

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Shirley E. Hollis,
Assistant Secretary.

[FR Doc. 81-23137 Filed 8-6-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 22148; (70-6600)]

**Middle South Energy, Inc.;
Supplemental Notice of Proposal To
Enter Into Revolving Credit/Term
Loan Agreement With Foreign Banks**

August 4, 1981.

In the matter of Middle South Energy, Inc., 225 Baronne Street, New Orleans, Louisiana, Supplemental notice of proposal to enter into revolving credit/term loan agreement with foreign banks.

Middle South Energy, Inc. ("MSE"), a special purpose subsidiary of Middle South Utilities, Inc., a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to Sections 6(a) and 7 of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5) promulgated thereunder.

On July 31, 1981 a notice was issued giving interested persons until August 24, 1981 to request a hearing on a proposal by MSE to enter into a revolving credit/term loan agreement in an aggregate principal amount of approximately \$300,000,000 with a group of foreign lenders. MSE was granted an exception from the competitive bidding requirements of Rule 50 under the Act for the purpose of engaging Credit Suisse First Boston Ltd. ("Credit Suisse") as its financial advisor to explore the the market and assist in arranging a revolving credit and term loan agreement. MSE has filed an amendment to its application-declaration redefining its relationship with Credit Suisse. Credit Suisse will not act solely as financial advisor with respect to the proposed transaction. The loan agreement with the group of foreign lenders will be negotiated with and through Credit Suisse. This change in the structure of the proposed transaction does not affect the validity of the exception from competitive bidding granted in the release of July 31, 1981.

The application-declaration and amendments thereto are available for public inspection through the Commission's Office of Public Reference. Interested persons wishing to comment or request a hearing should submit their views in writing by August 24, 1981, to the Secretary, Securities and Exchange Commission, Washington,

D.C. 20549, and serve a copy on the applicant-declarant at the address specified above. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-23143 Filed 8-6-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

**Reimbursable Services—Excess Cost
of Preclearance Operations**

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning August 23, 1981.

Installation	Bi-weekly excess cost
Montreal, Canada	\$17,717
Toronto, Canada	31,795
Kindley Field, Bermuda	6,747
Nassau, Bahama Islands	17,244
Vancouver, Canada	12,139
Winnipeg, Canada	2,113
Freeport, Bahama Islands	13,323
Calgary, Canada	10,027
Edmonton, Canada	4,756

Jack T. Lacy,
Comptroller.

[FR Doc. 81-23142 Filed 8-6-81; 8:45 am]

BILLING CODE 4810-22-M

VETERANS ADMINISTRATION

**Station Committee on Educational
Allowances; Meeting**

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on August 28, 1981, at 8:00 A.M., the Veterans Administration Regional Office, St. Petersburg, Florida, Station Committee

on Educational Allowances, shall, at the Federal Building, Room 621, 144 1st Avenue South, St. Petersburg, Florida, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Hollywood College of Beauty Culture, 598 Funston Street, West Hollywood, Florida, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of Law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: July 31, 1981.

Thomas Jensen,
Acting Director.

[FR Doc. 81-22981 Filed 8-6-81; 8:45 am]

BILLING CODE 8320-01-M

[FAI-03-79-01]

**Arizona Veterans Memorial Cemetery;
Application for Federal Assistance,
Maricopa County, Phoenix, Arizona;
Finding of No Significant Impact**

The Veterans Administration (VA) has assessed the potential environmental impacts that may occur from the Federal funding of the construction of Phase I development of the Arizona Veterans Memorial Cemetery, Phoenix, Arizona.

The proposed project consists of the first wing of the administrative building, parking area, deep well, garden type columbarium and roadways. This construction is the initial phase of the master plan prepared by the State of Arizona for the total development of 833 acres as a State veterans cemetery. The State authorized and initiated development of the land for use as a State veterans cemetery in June, 1976. The cemetery was opened in March, 1979, and to date over 420 interments have occurred.

The proposed development has been designed, and will be constructed and administered by the State of Arizona in a similar manner as the VA National Cemetery System.

The alternatives considered in the VA planning and approval process for the proposal have been: (1) Accept as submitted, (2) Accept with modifications, (3) Reject for funding. The "No Action" option was not considered viable, as the agency program requires the VA respond to requests for assistance in review of proposed project actions relative to state cemeteries.

The Phase I development of the Master Plan, if constructed, will have impacts on the human and natural

environment in only minor ways. Minor effects from dust generation during construction and burial operations may be expected. Additionally, potential for impact on archaeological finds exists, but is minimal. An archaeological survey of the site area has been taken and reviewed by the State Historic Preservation Officer. No Historical sites exist in or adjacent to the area. No endangered plants or animals listed on the state's endangered species inventory have been identified on the site.

Mitigation of the identified project impacts will include: (1) Dust control through pavement of roads, irrigation of land surface and utilization of decomposed granite as a ground surface cover; (2) Archaeological sightings, if they occur, will be reviewed and analyzed by a professional

archaeologist before work is allowed to continue; (3) The policy of the cemetery administration will be to protect plant and animal species, and encourage the location of confiscated native plants protected under the State Native Plant Law to the cemetery site.

The significance of the identified impacts has been evaluated relative to the considerations of both context and intensity, as defined by the Council on Environmental Quality (Title 40 CFR 1508.27).

This Environmental Assessment has been performed in accordance with the requirements of the National Environmental Policy Act Regulations, Sections 1501.3 and 1508.9. A "Finding of No Significant Impact" has been reached based on the information presented in this assessment.

The assessment is being placed for public examination at the Veterans Administration, Washington, D.C. Persons wishing to examine a copy of the document may do so at the following office: Mr. Willard Sitler, P.E., Director, Office of Environmental Affairs (003A), Room 950, Veterans Administration, 1425 K Street, N.W., Washington, D.C., (202-389-2526). Questions or requests for single copies of the Environmental Assessment may be addressed to: Director, Office of Environmental Affairs (003A), 810 Vermont Avenue, N.W., Washington, D.C. 20420.

Dated: July 29, 1981.

Robert P. Nimmo,
Administrator.

[FR Doc. 81-23068 Filed 8-6-81; 8:45 am]

BILLING CODE 8320-01-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 152

Friday, August 7, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., Thursday, August 6, 1981.

PLACE: 1700 G Street N.W., board room, sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE

INFORMATION: Mr. Marshall (202-377-6679).

CHANGES IN THE MEETING: The following item has been withdrawn from the Bank Board meeting of Thursday, August 6, 1981 and has been added to the Bank Board meeting of Thursday, August 13, 1981.

Bank Membership—State Mutual Savings Bank, Tacoma, Washington

No. 528, August 5, 1981.

(S-1199-81 Filed 8-5-81; 11:34 am)

BILLING CODE 6720-01-M

2

METRIC BOARD.

Planning and Coordination Committee Meeting; Research Committee Meeting; Public Awareness and Education Committee Meeting; Executive Committee Meeting

DATE AND TIME: Wednesday, August 19, 1981 and Thursday, August 20, 1981—9:00 a.m. to 5:00 p.m.

STATUS: Closed to the public (Exemption 5 U.S.C. 552b(c)(9)(B)).

MATTERS TO BE CONSIDERED: Fiscal Year 1982 Operating Plan.

CONTACT PERSON FOR FURTHER

INFORMATION: Lu Verne V. Hall, 703/235-3058.

Louis F. Polk,
Chairman.

(S-1200-81 Filed 8-5-81; 1:26 pm)

BILLING CODE 8250-01-M

Federal Register

**Friday
August 7, 1981**

Part II

Department of the Treasury

Bureau of Alcohol, Tobacco and Firearms

Recodification and Amendments to Explosive Materials Regulations

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 55 and 181

[T.D.-ATF 87; Re: Notice Nos. 309 and 358]

Recodification and Amendments to Explosive Materials Regulations

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF).

ACTION: Final rule, Treasury decision.

SUMMARY: This final rule is a recodification of 27 CFR Part 181 (Commerce in Explosives) as 27 CFR Part 55, and contains numerous revisions after a review by the Bureau of the explosives regulations implementing Title XI of the Organized Crime Control Act of 1970. The regulatory changes made in this Treasury decision clarify and liberalize explosive materials regulations and reduce regulatory requirements on the explosives industry.

In compliance with Executive Order 12291, this final rule is not classified as a major rule.

EFFECTIVE DATE: September 8, 1981. The provisions in Subpart K may be used in lieu of the provisions in Subpart J after September 8, 1981, but are mandatory after August 9, 1982.

