification.						

Wisc. 5 - TD L

HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Two axle trucks	$6.50	a	b	.35+c		
Three or more axles	6.65	a	b	.35+c		
Euclids or dumpter type hauling units	6.65	a	b	.35+c		
Mechanic truck	6.65	a	b	.35+c		
Mechanic's helpers, truck	6.50	a	b	.35+c		

Footnotes:

a. $62.84 per month for employee who has been on payroll 30 days or longer.

b. $12.00 per week

c. Includes .10 employer contribution to holiday fund.

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Wisc. 5-Lab - 2- J

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel-setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler, loader, utility man	$6.43	.30	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	6.48	.30	.15		.02	
Group C						
Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; iar tool opr. (hand operated)	6.53	.30	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, lutemen; Chain saw operators	6.58	.30	.15		.02	
Group E						
Powderman, blaster	6.63	.30	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.88	.30	.15		.02	
Bottom man	6.68	.30	.15		.02	
Topman	6.53	.30	.15		.02	

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HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Crane; derrick, dragline; dredge; Pile driver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: chicago rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatman, bump cutter & grooving machine; shoulder widener; winches & A-Frame; tube finisher	$8 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver); shouldering machine; self-propelled chip spreader	8.12	45	.50		.05
Group IV					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint saver (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, belting machine, burlap machine, jeep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Environmental burner	7.96	.45	.50		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS CONTD:					
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic bolt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

SUPERSEDEAS DECISION

STATE: WISCONSIN
DECISION NUMBER: AQ-3115
Supersedes Decision No. AP-62 dated December 1, 1972 in 37 FR 25678

COUNTY: RACINE
DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.37	.45	.60	.50	.03	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers	7.97	.40	.20	.40		
Stonemasons	7.97	.40	.20	.40		
Carpenters (West of Hwy. 75):						
Carpenters & soft floor layers	7.47	.25	.25	.40	.03	
Millwrights	7.82	.25	.25	.40	.03	
Piledrivermen	7.82	.25	.25	.40	.03	
Carpenters (Balance of County):						
Carpenters & soft floor layers	7.49	.40	.40	.30	.03	
Millwrights	7.69	.40	.40	.30	.03	
Piledrivermen	7.69	.40	.40	.30	.03	
Cement masons	7.02	.40	.40	.20		
Electricians (Burlington)	8.50	.30	1%			
Electricinas (Balance of County)	8.00	.34	1%	7%	3/4 of1%	
Elevator constructors	8.06	.345	.23	2%+a&b	.015	
Elevator constructors' helpers	5.64	.345	.23	2%+a&b	.015	
Elevator constructors' helpers (prob)	4.03					
Ironworkers, structural & ornamental	8.41	.50	.60	.50	.11	
Ironworkers, reinforcing	8.41	.50	.60	.50	.11	
Laborers	6.38	.40	.40	.20		
Air tool operator (jackhammer)	6.64	.40	.40	.20		
Mason tender	6.38	.40	.40	.20		
Mortar mixers	6.48	.40	.40	.20		
Plasterers' tenders	6.48	.40	.40	.20		
Vibrator operator	6.64	.40	.40	.20		
Lathers	6.45	.40	.70		.01	
Lead burners	8.75	.30		c	.01	
Painters, (Balance of County):						
Brush	6.36	.40	.20			
Structural steel	6.51	.40	.20			
Spray	6.61	.40	.20			
Plasterers	6.65	.25	.40	.20		
Plumbers	7.83	.40	.40	.50+f		
Roofers	7.50	.40	.15			
Sheet metal workers	7.55	.40	.25	d.28		
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	7.83	.40	.40	.50+f		
Terrazzo workers	6.22	.30	.30	.22		
Tile setters	6.50	.40	.25	.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. 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. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

d. Includes $.14 holiday pay.

e. Additional payment of 4 hours per month plus .03 per hour weekly for employee who has worked less than 5 years - 6-2/3 hours per month for employee who has worked 5 years or more.

f. Holidays: A through F, the day after Thanksgiving Day, and the day before Christmas.