FOR FURTHER INFORMATION CONTACT: James A. Hunt, Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms, Federal Building, 1200 Pennsylvania Avenue NW., Washington, DC 20226 (202-566-7626).

SUPPLEMENTARY INFORMATION: The Bureau of Alcohol, Tobacco and Firearms (ATF) published a notice of proposed rulemaking (Notice No. 309) in the Federal Register of August 3, 1977 (42 FR 39316). This notice proposed (1) a substantial amending of the regulations, particularly with respect to the recordkeeping and storage requirements for explosive materials, (2) the addition of new terms and revision of existing language to conform more to current industry terminology, and (3) the making of numerous miscellaneous, clarifying, and editorial changes. Written data, comments, and suggestions on the proposed regulations were invited. In response to the notice of proposed rulemaking, written comments were submitted by 19 industry members (manufacturers, users, carriers, distributors), seven trade associations, four agencies of the Federal Government, one agency of a State Government, one workers union, and one individual. Additional comments were submitted by ATF offices. Because

a number of changes were necessary in Notice No. 309, a new notice of proposed rulemaking (Notice No. 358) was published in the Federal Register on November 18, 1980 (45 FR 76191). In addition to the noncontroversial changes in Notice No. 309, the new notice proposed a three year period for license and permit renewals, a simpler procedure for qualifying mobile or portable magazines, broader allowances for electrical lighting in explosives magazines, retention of current bullet resistance standards, addition of laboratory reagents as exempt from explosive materials regulations, and many other changes of lesser impact. In response to Notice No. 358, written comments were submitted by 18 industry members (manufacturers, distributors and users), four trade associations, two agencies of the Federal Government and one individual. The regulations proposed and comments are summarized as follows:

Summary of Proposed Regulations, Comments, and Changes Pursuant to Comments

New Subpart K Storage

The notices proposed a new Subpart K which included the provisions now found in Subpart J and the changes affecting the storage of explosive materials proposed in the two notices. The requirements of the new Subpart K are mandatory one year after the publication date of this Treasury decision, but their use is optional until that date. After that date, the provisions in Subpart J will be deleted from Part 55. Two types of comments were received involving Notice No. 309: first, to make the effective date for mandatory compliance with Subpart K three years from the date of the Treasury decision rather than two, and second, "grandfather" all current storage construction that is in compliance with Subpart J. However, since the major construction requirements for explosives magazines previously proposed have been deleted and no comments were received for Notice No. 358 on the one year Subpart K¹ compliance date, the Bureau believes a one year phase in period is reasonable.

The comments received for Notice No. 309, were summarized in Notice No. 358, so the following summary of the comments received is specific to Notice No. 358.

¹ Subpart K was proposed as new Subpart JJ at 45 FR 76191, Nov. 18, 1980.

Definitions

A few meanings of terms, § 55.11, were revised based on comments received. The ambient moisture content of less than 15% requirement for hardwood and softwood used in magazine construction was deleted because such a requirement is very difficult to determine. The definition of water gels was simplified and made more general in scope. Throughout the regulations, the term blasting cap was changed, where appropriate, to the broader industry term, detonator. Two commenters desired a more specific definition of "highway" and another commenter requested a revision of "artificial barricade" so an accidental explosion wouldn't result in missiles. We believe the definition of artificial barricade is satisfactory as proposed in the notice, but we would consider changing the definition in the future if we received further inquiry. We have broadened the definition of highway, however. [Section 55.11 amended (formerly § 181.11)]

License and Permit Renewals

To make license and permit renewals a three-year period instead of one year received no opposition and is included in the final rule as proposed.

[Sections 55.42, 55.43, and 55.51 amended (formerly §§ 181.42, 181.43, and 181.51)]

Changes in Approved Magazines

The proposed simplification of procedures in changing location, construction, or adding magazines stated that explosive materials couldn't be put in a magazine until a copy of the letter application was received stamped "Approved." Two commenters stated that magazines on occasion need to be used prior to receipt of an approved application and in such cases telephonic approvals have been granted. We revised the final rule to simplify the entire procedure for changing existing magazines and constructing or acquiring new magazines.

[Section 55.63 added (formerly § 181.54)]

Mobile or Portable Magazines

Two commenters recommended deletion of the proposed section for mobile or portable magazines because an administrative burden would be put on those with a great number of such explosive magazines in keeping track of individual magazines. The intent of the new section was to make it easier for those with mobile or portable magazines to qualify a new magazine or move an approved magazine. Because of the intent of allowing for an easier

qualification for mobile and portable magazines, ATF issued Ruling 80-22 on December 26, 1980, which was similar to the proposed regulations. We considered carefully the comments and have deleted the new mobile or portable magazine section. In addition, we have exempted mobile or portable type 5 magazines from application requirements because most are trailers used frequently for other than transporting and storing blasting agents. However, construction and distance requirements are in effect for mobile or portable magazines when in use for the storage of explosives. ATF Ruling 80-22 becomes obsolete on the effective date of this final rule.

Posting of Licenses or Permits

Two commenters stated the posting of a license in each approved explosives magazine was a burden on those with many magazines and it served little useful purpose. One commenter objected to having a copy of the approved application for a license or permit at each business premises because some of the information in the application was not intended for circulation. The Bureau agrees the benefits of these two requirements are not sufficient and the final rule reflects the changes.

[Section 55.101 amended (formerly § 181.101)]

Sales or Distributions of Explosive Materials

The notice sets forth a revision to clarify procedures for sales or distributions between licensees or between licensees and permittees, and distributions to non-licensees and non-permittees. Two commenters asked for a definition of the word "acquire" because confusion exists within the explosives industry in determining whether "acquire" pertains to the person placing the order or the person receiving the explosive materials. Instead of defining "acquire," we have further clarified the procedures for obtaining explosives.

[Sections 55.103 and 55.105 amended (formerly §§ 181.103 and 181.105)]

Inventories. The proposed regulations required a physical inventory of explosives at least once a year. No comments were received on this proposal because we believe most, if not all, explosives industry members already take at least one physical inventory per year.

[Sections 55.122, 55.123, 55.124 and 55.125, amended (formerly §§ 181.122, 181.123, 181.124, 181.125)]

Records. Two commenters requested deleting the requirement that record entries have descriptive words such as

dynamite, blasting agents and detonators, because the manufacturer's trade name is sufficient in identifying the explosive. We do not agree that in the records a manufacturer's trade name can be substituted for more commonly understood names. For example, full or partial inventories would be difficult to verify against record balances if the record did not divide the explosives by type and size. Use of trade names may also make the tracing of explosives more difficult for those unfamiliar with these names. We agree with the commenters, however, that space on accounting and transactions forms is limited and the time in making entries is costly, so we have suggested in the regulations use of abbreviations instead of a full descriptive name of the explosive.

[Sections 55.122, 55.123, 55.124 and 55.125 amended (formerly §§ 181.122, 181.123, 181.124 and 181.125)]

Two licensed manufacturers commented that their operations involve an on-site mixing of components to manufacture an explosive material which is then all used after its manufacture. They requested this type of operation be considered differently from other explosives manufacturing. We agree the recordkeeping requirements for such manufacturing is a burden, so we have specifically exempted on-site explosive manufacturers from keeping records on their explosive materials manufactured and used within a 24-hour period at the same site.

[Section 55.123 amended (formerly § 181.123)]

Another commenter suggested records should only be retained by a licensee during the period of the license and then the records should be turned over to the Bureau for retention. Notice No. 309 proposed licenses and permittees forward all explosives transaction records to the Bureau after five years. However, most of the commenters opposed this proposal and the Bureau decided to withdraw the proposal and reevaluate the subject of record retention. This final rule is issued with no change in the present record retention requirements.

Exemption From Explosives Regulations

One commenter suggested including in the new exemption of certain industrial or laboratory chemicals specific names of chemicals used as reagents, i.e., the following chemicals: picric acid, nitric acid, sodium nitrate, cobalt nitrate, aluminum nitrate, potassium nitrate, strontium peroxide, hydrogen peroxide, perchloric acid, ammonium perchlorate,

sulphate and potassium chlorate. We have decided not to add these chemicals specifically because these and other chemicals are already included in the general language of § 55.141(a)(9).

Storage of Explosives

Construction of Magazines. Two commenters suggested the new construction provisions for explosives magazines in Subpart K include any alternate construction previously approved by ATF. We have included such a statement in the new § 55.201.

Inspection of Magazines. Several commenters stated there was no need to open and inspect the contents of an explosives magazine if there was no evidence of tampering or other forced entry. The opening of an explosives magazine during winter months in snow country is especially a burden. We agree with the commenters and the regulation now requires magazines to be inspected at least every seven days to determine whether there has been unauthorized entry or attempted entry.

[Section 55.204 added]

Location of Magazines. One commenter requested that pipelines be added to the list which includes inhabited buildings, passenger railways, public highways, or other magazines for the minimum distances for the storage of explosives. This suggestion could not be added to this rule without benefit of public comment, but the suggestion will be considered in future rulemaking on explosives regulations.

Locks. Several commenters objected to changing the minimum lock shackle diameter size from $\frac{3}{8}$ inches as stated in Notice No. 309, to the $\frac{1}{2}$ inches stated in Notice No. 358. We agree the $\frac{3}{8}$ inches shackle minimum diameter is sufficient and the final rule includes this minimum size.

[Sections 55.207 thru 55.211 amended]

One commenter requested including a statement that a steel hood over the lock is not required for Type 3 magazines. This suggestion is also included in the final rule.

[Section 55.209 amended]

Quantity and Storage Restrictions. Two commenters requested an allowance of over 300,000 pounds of explosive material in a magazine upon special request. Notice No. 358 contained this provision as does the final rule.

[Section 55.213 added]

Recodification and Miscellaneous Changes

The numbering of the sections is changed to reflect recodification of 27 CFR Part 181 to 27 CFR Part 55. A number of title and definition changes are made to conform to reorganization changes involving ATF. Also, the old numbers used to identify forms have been changed to reflect the new numbers within the ATF Subject Classification System.

Drafting Information

The principal author of this document is James A. Hunt of the Research and Regulations Branch, Bureau of Alcohol, Tobacco and Firearms.

Authority and Issuance

These regulations are issued under the authority contained in 18 U.S.C. 847 (84 Stat. 959).

Specific changes to the Regulations

In consideration of the foregoing, 27 CFR Part 181 is recodified and amended as follows:

Preamble. 1. The regulations in this new Part 55 revise and supersede 27 CFR Part 181 in its entirety.

2. These regulations do not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding completed or commenced before the effective date of these regulations.

3. The regulations in this part are effective September 8, 1981.

PART 55—COMMERCE IN EXPLOSIVES

Subpart A—Introduction

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Subpart J—Storage

The provisions in this subpart shall apply until August 9, 1982. The provisions in Subpart K may be used in lieu of the provisions in this subpart, but shall be mandatory after August 9, 1982.

- 55.181 General.
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55.195 Housekeeping.
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55.197 Lighting.
55.198 American table of distances for storage of explosive materials.
55.199 Table of distances for storage of low explosives.
55.200 Table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

Subpart K—Storage

The provisions of this subpart may be used in lieu of the provisions in Subpart J, but are mandatory after August 9, 1982.

- 55.201 General.
55.202 Classes of explosive materials.
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55.204 Inspection of magazines.
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 55.216 Repair of magazines.
 55.217 Lighting.
 55.218 Table of distances for storage of explosive materials.
 55.219 Table of distances for storage of low explosives.
 55.220 Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.
 Authority: 18 U.S.C. Chapter 40, unless otherwise noted.

Subpart A—Introduction

§ 55.1 Scope of regulations.

(a) *In general.* The regulations contained in this part relate to commerce in explosives and implement Title XI, Regulation of Explosives (18 U.S.C. Chapter 40; 84 Stat. 952), of the Organized Crime Control Act of 1970 (84 Stat. 922).

(b) *Procedural and substantive requirements.* This part contains the procedural and substantive requirements relative to:

- (1) The interstate of foreign commerce in explosive materials;
- (2) The licensing of manufacturers and importers of, and dealers in, explosive materials;
- (3) The issuance of user permits;
- (4) The conduct of business by licensees and operations by permittees;
- (5) The storage of explosive materials;
- (6) The records and reports required of licensees and permittees;
- (7) Relief from disabilities under this part; and
- (8) Exemptions, unlawful acts, penalties, seizures, and forfeitures.

§ 55.2 Relation to other provisions of law.

The provisions in this part are in addition to, and are not in lieu of, any other provision of law, or regulations, respecting commerce in explosive materials. For regulations applicable to commerce in firearms and ammunition, see Part 178 of this chapter. For regulations applicable to traffic in machine guns, destructive devices, and certain other firearms, see Part 179 of this chapter. For statutes applicable to the registration and licensing of persons engaged in the business of manufacturing, importing or exporting arms, ammunition, or implements of war, see section 38 of the Arms Export Control Act (22 U.S.C. 2778), and regulations of Part 47 of this chapter and in Parts 121–128 of Title 22, Code of Federal Regulations. For statutes applicable to nonmailable materials, see 18 U.S.C. 1716 and implementing regulations. For statutes applicable to

water quality standards, see 33 U.S.C. 1341.

Subpart B—Definitions

§ 55.11 Meaning of terms.

When used in this part, terms are defined as follows in this section. Words in the plural form include the singular, and vice versa, and words indicating the masculine gender include the feminine. The terms "includes" and "including" do not exclude other things not named which are in the same general class or are otherwise within the scope of the term defined.

Act. 18 U.S.C. Chapter 40.

Ammunition. Small arms ammunition or cartridge cases, primers, bullets, or smokeless propellants designed for use in small arms, including percussion caps, and $\frac{1}{2}$ inch and other external burning, pyrotechnic hobby fuses. The term does not include black power.

Approved storage facility. A place where explosive materials are stored, consisting of one or more approved magazines, conforming to the requirements of this part and covered by a license or permit issued under this part.

Artificial barricade. An artificial mound or revetted wall of earth of a minimum thickness of three feet, or any other approved barricade that offers equivalent protection.

ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any function relating to the administration or enforcement of this part.

Barricaded. The effective screening of a magazine containing explosive materials from another magazine, a building, a railway, or a highway, either by a natural barricade or by an artificial barricade. To be properly barricaded, a straight line from the top of any sidewall of the magazine containing explosive materials to the eave line of any other magazine or building, or to a point 12 feet above the center of a railway or highway, will pass through the natural or artificial barricade.

Blasting agent. Any material or mixture, consisting of fuel and oxidizer, that is intended for blasting and not otherwise defined as an explosive; if the finished product, as mixed for use or shipment, cannot be detonated by means of a number 8 test blasting cap when unconfined. A number 8 test blasting cap is one containing 2 grams of a mixture of 80 percent mercury fulminate and 20 percent potassium chlorate, or a blasting cap of equivalent strength. An equivalent strength cap comprises 0.40–0.45 grams of PETN base

charge pressed in an aluminum shell with bottom thickness not to exceed 0.03 of an inch, to a specific gravity of not less than 1.4 g/cc., and primed with standard weights of primer depending on the manufacturer.

Bureau. The Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, DC.

Business premises. When used with respect to a manufacturer, importer, or dealer, the property on which explosive materials are manufactured, imported, stored or distributed. The premises include the property where the records of a manufacturer, importer, or dealer are kept if different than the premises where explosive materials are manufactured, imported, stored or distributed. When used with respect to a user of explosive materials, the property on which the explosive materials are received or stored. The premises includes the property where the records of the users are kept if different than the premises where explosive materials are received or stored.

Crime punishable by imprisonment for a term exceeding one year. Any offense for which the maximum penalty, whether or not imposed, is capital punishment or imprisonment in excess of one year. The term does not include (a) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or (b) any State offense (other than one involving a firearm or explosive) classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

Customs officer. Any officer of the Customs Service or any commissioned, warrant, or petty officer of the Coast Guard, or any agent or other person authorized to perform the duties of an officer of the Customs Service.

Dealer. Any person engaged in the business of distributing explosive materials at wholesale or retail.

Detonator. Any device containing a detonating charge that is used for initiating detonation in an explosive. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating-cord delay connectors, and nonelectric instantaneous and delay blasting caps.

Director. The Director, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, Washington, DC.

Distribute. To sell, issue, give, transfer, or otherwise dispose of. The term does not include a mere change of possession from a person to his agent or

employee in connection with the agency or employment.

District Director. A District Director of Internal Revenue.

Executed under penalties of perjury. Signed with the required declaration under the penalties of perjury as provided on or with respect to the return, form, or other document or, where no form of declaration is required, with the declaration: "I declare under the penalties of perjury that this— (insert type of document, such as, statement, application, request, certificate), including the documents submitted in support thereof, has been examined by me and, to the best of my knowledge and belief, is true, correct, and complete".

Explosive actuated device. Any tool or special mechanized device which is actuated by explosives, but not a propellant-actuated device.

Explosive materials. Explosives, blasting agents, water gels and detonators. Explosive materials include, but are not limited to, all items in the List of Explosive Materials provided for in § 55.23.