Misc. LC 1 of 1

LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Linemen	$6.94	.25	1%		.5%	
Cable splicer	7.58	.25	1%		.5%	
Groundman equipment operator (digging machine, tractor oper. & "H" frame setting rigs)	5.77	.25	1%		.5%	
Groundman - Truck Driver (truck with boom or digger or tractor)	4.80	.25	1%		.5%	
Groundman - Truck Driver	4.59	.25	1%		.5%	
Groundman:						
Experienced	4.38	.25	1%		.5%	
1st 6 mos.	3.79	.25	1%		.5%	

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Wis. 1 PEO B 1 of 2

BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.) Forklift (25' and over), motor patrol, scraper operator, sidecoom, straddle carrier, mechanic and welder, bituminous plant and paver operator; roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (1L5 or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25'), tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

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Wis. 1. PEO 2 of 2

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

Wis. 7 - TD 0

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers					
Two axle trucks	$6.59	a	b	.35+c	
Three or more axle trucks	6.74	a	b	.35+c	
Euclids or dumpter type hauling units	6.74	a	b	.35+c	
Mechanics	6.74	a	b	.35+c	
Mechanic's helpers	6.59	a	b	.35+c	

Footnotes:

a. $62.84 per month for employee who has been on payroll 30 days or longer.

b. $12.00 per week.

c. Includes $.10 contribution to Holiday fund.

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Wisconsin 8 - TD E

BUILDING CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck Drivers:						
Ready-Mix & Mechanics	$4.00					
Mechanics' helpers	3.70					
Cinders, Sand, Gravel, Stone & Gravel,						
Pit Stripping Drivers:						
2-Axle	3.65					
3-Axle & Semi-Trailers	3.70					
Euclids	3.70					
Building Material:						
Yardmen, Warehousemen						
Driver helpers	3.64					
2-Axles Straight Truck	3.70					
3-Axles & Semi-Trailer	3.75					
Excavating, Grading, Paving & Batch						
Work, Water, Gas, Pipe, Sewer & tunnel work, asphalt & all Black tip, Snow Removal, ashes, etc.:						
2-Axle	3.75					
3-Axle	3.86					
Mechanics	4.00					

Wisc.-31-LAB- T & S

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS (Tunnel & Open-Cut Main Sewer)						
Laborers (Top and general)	$6.40	.40	.40	.20		
Mason tenders	6.45	.40	.40	.20		
Miner, braceman, Concrete form setters, Shovelers, timber man, rock driller, pipelayer, yarner, joint cement man, jackhammer, concrete buster, air spade oper., mucker, car pusher, form stripper and all bottom men	6.75	.40	.40	.20		

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Wisc. 17- LAB-2-3 N

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
LABORERS (Heavy & Highway Const)						
Group A						
Laborer, Misc., unskilled; Tree trimmer; Stone handler; Reinforcing steel setter (pavement); Guard rail builder; Demolition and wrecking laborer; Bituminous worker: Shoveler, loader ultility man	$6.86	.40	.40	.20	.02	
Group B						
Puddler (concrete paving); Batch truck dumper or cement handler; Bituminous worker; Dumper ironer, smoother, tamper	6.96	.40	.40	.20	.02	
Group C						
Vibrator or tamper operator, mech. (hand operated); joint sawer or filler (pavement); Demolition burning torch laborer; Chain saw operator	7.01	.40	.40	.20	.02	
Group D						
Air tool operator (hand operated)	7.06	.40	.40	.20	.02	
Group E						
Strike off man; formsetter (curb, wall and pavement)	7.11	.40	.40	.20	.02	
Group F						
Bituminous worker; Raker, luteman	7.16	.40	.40	.20	.02	
Group G						
Powderman, blaster	7.51	.40	.40	.20	.02	
Group H						
Sewer or Water Crew:						
Pipelayer	7.61	.40	.40	.20	.02	
Bottomman	7.21	.40	.40	.20	.02	
Topman	7.01	.40	.40	.20	.02	

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HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) crane; derrick, dragline; dredge; Pileddriver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: caisson rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (convoyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatmen, bump cutter & grooving machine; shoulder widener; winches & A-Frame; tube finisher	$8 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver): shouldering machine; self-propelled chip spreader	8.12	45	.50		.05
Group IV					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, belting machine, burlap machine, jeep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Environmental burner	7.96	.45	.50		05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS CONTD:					
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic bolt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