Explosives. Any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. The term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, and igniters.

Fugitive from justice. Any person who has fled from the jurisdiction of any court of record to avoid prosecution for any crime or to avoid giving testimony in any criminal proceeding. The term also includes any person who has been convicted of any crime and has fled to avoid imprisonment.

Hardwood. Oak, maple, ash, hickory, or other hard wood, free from loose knots, spaces, or similar defects.

Highway. Any public street, alley, or road. Public highways of class A to D are highways with an average traffic volume of 3,000 or less vehicles per day as specified in "American Civil Engineering Practice" (Abbott, Vol. 1, Table 46, Sec. 3-74, 1956 Edition, John Wiley and Sons).

Importer. Any person engaged in the business of importing or bringing explosive materials into the United States for purposes of sale or distribution.

Indictment. Includes an indictment or information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

Inhabited building. Any building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other structure where people are accustomed to assemble, except any building occupied in connection with the manufacture, transportation, storage, or use of explosive materials.

Internal Revenue District. An Internal Revenue District under the jurisdiction of a District Director of Internal Revenue.

Interstate or foreign commerce. Commerce between any place in a State and any place outside of that State, or within any possession of the United States or the District of Columbia, and commerce between places within the same State but through any place outside of that State.

Licensed dealer. A dealer licensed under this part.

Licensed importer. An importer licensed under this part.

Licensed manufacturer. A manufacturer licensed under this part to engage in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

Licensed manufacturer-limited. A manufacturer licensed under this part to engage in the business of manufacturing explosive materials for his own use and not for sale or distribution.

Licensee. Any importer, manufacturer, or dealer licensed under this part.

Magazine. Any building or structure, other than an explosives manufacturing building, used for storage of explosive materials.

Manufacturer. Any person engaged in the business of manufacturing explosive materials for purposes of sale or distribution or for his own use.

Manufacturer-limited. Any person engaged in the business of manufacturing explosive materials for his own use and not for sale or distribution.

Mass detonation (mass explosion). Explosive materials mass detonate (mass explode) when a unit or any part of a larger quantity of explosive material explodes and causes all or a substantial part of the remaining material to detonate or explode.

Natural barricade. Natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

Number 8 test blasting cap. (See definition of "blasting agent.")

Permittee. Any user of explosives for lawful purpose, who has obtained a user permit under this part.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

Plywood. Exterior, construction grade (laminated wood) plywood.

Propellant actuated device. Any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

Railway. Any steam, electric, or other railroad or railway which carries passengers for hire.

Region. A geographical region of the Bureau of Alcohol, Tobacco and Firearms.

Regional regulatory administrator. The principal regional official responsible for administering regulations in this part.

Service Center Director. A director of an Internal Revenue Service center.

Softwood. Fir, pine, or other soft wood, free from loose knots, spaces, or similar defects.

State. A State of the United States. The term includes the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States.

State of residence. The State in which an individual regularly resides or maintains his home. Temporary stay in a State does not make the State of temporary stay the State of residence.

U.S.C. The United States Code.

User-limited permit. A user permit valid only for a single purchase transaction, a new permit being required for a subsequent purchase transaction.

User permit. A permit issued to a person authorizing him (a) to acquire for his own use explosive materials from a licensee in a State other than the State in which he resides or from a foreign country, and (b) to transport explosive materials in interstate or foreign commerce.

Water gels. Explosives or blasting agents that contain a substantial proportion of water.

Subpart C—Administrative and Miscellaneous Provisions

§ 55.21 Forms prescribed.

The Director is authorized to prescribe all forms required by this part. All of the information called for in each form shall be furnished.

§ 55.22 Alternate methods or procedures; emergency variations from requirements.

(a) *Alternate methods or procedures.* The permittee or licensee, on specific approval by the Director as provided by this paragraph, may use an alternate method or procedure in lieu of a method

or procedure specifically prescribed in this part. The Director may approve an alternate method or procedure, subject to stated conditions, when he finds that—

(1) Good cause is shown for the use of the alternate method or procedure;

(2) The alternate method or procedure is within the purpose of, and consistent with the effect intended by, the specifically prescribed method or procedure and that the alternate method or procedure is substantially equivalent to that specifically prescribed method or procedure; and

(3) The alternate method or procedure will not be contrary to any provision of law and will not result in an increase in cost to the Government or hinder the effective administration of this part.

Where the permittee or licensee desires to employ an alternate method or procedure, he shall submit a written application to the regional regulatory administrator, for transmittal to the Director. The application shall specifically describe the proposed alternate method or procedure and shall set forth the reasons for it. Alternate methods or procedures may not be employed until the application is approved by the Director. The permittee or licensee shall, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization of any alternate method or procedure may be withdrawn whenever, in the judgment of the Director, the effective administration of this part is hindered by the continuation of the authorization. As used in this paragraph, alternate methods or procedures include alternate construction or equipment.

(b) *Emergency variations from requirements.* The Director may approve construction, equipment, and methods of operation other than as specified in this part, where he finds that an emergency exists and the proposed variations from the specified requirements are necessary and the proposed variations—

(1) Will afford security and protection that are substantially equivalent to those prescribed in this part;

(2) Will not hinder the effective administration of this part; and

(3) Will not be contrary to any provisions of law.

Variations from requirements granted under this paragraph are conditioned on compliance with the procedures, conditions, and limitations set forth in the approval of the application. Failure to comply in good faith with the procedures, conditions, and limitations shall automatically terminate the

authority for the variations and the licensee or permittee shall fully comply with the prescribed requirements of regulations from which the variations were authorized. Authority for any variation may be withdrawn whenever, in the judgment of the Director, the effective administration of this part is hindered by the continuation of the variation. Where the licensee or permittee desires to employ an emergency variation, he shall submit a written application to the regional regulatory administrator for transmittal to the Director. The application shall describe the proposed variation and set forth the reasons for it. Variations may not be employed until the application is approved, except when the emergency requires immediate action to correct a situation that is threatening to life or property. Corrective action may then be taken concurrent with the filing of the application and notification of the Director via telephone.

(c) *Retention of approved variations.* The licensee or permittee shall retain, as part of his records available for examination by ATF officers, any application approved by the Director under this section.

§ 55.23 List of Explosive Materials.

The Director shall compile and publish in the *Federal Register* a list of Explosive Materials. The list shall be published and revised at least annually.

§ 55.24 Right of entry and examination.

Any ATF officer may enter during business hours the premises, including places of storage, of any licensee or permittee for the purpose of inspecting or examining any records or documents required to be kept under this part, and any explosive materials kept or stored at the premises.

§ 55.25 Disclosure of information.

Upon receipt of written request from any State or any political subdivision of a State, the regional regulatory administrator may make available to the State or political subdivision any information which the regional regulatory administrator may obtain under the Act with respect to the identification of persons within the State or political subdivision, who have purchased or received explosive materials, together with a description of the explosive materials.

§ 55.26 Prohibited shipment, transportation, or receipt of explosive materials.

(a) No person, other than a licensee or permittee, shall transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive

materials. This paragraph does not apply to—

(1) The transportation, shipment, or receipt of explosive materials by a nonlicensed person or nonpermittee who lawfully purchases explosive materials from a licensee in a State contiguous to the purchaser's State of residence if, (i) the purchaser's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State, (ii) the provisions of § 55.105(c) are fully complied with, and (iii) the purchaser is not otherwise prohibited under paragraph (b) of this section from shipping or transporting explosive materials in interstate or foreign commerce or receiving explosive materials which have been shipped or transported in interstate or foreign commerce; or

(2) The lawful purchase by a nonlicensee or nonpermittee of commercially manufactured black powder in quantities not to exceed 50 pounds, if (i) the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, and (ii) the provisions of § 55.105(g) are fully complied with.

(b) No person may ship or transport any explosive material in interstate or foreign commerce or receive any explosive materials which have been shipped or transported in interstate or foreign commerce who (1) is under indictment or information for, or who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, (2) is a fugitive from justice, (3) is an unlawful user of or addicted to marijuana, or any depressant or stimulant drug, or narcotic drug (as these terms are defined in the Controlled Substances Act; 21 U.S.C. 802), or (4) has been adjudicated as a mental defective or has been committed to a mental institution.

§ 55.27 Out-of-State disposition of explosive materials.

No nonlicensee or nonpermittee shall distribute any explosive materials to any other nonlicensee or nonpermittee who the distributor knows or has reasonable cause to believe does not reside in the State in which the distributor resides.

§ 55.28 Stolen explosive materials.

No person shall receive, conceal, transport, ship, store, barter, sell, or dispose of any stolen explosive materials knowing or having reasonable

cause to believe that the explosive materials were stolen.