SUPERSEDEAS DECISION

STATE: WISCONSIN COUNTY: ROCK
DECISION NUMBER: AQ-3116 DATE: Date of Publication
Supersedes Decision No. AP-63 dated December 1, 1972 in 37 FR 25682
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$8.37	.45	.60	.50	.03	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers & STonemasons	7.85	.25	.15	.25		
Carpenters	8.06	.25	.15		.02	
Millwrights	8.58	.25	.15		.02	
Piledrivermen	8.21	.25	.15		.02	
Soft floor layers	8.06	.25	.15		.02	
Cement masons	7.85	.25	.30			
Electricians	8.40	.30	1%	6.5%+d	.25%	
Cable splicers	8.90	.30	1%	6.5%+d	.25%	
Elevator constructors:						
Southern portion of County	7.79	.345	.23	2%+b&c	.015	
Northern portion of County	7.905	.345	.23	2%+b&c	.015	
Elevator constructors' helpers:						
Southern portion of County	5.45	.345	.23	2%+b&c	.015	
Northern portion of County	5.53	.345	.23	2%+b&c	.015	
Elevator constructors' helpers (prob.)	50%JR					
Glaziers:						
Northern 2/3 of County	7.30	.40	.20	.40	.01	
Southern 1/3 of County	6.85	.30	.20	.50	.02	
Ironworkers (all):						
Vic. of Edgerton, Milton, Poolville, & Evansville	8.47	.40	.25		.03	
Vic. of Janesville, Beloit, Oxfordville, Shopiers & Clinton	9.05	.40	.375		.05	
Lathers:						
Eastern ½	8.55	.25	.35		.01	
Southwestern portion	5.74	.15	.10		.01	
Remainder of County	7.40	.30	.20	.50	.01	
Lead burners	8.75	.30		c	.01	
Line contruction:						
Linemen & digger operator	6.94	.25	1%	7%	.5%	
Groundmen	4.38	.25	1%	7%	.5%	
Equipment operators	5.77	.25	1%	7%	.5%	
Painters:						
Brush	7.24	.40	.30	.20	.01	
Structural steel (brush)	7.39	.40	.30	.20	.01	
Spray	7.99	.40	.30	.20	.01	
Swing stage	7.49	.40	.30	.20	.01	
Plasterers	7.95	.25	.30			
Plumbers	8.46	.26	.23	.28	.03	
Roofers:						
Composition	8.00	.15				
Slate, slab work, tile & asbestos	8.00	.15				
Sheet metal workers	8.59	.35	.20		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Steamfitters	8.46	.26	.23	.28	.03	

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	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Terrazzo workers	$7.85	.25	.15	.25		
Tile setters	7.85	.25	.15	.25		
Truck drivers	4.92	.15		.10+a		
Welders receive rate prescibed for craft performing operation to which welding is incidental.						

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years, and 2% of rate for employee who has worked less than 5 years.

c. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

d. Includes 1.5% holiday pay.

e. Additional payment of 4 hours per month and .03 per hour weekly for employee who has worked less than 5 years. 6-2/3 hours per month for 5 years or more.

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WIS. 9-LAB-S-T-W b

SEWER, TUNNEL AND WATER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborer, Wellpoint installation, wore mesh and reinforcement	$6.00	.30	.15		.02	
Machine and equipment operator, Shooting, Formsetting, Patch-finisher Bottomman, Jointsawer, Gunnite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Torchman, Blaster, Calker, Bracer	6.20	.30	.15		.02	
Pipelayer Laser Operator	6.45	.30	.15		.02	
TUNNEL WORK						
All tunnel work add fifteen (.15) cents to each classification.						

WIS. 10-Lab. H

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS BUILDING CONSTRUCTION:						
BUILDING CONSTRUCTION:						
General laborers, concrete laborers building wrecker, form strippers concrete saw & power buggy operator	$6.45	.30	.15			
Mortar mixer, power rammer, vibrator operator, Air chisel operator (over 18 lbs.), chipping hammer operator (over 18 lbs.), fork lift operator railroad tampler plaster mixer and concrete pump hose operator (1 man)	6.60	.30	.15			
Mason tender	6.45	.30	.15			
Pneumatic hammer (60 lbs. or over Manf. Specifications)	6.70	.30	.15			
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Wis. 1 PEO B 1 of 2

BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.) Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminous plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25') tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydro-hammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

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Wis. 1. PEO 2 of 2

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App.-Tr.
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

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Wisc. 5-Lab - 2- 3 J

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS						
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler, loader, utility man	$6.43	.30	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	6.48	.30	.15		.02	
Group C						
Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; jar tool opr. (hand operated)	6.53	.30	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker: raker, lutemen; Chain saw operators	6.58	.30	.15		.02	
Group E						
Powderman, blaster	6.63	.30	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.88	.30	.15		.02	
Bottom man	6.68	.30	.15		.02	
Topman	6.53	.30	.15		.02	

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HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Crane; derrick, dragline; dredge; Pile driver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: caisson rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatmen, bump cutter & grooving machine; shoulder widener; winches & A-Frame; tube finisher	$8 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver); shouldering machine; self-propelled chip spreader	8.12	45	.50		.05
Group IV					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, bolting machine, burlap machine, jeep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Environmental burner	7.96	.45	.50		05

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Wis - 4 -PEO -3 2 of 2

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

Wisc. 5 - TD L

HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Two axle trucks	$6.50	a	b	.35+c		
Three or more axles	6.65	a	b	.35+c		
Euclids or dumpter type hauling units	6.65	a	b	.35+c		
Mechanic truck	6.65	a	b	.35+c		
Mechanic's helpers, truck	6.50	a	b	.35+c		

Footnotes:

a. $62.84 per month for employee who has been on payroll 30 days or longer.

b. $12.00 per week

c. Includes .10 employer contribution to holiday fund.

SUPERSEDEAS DECISION

STATE: WISCONSIN COUNTY: WINNE
DECISION NUMBER: AQ-3117 DATE: Date of Publication
Supersedes Decision No. AP-64 dated December 1, 1972 in 37 FR 25686
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
Asbestos workers	$6.85	.35	.20	.55+e	.06	
Boilermakers	7.80	.30	.85		.02	
Boilermakers' helpers	7.625	.30	.85		.02	
Bricklayers & Stonemasons	7.00	.30	.20	.35		
Carpenters	7.33	.25	.25		.02	
Cement masons:	6.43	.30	.20	.35		
Electricians	8.47	.38	1%			
Elevator constructors	8.06	.345	.23	2%+b&c	.015	
Elevator constructors' helpers	5.64	.345	.23	2%+b&c	.015	
Elevator constructors' helpers (prob)	4.03					
Ironworkers:						
Extreme eastern part of County including Lake Winnebago, Menasha and Neenah:	8.41	.50	.60	.50	.11	
Structural, ornamental, reinforcing						
Remainder of County:						
Structural, ornamental, reinforcing	8.47	.40	.25		.03	
Lathers	6.08			.50		
Leadburners	8.75	.30		f	.01	
Marble setters	7.00	.30	.20	.35		
Marble setters' helpers	5.67	.30	.50	.50		
Millwrights	7.58	.25	.25		.02	
Painters:						
Brush & structural steel	6.20	.30	.10			
Paperhanging	6.20	.30	.10			
Spray	6.70	.30	.10			
Sandblasting	6.70	.30	.10			
Piledrivermen	7.58	.25	.25		.02	
Plasterers:	7.00	.30	.20	.35		
Plumber & Steamfitters:						
Twnshps. of Menasha and Neenah	6.81	.32	.60	.75+g	.04	
Remainder of County	6.33	.35	.75	.60		
Roofers	5.88	.45	.30			
Sheet metal workers:	7.08	.40	.20	.60+k		
Soft floor layers	7.33	.25	.25		.02	
Sprinkler fitters	8.00	.25	.40		.05	
Terrazzo workers	7.00	.30	.20	.35		
Tile setters	7.00	.30	.20	.35		

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	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Truck drivers:						
Regular	5.27	a	d			
Semi & Tandem	5.35	a	d			

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $27.71 per month.

b. Holidays: A through F.

c. Employer contributes 4% of regular hourly rate to Vacation Pay Credit for employee who has worked in business more than 5 years, and 2% of regular rate for employee who has worked less than 5 years.

d. $10.00 per week.

e. Includes .05 holiday pay.

f. Holidays, A thru F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regularly scheduled work days immediately preceding and following the holidays.

g. Includes .30 holiday pay.

h. Includes .18 holiday pay.

i. One week vacation after 1 year, 2 weeks after 7 years.

j. Additional payment of 4 hours per month plus .03 per hour weekly for employee who has worked less than 5 years. 6-2/3 hours per month for employee who has worked 5 years or more.

k. Includes .20 holiday pay.