§ 55.29 Unlawful storage.

No person shall store any explosive materials in a manner not in conformity with this part.

§ 55.30 Reporting theft or loss of explosive materials.

(a) Any licensee or permittee who has knowledge of the theft or loss of any explosive materials from his stock shall, within 24 hours of discovery, report the theft or loss by telephoning 800-424-9555 (nationwide toll free number) and on ATF F 5400.5 (formerly Form 4712) in accordance with the instructions on the form. Theft or loss of any explosive materials shall also be reported to appropriate local authorities.

(b) Any other person, except a carrier of explosive materials, who has knowledge of the theft or loss of any explosive materials from his stock shall, within 24 hours of discovery, report the theft or loss by telephoning 800-424-9555 (nationwide toll free number) and in writing to the nearest ATF office. Theft or loss shall be reported to appropriate local authorities.

(c) Reports of theft or loss of explosive materials under paragraphs (a) and (b) must include the following information, if known:

- (1) The manufacturer or brand name.
- (2) The manufacturer's marks of identification (date and shift code).
- (3) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).
- (4) Description (dynamite, blasting agents, detonators, etc.).
- (5) Size (length and diameter).

(d) A carrier of explosive materials who has knowledge of the theft or loss of any explosive materials shall, within 24 hours of discovery, report the theft or loss by telephoning 800-424-9555 (nationwide toll free number). Theft or loss shall also be reported to appropriate local authorities. Reports of theft or loss of explosive materials by carriers shall include the following information, if known:

- (1) The manufacturer or brand name.
- (2) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).
- (3) Description (Class A, B, or C explosives, or nitro-carbo-nitrates, as classified by the U.S. Department of Transportation in the Hazardous Materials Table).

§ 55.31 Inspection of site accidents or fires; right of entry.

Any ATF officer may inspect the site of any accident or fire in which there is

reason to believe that explosive materials were involved. Any ATF officer may enter into or upon any property where explosive materials have been used, are suspected of having been used, or have been found in an otherwise unauthorized location.

§ 55.32 Special explosive devices.

The Director may exempt certain explosive actuated devices, explosive actuated tools, or similar devices from the requirements of this part. A person who desires to obtain an exemption under this section for any special explosive device, which as designed does not constitute a public safety or security hazard, shall submit a written request to the Director. Each request shall be executed under the penalties of perjury and contain a complete and accurate description of the device, the name and address of the manufacturer or importer, the purpose of and use for which it is intended, and any photographs, diagrams, or drawings as may be necessary to enable the Director to make a determination. The Director may require that a sample of the device be submitted for examination and evaluation. If it is not possible to submit the device, the person requesting the exemption shall advise the Director and designate the place where the device will be available for examination and evaluation.

Subpart D—Licenses and Permits

§ 55.41 General.

(a) Each person intending to engage in business as an importer or manufacturer of, or a dealer in, explosive materials, including black powder, shall, before commencing business, obtain the license required by this subpart for the business to be operated. Each person who intends to acquire for use explosive materials from a licensee in a State other than the State in which he resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, shall obtain a permit under this subpart; except that it is not necessary to obtain a permit if the user intends to lawfully purchase—

(1) Explosive materials from a licensee in a State contiguous to the user's State of residence and the user's State of residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State, or

(2) Commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural

purposes in antique firearms or in antique devices.

(b) Each person intending to engage in business as an explosive materials importer, manufacturer, or dealer shall file an application, with the required fee (see § 55.42), with the Service Center Director for the internal revenue district in which his business premises are to be located. A license shall, subject to law, entitle the licensee to transport, ship, and receive explosive materials in interstate or foreign commerce, and to engage in the business specified by the license, at the location described on the license (and in the case of a licensed manufacturer, on site within the same region), for the period stated on the license. A separate license must be obtained for each business premises at which the applicant is to manufacture, import, or distribute explosive materials; except under the following circumstances:

(1) A separate license shall not be required for storage facilities operated by the licensee as an integral part of one business premises or to cover a location used by the licensee solely for maintaining the records required by this part.

(2) A separate license shall not be required of a licensed manufacturer with respect to his on-site manufacturing within the same region.

(3) It shall not be necessary for a licensed importer or a licensed manufacturer (for purposes of sale or distribution) to also obtain a dealer's license in order to engage in business on his licensed premises as a dealer in explosive materials.

(c) Except as provided in paragraph (a) of this section, each person intending to acquire explosive materials from a licensee in a State other than a State in which he resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, shall file an application, with the required fee (see § 55.43), with the Service Center Director for the internal revenue district in which is located his legal residence or principal place of business. A permit shall, subject to law, entitle the permittee to acquire, transport, ship, and receive in interstate or foreign commerce explosive materials of the class authorized by this permit. Only one permit is required under this part.

§ 55.42 License fees.

(a) Each applicant shall pay a fee for obtaining a license, a separate fee being required for each business premises, as follows:

- (1) Manufacturer—\$50.

(2) Manufacturer-limited (nonrenewable)—\$5.

(3) Importer—\$50.

(4) Dealer—\$20.

(b) Each applicant for a renewal of a license shall pay a fee for a three year license as follows:

(1) Manufacturer—\$25.

(2) Importer—\$25.

(3) Dealer—\$10.

§ 55.43 Permit fees.

(a) Each applicant shall pay a fee for obtaining a permit as follows:

(1) User—\$20.

(2) User-limited (nonrenewable)—\$2.

(b) Each applicant for a renewal of a user permit shall pay a fee of \$10 for a three year permit.

§ 55.44 License or permit fee not refundable.

No refund of any part of the amount paid as a license or permit fee will be made where the operations of the licensee or permittee are, for any reason, discontinued during the period of an issued license or permit. However, the license or permit fee submitted with an application for a license or permit will be refunded if that application is denied, withdrawn, or abandoned, or if a license is cancelled subsequent to having been issued through administrative error.

§ 55.45 Original license or permit.

(a) Any person who intends to engage in business as an explosive materials importer, manufacturer, or dealer, or who has not timely submitted application for renewal of a previous license issued under this part, shall file with the Service Center Director for the internal revenue district in which the applicant is to do business an application, ATF F 5400.13. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 844(a). The application is to be accompanied by the appropriate fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. ATF F 5400.13 may be obtained from any regional regulatory administrator.

(b) Any person, except as provided in § 55.41(a), who intends to acquire explosive materials from a licensee in a State other than the State in which he resides, or from a foreign country, or who intends to transport explosive materials in interstate or foreign commerce, or who has not timely submitted application for renewal of a previous permit issued under this part, shall file with the Service Center Director for the internal revenue district in which is located his legal residence or

principal place of business an application, ATF F 5400.16. The application must be executed under the penalties of perjury and the penalties imposed by 18 U.S.C. 844(a). The application is to be accompanied by the appropriate fee in the form of (1) cash, or (2) money order or check made payable to the Internal Revenue Service. ATF F 5400.16 may be obtained from any regional regulatory administrator.

§ 55.46 Renewal of license or permit.

(a) If a licensee or permittee intends to continue the business or operation described on a license or permit issued under this part after the expiration date of the license or permit, he shall, unless otherwise notified in writing by the regional regulatory administrator, execute and file prior to the expiration of his license or permit an application for license renewal, ATF F 5400.14 (Part III), or an application for permit renewal, ATF F 5400.15 (Part III), accompanied by the required fee, with the Service Center Director for the internal revenue district in which the business premises are located, or in the case of a permittee, in which is located his legal residence or principal place of business. In the event the licensee or permittee does not timely file a renewal application, he shall file an original application as required by § 55.45, and obtain the required license or permit in order to continue business or operations.

(b) A license issued to a manufacturer-limited is not renewable and is only valid for 30 days from the date of issuance. A user-limited permit is not renewable and is valid for a single purchase transaction. All applications for manufacturer-limited licenses or user-limited permits must be filed on ATF F 5400.13 or ATF F 5400.16, as required by § 55.45.

§ 55.47 Procedure by Service Center Director.

Upon receipt of an application for an original license or an original permit, or an application for renewal of a license or renewal of a permit, the Service Center Director shall deposit the fee accompanying the license or permit application and forward the application to the regional regulatory administrator. Where an application is filed with an insufficient fee, the application and any fee submitted will be returned.

§ 55.48 Abandoned application.

Upon receipt of an incomplete or improperly executed application, the applicant will be notified of the deficiency in the application. If the application is not corrected and returned within 30 days following the

date of notification, the application will be considered as having been abandoned and the license or permit fee returned.

§ 55.49 Issuance of license or permit.

(a) The regional regulatory administrator shall issue a license or permit if (1) a properly executed application for the license or permit is received, and (2) through further inquiry or investigation, or otherwise, it is found that the applicant is entitled to the license or permit. The license or permit and one copy will be forwarded to the applicant, except that in the case of a user-limited permit, the original only shall be issued. Each license or permit will bear a serial number and this number may be assigned to the licensee or permittee to whom issued for as long as he maintains continuity of renewal in the same region.

(b) The regional regulatory administrator shall approve a properly executed application for a license or permit, if:

(1) The applicant is 21 years of age or over;

(2) The applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association) is not a person to whom distribution of explosive materials is prohibited under the Act;

(3) The applicant has not willfully violated any provisions of the Act or this part;

(4) The applicant has not knowingly withheld information or has not made any false or fictitious statement intended or likely to deceive, in connection with his application;

(5) The applicant has in a State, premises from which he conducts business or operations subject to license or permit under the Act or from which he intends to conduct business or operations;

(6) The applicant has storage for the class (as described in § 55.182 or § 55.202) of explosive materials described on the application, unless he establishes to the satisfaction of the regional regulatory administrator that the business or operations to be conducted will not require the storage of explosive materials.

(7) The applicant has certified in writing that he is familiar with and understands all published State laws and local ordinances relating to explosive materials for the location in which he intends to do business; and

(8) The applicant for a license has submitted the certificate required by section 21 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1341).

(c) The regional regulatory administrator shall approve or deny any application for license or permit within the 45-day period beginning on the date a properly executed application was received by the Service Center Director. However, when an applicant for license or permit renewal is a person who is, under the provisions of § 55.83 or § 55.142, conducting business or operations under a previously issued license or permit, action regarding the application will be held in abeyance pending the completion of the proceedings against the applicant's existing license or permit, or renewal application, or final action by the Director on an application for relief submitted under § 55.142, as the case may be.

§ 55.50 Correction of error on license or permit.

(a) Upon receipt of a license or permit issued under this part, each licensee or permittee shall examine the license or permit to insure that the information on it is accurate. If the license or permit is incorrect, the licensee or permittee shall return the license or permit to the regional regulatory administrator with a statement showing the nature of the error. The regional regulatory administrator shall correct the error, if the error was made in his office, and return the license or permit. However, if the error resulted from information contained in the licensee's or permittee's application for the license or permit, the regional regulatory administrator shall require the licensee or permittee to file an amended application setting forth the correct information and a statement explaining the error contained in the application. Upon receipt of the amended application and a satisfactory explanation of the error, the regional regulatory administrator shall make the correction on the license or permit and return it to the licensee or permittee.

(b) When the regional regulatory administrator finds through any means other than notice from the licensee or permittee that an incorrect license or permit has been issued, (1) the regional regulatory administrator may require the holder of the incorrect license or permit to return the license or permit for correction, and (2) if the error resulted from information contained in the licensee's or permittee's application for the license or permit, the regional regulatory administrator shall require the licensee or permittee to file an

amended application setting forth the correct information, and a statement satisfactorily explaining the error contained in the application. The regional regulatory administrator then shall make the correction on the license or permit and return it to the licensee or permittee.

§ 55.51 Duration of license or permit.

An original license or permit is issued for a period of one year. A renewal license or permit is issued for a period of three years. However, a manufacturer-limited license is issued for a period of 30 days and a user-limited permit is valid only for a single purchase transaction.

§ 55.52 Limitations on license or permit.

(a) The license covers the business and class (as described in § 55.182 or § 55.202) of explosive materials specified in the license at the licensee's business premises (see § 55.41(b)).

(b) The permit is valid with respect to the type of operations and class (as described in § 55.182 or § 55.202) of explosive materials specified in the permit.

§ 55.53 License and permit not transferable.

Licenses and permits issued under this part are not transferable to another person. In the event of the lease, sale, or other transfer of the business or operations covered by the license or permit, the successor must obtain the license or permit required by this part before commencing business or operations. However, for rules on right of succession, see § 55.59.

§ 55.54 Change of address.

During the term of a license or permit, a licensee or permittee may move his business or operations to a new address at which he intends to regularly carry on his business or operations, without procuring a new license or permit. However, in every case, the licensee or permittee shall—

(a) Give notification of the new location of the business or operations to the regional regulatory administrator for the regions from which or to which the removal is to be made or the region within which the move is to be made at least 10 days before the move; and

(b) Submit his license or permit, and any copies furnished with the license or permit, to the regional regulatory administrator for the region to which or within which the move is to be made. The regional regulatory administrator will approve the license or permit, and any copies, to show the new location and the new license or permit number (if any). The approved license or permit,

and any copies, will then be returned to the licensee or permittee.

§ 55.55 Change in class of explosive materials.

A licensee or permittee who intends to change the class of explosive materials described in his license or permit from a lower to a higher classification (see § 55.182 or § 55.202) shall file an application on ATF F 5400.13 or on ATF F 5400.16 with the regional regulatory administrator for an amended license or permit. If the change in class of explosive materials would require a change in magazines, the amended application must include a description of the type of construction as prescribed in this part. Business or operations with respect to the new class of explosive materials may not be commenced before issuance of the amended license or amended permit. Upon receipt of the amended license or amended permit, the licensee or permittee shall submit his superseded license or superseded permit and any copies furnished with the license or permit to the regional regulatory administrator.

§ 55.56 Change in trade name.

A licensee or permittee continuing to conduct business or operations at the location shown on his license or permit is not required to obtain a new license or permit by reason of a mere change in trade name under which he conducts his business or operations. However, the licensee or permittee shall furnish his license or permit and any copies furnished with the license or permit for endorsement of the change to the regional regulatory administrator for the region in which the licensee or permittee conducts his business or operations, within 30 days from the date the licensee or permittee begins his business or operations under the new trade name.

§ 55.57 Change of control.

In the case of a corporation or association holding a license or permit under this part, if actual or legal control of the corporation or association changes, directly or indirectly, whether by reason of change in stock ownership or control (in the corporation holding a license or permit or in any other corporation), by operation of law, or in any other manner, the licensee or permittee shall, within 30 days of the change, give written notification executed under the penalties of perjury, to the regional regulatory administrator. Upon expiration of the license or permit, the corporation or association shall file an ATF F 5400.13 or an ATF F 5400.16 as

required by § 55.45, and pay the fee prescribed in § 55.42(b) or § 55.43(b).

§ 55.58 Continuing partnerships.

Where, under the laws of the particular State, the partnership is not terminated on death or insolvency of a partner, but continues until the winding up of the partnership affairs is completed, and the surviving partner has the exclusive right to the control and possession of the partnership assets for the purpose of liquidation and settlement, the surviving partner may continue to conduct the business or operations under the license or permit of the partnership. If the surviving partner acquires the business or operations on completion of settlement of the partnership, he shall obtain a license or permit in his own name from the date of acquisition, as provided in § 55.45. The rule set forth in this section will also apply where there is more than one surviving partner.

§ 55.59 Right of succession by certain persons.

(a) Certain persons other than the licensee or permittee may secure the right to carry on the same explosive materials business or operations at the same business premises for the remainder of the term of license or permit. These persons are:

(1) The surviving spouse or child, or executor, administrator, or other legal representative of a deceased licensee or permittee; and

(2) A receiver or trustee in bankruptcy, or an assignee for benefit of creditors.

(b) In order to secure the right of succession, the person or persons continuing the business or operations shall submit the license or permit and all copies furnished with the license or permit for endorsement of the succession to the regional regulatory administrator for the region in which the business or operations are conducted, within 30 days from the date on which the successor begins to carry on the business or operations.

§ 55.60 Certain continuances of business or operations.

A licensee or permittee who furnishes his license or permit to the regional regulatory administrator for correction, amendment, or endorsement, as provided in this subpart, may continue his business or operations while awaiting its return.

§ 55.61 Discontinuance of business or operations.

Where an explosive materials business or operations is either discontinued or succeeded by a new

owner, the owner of the business or operations discontinued or succeeded shall, within 30 days, furnish notification of the discontinuance or succession and submit his license or permit and any copies furnished with the license or permit to the regional regulatory administrator for the region in which his business or operations was located. (See also § 55.128.)

§ 55.62 State or other law.

A license or permit issued under this part confers no right or privilege to conduct business or operations, including storage, contrary to State or other law. The holder of a license or permit issued under this part is not, by reason of the rights and privileges granted by that license or permit, immune from punishment for conducting an explosive materials business or operations in violation of the provisions of any State or other law. Similarly, compliance with the provisions of any State or other law affords no immunity under Federal law or regulations.