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Wis. - 15 - Lab 0

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
Class I						
Construction laborers, form stripper, form oiler, form cleaner, dump men, pit men, building wrecker, plumbers laborer, motorized buggy operator, concrete laborer, air spade and chipping hammer, drag tender and signal man, concrete pump and nozzle man, bituminous worker.	$5.95	.25	.15			
Class II						
Plasterer tender, hod carrier, dry cement handler, kettlemen, vibrator operator, slacking line, tile setter helper, core drill operator	6.00	.25	.15			
Class III						
Jackhammer operator, driller, gunite men, burner on wrecking, air operated concrete breaker, sheeting driver, power tamper, fork lift operator, jamping jack, terrazzo grinder, mortar and plaster mixer, creosote worker, bob cat operator, sand blaster, welder, mud jack operator, precast erector bituminous raker and lutenman.	6.15	.25	.15			

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Wis. 1 PEO B 1 of 2

BUILDING, HEAVY, TUNNEL AND SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group I					
Cranes, shovels, draglines, backhoes, clamshells, derricks, caisson rigs, pile driver, skid rigs, dredge operator and traveling crane (bridge type)	$8.47	.45	.50		.05
Group II					
Concrete paver (over 27E), concrete spreader and distributor	8.32	.45	.50		.05
Group III					
Material hoist, stack hoist, tractor or truck mounted hydraulic backhoe, tractor or truck mounted hydraulic crane (5 tons or under), man-hoist, tractor (over 40 h.p.), bulldozer (over 40 h.p.), endloader (over 40 h.p.) Forklift (25' and over), motor patrol, scraper operator, sideboom, straddle carrier, mechanic and welder, bituminoud plant and paver operator, roller (over 5 tons) rotary drill operator and blaster, trencher (wheel type or chain type having over 8-inch bucket)	8.22	.45	.50		.05
Group IV					
Concrete and grout pumps, backfiller, concrete auto breaker (large), concrete finishing machines (road type)	8.02	.45	.50		.05
Group V					
Roller (rubber tire)	7.97	.45	.50		.05
Group VI					
Concrete batch hopper, concrete conveyor systems, concrete mixers (14S or over) screw type pumps, and gypsum pumps, tractor, bulldozer, endloader (under 40 h.p.), pumps, (well points) trencher (chain type having bucket 8-inch and under), industrial locomotives	7.92	.45	.50		.05
Group VII					
Roller (under 5 tons) and firemen (pile drivers and derricks)	7.87	.45	.50		.05
Group VIII					
Hoists (automatic), forklift (12' to 25') tampers-compactors (riding type) assistant engineer, "A" frames and winch trucks, concrete auto breaker, hydrohammer (small), brooms and sweepers, hoist (tuggers), stump chipper (large boats (tug, safety, work, barges and launch)	7.82	.45	.50		.05

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Wis. 1. PEO 2 of 2

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group IX					
Shouldering machine operator, screed operator, farm or industrial tractor, mounted equipment, post hole digger, stone crushers and screening plants	$7.61	.45	.50		.05
Group X					
Fireman-asphalt plants	7.53	.45	.50		.05
Group XI					
Generators over 150KW, air compressors over 300 cu. ft., and pumps over 3'' augers (vertical and horizontal)	7.49	.45	.50		.05
Group XII					
Combination small equipment operator: Air electric, hydraulic jacks (slip form); compressors (under 300 CFM); welding machines; heaters (mechanical); prestress machines; bobcats; generators (under 150 KW); pumps (3'' and under); winches (small electric); oiler and greaser; boiler operators (temporary heat) rotary drill helper; conveyor; forklift (12' and under)	7.37	.45	.50		.05

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WIS. 9-LAB-S-T-W b

SEWER, TUNNEL AND WATER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS:						
Laborer, Wellpoint installation, wore mesh and reinforcement	$6.00	.30	.15		.02	
Machine and equipment operator, Sheeting, Formsetting, Patch-finisher Bottomman, Jointsawer, Gunnite man, Manhole Builder, Air, or Electrical Tool Operator, Welder, Torchman, Blaster, Calker, Bracer	6.20	.30	.15		.02	
Pipelayer Laser Operator	6.45	.30	.15		.02	
TUNNEL WORK						
All tunnel work add fifteen (.15) cents to each classification.						