§ 55.63 Explosives magazine changes.

(a) General.

(1) The requirements of this section are applicable to magazines used for other than temporary (under 24 hours) storage of explosives.

(2) A magazine is considered suitable for the storage of explosives if the construction requirements of this part are met during the time explosives are stored in the magazine.

(3) A magazine is considered suitable for the storage of explosives if positioned in accordance with the applicable table of distances as specified in this part during the time explosives are stored in the magazine.

(4) For the purposes of this section, notification of the regional regulatory administrator may be by telephone or in writing. However, if notification of the regional regulatory administrator is in writing it must be at least three business days in advance of making changes in construction to an existing magazine or constructing a new magazine, and at least five business days in advance of using any reconstructed magazine or added magazine for the storage of explosives.

(b) *Exception.* Mobile or portable type 5 magazines are exempt from the requirements of paragraphs (c) and (d) of this section, but must otherwise be in compliance with paragraphs (a) (2) and (3) of this section during the time explosives are stored in such magazines.

(c) *Changes in magazine construction.* A licensee or permittee who intends to make changes in construction of an existing magazine shall notify the

regional regulatory administrator describing the proposed changes prior to making any changes. Unless otherwise advised by the regional regulatory administrator, changes in construction may commence after explosives are removed from the magazine. Explosives may not be stored in a reconstructed magazine before the regional regulatory administrator has been notified in accordance with paragraph (a)(4) of this section that the changes have been completed.

(d) *Additional magazines.* A licensee or permittee who intends to construct or acquire additional magazines shall notify the regional regulatory administrator in accordance with paragraph (a)(4) of this section describing the additional magazines and the class and quantity of explosives to be stored in the magazine. Unless otherwise advised by the regional regulatory administrator, additional magazines may be constructed, or acquired magazines may be used for the storage of explosives. Explosives must not be stored in a magazine under construction. The regional regulatory administrator must be notified that construction has been completed.

Subpart E—License and Permit Proceedings

§ 55.71 Opportunity for compliance.

Except in cases of willfulness or those in which the public interest requires otherwise, and the regional regulatory administrator so alleges in the notice of denial of an application or revocation of a license or permit, no license or permit will be revoked or renewal application denied without first calling to the attention of the licensee or permittee the reasons for the contemplated action and affording him an opportunity to demonstrate or achieve compliance with all lawful requirements and to submit facts, arguments, or proposals of adjustment. The notice of contemplated action, AFT F 5400.12, will afford the licensee or permittee 15 days from the date of receipt of the notice to respond. If no response is received within the 15 days, or if after consideration of relevant matters presented by the licensee or permittee, the regional regulatory administrator finds that the licensee or permittee is not likely to abide by the law and regulations, he will proceed as provided in § 55.74.

§ 55.72 Denial of initial application.

Whenever the regional regulatory administrator has reason to believe that an applicant for an original license or permit is not eligible to receive a license

or permit under the provisions of § 55.49, he shall issue a notice of denial on ATF F 5400.11. The notice will set forth the matters of fact and law relied upon in determining that the application should be denied, and will afford the applicant 15 days from the date of receipt of the notice in which to request a hearing to review the denial. If no request for a hearing is filed within that time, a copy of the application, marked "Disapproved", will be returned to the applicant.

§ 55.73 Hearing after initial application is denied.

If the applicant for an original license or permit desires a hearing, he shall file a request with the regional regulatory administrator within 15 days after receipt of the notice of denial. The request should include a statement of the reasons for a hearing. On receipt of the request, the regional regulatory administrator shall refer the matter to an administrative law judge who shall set a time and place (see § 55.77) for a hearing and shall serve notice of the hearing upon the applicant and the regional regulatory administrator at least 10 days in advance of the hearing date. The hearing will be conducted in accordance with the hearing procedures prescribed in Part 200 of this chapter (see § 55.82). Within a reasonable time after the conclusion of the hearing, and as expeditiously as possible, the administrative law judge shall render his recommended decision. He shall certify to the complete record of the proceedings before him and shall immediately forward the complete certified record, together with four copies of his recommended decision, to the regional regulatory administrator for decision.

§ 55.74 Denial of renewal application or revocation of license or permit.

If following the opportunity for compliance under § 55.71, or without opportunity for compliance under § 55.71, as circumstances warrant, the regional regulatory administrator finds that the licensee or permittee is not likely to comply with the law or regulations or is otherwise not eligible to continue operations authorized under his license or permit, the regional regulatory administrator shall issue a notice of denial of the renewal application or revocation of the license or permit, ATF F 5400.11 or ATF F 5400.10, as appropriate. In either case, the notice will set forth the matters of fact constituting the violations specified, dates, places, and the sections of law and regulations violated. The notice will, in the case of revocation of a

license or permit, specify the date on which the action is effective, which date will be on or after the date the notice is served on the licensee or permittee. The notice will also advise the licensee or permittee that he may, within 15 days after receipt of the notice, request a hearing and, if applicable, a stay of the effective date of the revocation of his license or permit.

§ 55.75 Hearing after denial of renewal application or revocation of license or permit.

If a licensee or permittee whose renewal application has been denied or whose license or permit has been revoked desires a hearing, he shall file a request for a hearing with the regional regulatory administrator. In the case of the revocation of a license or permit, he may include a request for a stay of the effective date of the revocation. On receipt of the request the regional regulatory administrator shall advise the licensee or permittee whether the stay of the effective date of the revocation is granted. If the stay of the effective date of the revocation is granted, the regional regulatory administrator shall refer the matter to an administrative law judge who shall set a time and place (see § 55.77) for a hearing and shall serve notice of the hearing upon the licensee or permittee and the regional regulatory administrator at least 10 days in advance of the hearing date. If the stay of the effective date of the revocation is denied, the licensee or permittee may request an immediate hearing. In this event, the regional regulatory administrator shall immediately refer the matter to an administrative law judge who shall set a date and place for a hearing, which date shall be no later than 10 days from the date the licensee or permittee requested an immediate hearing. The hearing will be held in accordance with the applicable provisions of Part 200 of this chapter. Within a reasonable time after the conclusion of the hearing, and as expeditiously as possible, the administrative law judge shall render his decision. He shall certify to the complete record of the proceeding before him and shall immediately forward the complete certified record, together with two copies of his decision, to the regional regulatory administrator, serve one copy of his decision on the licensee or permittee or his counsel, and transmit a copy to the attorney for the Government.

§ 55.76 Action by regional regulatory administrator.

(a) *Initial application proceedings.* If, upon receipt of the record and the

recommended decision of the administrative law judge, the regional regulatory administrator decides that the license or permit should be issued, he shall approve the application, briefly stating, for the record, his reasons. If he contemplates that the denial should stand, he shall serve a copy of the administrative law judge's recommended decision on the applicant, informing the applicant of his contemplated action and affording the applicant not more than 10 days in which to submit proposed findings and conclusions or exceptions to the recommended decision with supporting reasons. If the regional regulatory administrator, after consideration of the record of the hearing and of any proposed findings, conclusions, or exceptions filed with him by the applicant, approves the findings, conclusions and recommended decision of the administrative law judge, he shall issue the license or permit or disapprove the application accordingly. If he disapproves the findings, conclusions, and recommendation of the administrative law judge, in whole or in part, he shall by order make such findings and conclusions as in his opinion are warranted by the law and the facts in the record. Any decision of the regional regulatory administrator ordering the disapproval of an initial application for a license or permit shall state the findings and conclusions upon which it is based, including his ruling upon each proposed finding, conclusion, and exception to the administrative law judge's recommended decision, together with a statement of his findings and conclusions, and reasons or basis for his findings and conclusions, upon all material issues of fact, law or discretion presented on the record. A signed duplicate original of the decision will be served upon the applicant and the original copy containing certificate of service will be placed in the official record of the proceedings. If the decision of the regional regulatory administrator is in favor of the applicant, he shall issue the license or permit, to be effective on issuance.