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LINE CONSTRUCTION:	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS				
		H & W	PENSIONS	VACATION	APP. TR.	OTHER
Linemen	$6.94	.25	1%		.5%	
Cable splicer	7.58	.25	1%		.5%	
Groundman equipment operator (digging machine, tractor oper. & "H" frame setting rigs)	5.77	.25	1%		.5%	
Groundman - Truck Driver (truck with boom or digger or tractor)	4.80	.25	1%		.5%	
Groundman - Truck Driver	4.59	.25	1%		.5%	
Groundman:						
Experienced	4.38	.25	1%		.5%	
1st 6 mos.	3.79	.25	1%		.5%	

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Wisc. 5-Lab - 2- 3 J

HEAVY AND HIGHWAY CONSTRUCTION

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Group A						
Laborer, Misc., unskilled; Stone handler; Joint sawer or filler (pavement); Reinforcing steel setter (pavement); Guard rail builder; Puddler (conc. paving); Strike off man; Demolition and wrecking laborer; Bituminous worker; Dumper, ironer, smoother, tamper shoveler, loader, utility man	$6.43	.30	.15		.02	
Group B						
Formsetter (curb, walk & pavement); tree trimmer	6.48	.30	.15		.02	
Group C						
Vib. or tamper opr., mechanical (hand operated); batch truck dumper or cement handler; jar tool opr. (hand operated)	6.53	.30	.15		.02	
Group D						
Demolition burning torch laborer; Bituminous worker; raker, lutemen; Chain saw operators	6.58	.30	.15		.02	
Group E						
Powderman, blaster	6.63	.30	.15		.02	
Group F						
Pipelayer crew (sewer, water);						
Pipelayer	6.88	.30	.15		.02	
Bottom man	6.68	.30	.15		.02	
Topman	6.53	.30	.15		.02	

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HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group I					
Bituminous Paver or Plant; Concrete breaker, truck mounted (heavy) Crane; derrick, dragline; dredge; Pileriver; power shovel, material hoist; mixer or paver (21 C.F. or over); roller (over 5 tons); stabilizing mixer (self-propelled); trenching machine; tractor, side boom (heavy); Concrete Pvt. Spreader, Heavy Duty (rubber-tired); Hydraulic Back Hoe, Asphalt plant engineer; automatic slipform concrete placer; automatic subgrader (concrete); Batch mixer portable: chinson rigs; central mixer concrete; dredge engineer; batch plant engineer (concrete), central mix plant concrete; percussion or rotary drilling machine; grader or motor patrol; loading machine (conveyor); mechanic or welder, heavy duty equipment; tractor (scraper, dozer, pusher, loader); tugger; end loader, asphalt heater & planer, boatmen, bump cutter & grooving machine; shoulder widener; winches & A-Frame; tube finisher	$8 47	.45	.50		.05
Group II					
Mixer concrete (less than 21 C.F.); pump concrete; roller, steel (5 tons or less)	8.21	.45	.50		.05
Group III					
Screed (bituminous paver); shouldering machine; self-propelled chip spreader	8.12	45	.50		.05
Group IV					
Concrete breaker & tamper (light); concrete spreader; finishing machine; mechanical float; curing machine; power subgrader; joint sawer (multiple blade); launch; roller (pneumatic tired) self-propelled; tractor (mounted or towed compactors & light equipment); tractor, end loader (rubber-tired) light, Fork lift, belting machine, burlap machine, jeep digger, mulcher, texturing machine	8.04	.45	50		.05
Group V					
Fireman, Environmental burner	7.96	.45	.50		05

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POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group VI					
Air compressor, drilling or boring machine (mechanical heavy); greaser, heavy equipment, lead-man, tank car heaters, stump chipper, curb machine operator, concrete proportioning plants, generators, mudjack	7.92	.45	.50		.05
Group VII					
Crusher or screening plant, automatic belt conveyor & surge bin; pneumatic tired roller farm tractor towed; pug mill	7.83	.45	.50		.05
Group VIII					
Oiler, pump (over 3 inches), surge bin; drilling machine helper	7.71	.45	.50		.05

Wisc. 5 - TD L

HEAVY and HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Two axle trucks	$6.50	a	b	.35+c		
Three or more axles	6.65	a	b	.35+c		
Euclids or dumpter type hauling units	6.65	a	b	.35+c		
Mechanic truck	6.65	a	b	.35+c		
Mechanic's helpers, truck	6.50	a	b	.35+c		

Footnotes:

a. $62.84 per month for employee who has been on payroll 30 days or longer.

b. $12.00 per week

c. Includes .10 employer contribution to holiday fund.

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