(b) *Renewal application and revocation proceedings.* Upon receipt of the complete certified records of the hearing, the regional regulatory administrator shall enter an order confirming the revocation of the license or permit, or disapproving the application, in accordance with the administrative law judge's findings and decision, unless he disagrees with the findings and decision. A signed duplicate original of the order, ATF F 5400.9, will be served upon the licensee

or permittee and the original copy containing certificate of service will be placed in the official record of the proceedings. If the regional regulatory administrator disagrees with the findings and decision of the administrative law judge, he shall file a petition with the Director for review of the findings and decision, as provided in § 55.79. In either case, if the renewal application denial is sustained, a copy of the application marked "Disapproved" will be returned to the applicant. If the renewal application denial is reversed, a license or permit will be issued to become effective on expiration of the license or permit being renewed, or on the date of issuance, whichever is later. If the proceedings involve the revocation of a license or permit which expired before a decision is in favor of the licensee or permittee, the regional regulatory administrator shall:

(1) If renewal application was timely filed and a stay of the effective date of the revocation was granted, issue a license or permit effective on the date of issuance;

(2) If renewal application was not timely filed but a stay of the effective date of the revocation had been granted, request that a renewal application be filed and, following that, issue a license or permit to be effective on issuance; or

(3) If a stay of the effective date of the revocation had not been granted, request that an application be filed as provided in § 55.45, and process it in the same manner as for an application for an original license or permit.

(c) *Curtailement of stay of revocation effective date.* If, after approval of a request for a stay of the effective date of an order revoking a license or permit but before actions are completed under this subpart, the regional regulatory administrator finds that it is contrary to the public interest for the licensee or permittee to continue the operations or activities covered by his license or permit, the regional regulatory administrator may issue a notice of withdrawal of the approval, effective on the date of issuance. Notice of withdrawal will be served upon the licensee or permittee in the manner provided in § 55.81.

§ 55.77 Designated place of hearing.

The designated place of hearing set as provided in § 55.73 or § 55.75, will be at the location convenient to the aggrieved party.

§ 55.78 Representation at a hearing.

An applicant, licensee, or permittee may be represented by an attorney or other person recognized to practice

before the Bureau of Alcohol, Tobacco and Firearms as provided in 31 CFR Part 8, if he has otherwise complied with the applicable requirements of §§ 601.521-601.527 of 26 CFR. The regional regulatory administrator shall be represented in proceedings under §§ 55.73 and 55.75 by an attorney in the office of the chief counsel or regional counsel who is authorized to execute and file motions, briefs, and other papers in the proceedings, on behalf of the regional regulatory administrator, in his own name as "Attorney for the Government".

§ 55.79 Appeal on petition to the Director.

An appeal to the Director is not required prior to filing an appeal with the U.S. Court of Appeals for judicial review. An appeal may be taken by the applicant, licensee, or permittee to the Director from a decision resulting from a hearing under § 55.73 or § 55.75. An appeal may also be taken by a regional regulatory administrator from a decision resulting from a hearing under § 55.75 as provided in § 55.76(b). The appeal shall be taken by filing a petition for review on appeal with the Director within 15 days of the service of an administrative law judge's decision or an order. The petition will set forth facts tending to show (a) action of an arbitrary nature, (b) action without reasonable warrant in fact, or (c) action contrary to law and regulations. A copy of the petition will be filed with the regional regulatory administrator or served on the applicant, licensee, or permittee, as the case may be. In the event of appeal, the regional regulatory administrator shall immediately forward the complete original record, by certified mail, to the Director for his consideration, review, and disposition as provided in Subpart I of Part 200 of this chapter. When, on appeal, the Director affirms the initial decision of the regional regulatory administrator or the administrative law judge, as the case may be, the initial decision will be final.

§ 55.80 Court review.

An applicant, licensee, or permittee may, within 60 days after receipt of the decision of the administrative law judge or the final order of the regional regulatory administrator or the Director, file a petition for a judicial review of the decision, with the U.S. Court of Appeals for the district in which he resides or has his principal place of business. The Director, upon notification that a petition has been filed, shall have prepared a complete transcript of the record of the proceedings. The regional regulatory administrator or the Director, as the case may be, shall certify to the

correctness of the transcript of the record, forward one copy to the attorney for the Government in the review of the case, and file the original record of the proceedings with the original certificate in the U.S. Court of Appeals.

§ 55.81 Service on applicant, licensee, or permittee.

All notices and other formal documents required to be served on an applicant, licensee, or permittee under this subpart will be served by certified mail or by personal delivery. Where service is by personal delivery, the signed duplicate original copy of the formal document will be delivered to the applicant, licensee, or permittee, or, in the case of a corporation, partnership, or association, by delivering it to an officer, manager, or general agent, or to its attorney of record.

§ 55.82 Provisions of Part 200 made applicable.

The provisions of Subpart G of Part 200 of this chapter, as well as those provisions of Part 200 relative to failure to appear, withdrawal of an application or surrender of a permit, the conduct of hearings before an administrative law judge, and record of testimony, are hereby made applicable to application, license, and permit proceedings under this subpart to the extent that they are not contrary to or incompatible with this subpart.

§ 55.83 Operations by licensees or permittees after notice of denial or revocation.

In any case where a notice of revocation has been issued and a request for a stay of the effective date of the revocation has not been granted, the licensee or permittee shall not engage in the activities covered by the license or permit pending the outcome of proceedings under this subpart. In any case where notice of revocation has been issued but a stay of the effective date of the revocation has been granted, the licensee or permittee may continue to engage in the activities covered by his license or permit unless, or until, formally notified to the contrary: *Provided*, That in the event the license or permit would have expired before proceedings under this subpart are completed, timely renewal application must have been filed to continue the license or permit beyond its expiration date. In any case where a notice of denial of a renewal application has been issued, the licensee or permittee may continue to engage in the activities covered by the existing license or permit after the date of expiration of the license

or permit until proceedings under this subpart are completed.

Subpart F—Conduct of Business or Operations

§ 55.101 Posting of license or permit.

A license or permit issued under this part, or a copy of a license or permit, will be posted and available for inspection on the business premises at each place where explosive materials are manufactured, imported, or distributed.

§ 55.102 Authorized operations by permittees and certain licensees.

(a) *In general.* The license issued to a manufacturer-limited does not authorize that licensee to engage in another class of business required to be licensed under the Act or this part. Therefore, if a licensed manufacturer-limited intends to manufacture explosive materials for purposes of sale or distribution or to deal in explosive materials, he shall qualify for the appropriate license. Similarly, a permit issued under this part does not authorize the permittee to engage in the business of manufacturing, importing, or dealing in explosive materials. Accordingly, if a permittee's operations bring him within the definition of a manufacturer, importer, or dealer under this part, he shall qualify for the appropriate license.

(b) *Distributions of surplus stocks.* Licensed manufacturers-limited and permittees are not authorized to engage in the business of sale or distribution of explosive materials. However, these licensees or permittees may dispose of surplus stocks of explosive materials to other licensees or permittees in accordance with § 55.103, and to nonlicensees or to nonpermittees in accordance with § 55.105(d).

§ 55.103 Transactions among licensees/permittees.

(a) General.

(1) A licensed importer, licensed manufacturer or licensed dealer selling or otherwise distributing explosive materials (or a permittee or a licensed manufacturer-limited disposing of surplus stock to another licensee or permittee) who has the certified information required by this section may sell or distribute explosive materials to a licensee or permittee for not more than 45 days following the expiration date of the distributee's license or permit, unless the distributor knows or has reason to believe that the distributee's authority to continue business or operations under this part has been terminated.

(2) A licensed importer, licensed manufacturer or licensed dealer selling

or otherwise distributing explosive materials (or a permittee or a licensed manufacturer-limited disposing of surplus stock to another licensee or permittee) shall verify the license or permit status of the distributee prior to the release of explosive materials ordered, as required by this section.

(3) Licensees or permittees desiring to return explosive materials to a licensed manufacturer may do so without obtaining a certified copy of the manufacturer's license.

(4) Where possession of explosive materials is transferred at the distributor's premises, the distributor shall in all instances verify the identity of the person accepting possession on behalf of the distributee before relinquishing possession. Before the delivery at the distributor's premises of explosive materials to an employee of a licensee or permittee, or to an employee of a carrier transporting explosive materials to a licensee or permittee, the distributor delivering explosive materials shall obtain an executed ATF F 5400.8 from the employee before releasing the explosive materials. The ATF F 5400.8 must contain all of the information required on the form and required by this part.

Example 1. An ATF F 5400.8 is required when:

- a. An employee of the purchaser takes possession at the distributor's premises.
- b. An employee of a carrier hired by the purchaser takes possession at the distributor's premises.

Example 2. An ATF F 5400.8 is not required when:

- a. An employee of the distributor takes possession of the explosives for the purpose of transport to the purchaser.
- b. An employee of a carrier hired by the distributor takes possession of the explosives for the purpose of transport to the purchaser.

(b) License/permit verification of individuals.

(1) The distributee shall furnish a certified copy (or, in the case of a user-limited, the original) of the license or permit. The certified copy need be furnished only once during the current term of the license or permit. Also, a licensee need not furnish certified copies of licenses to other licensed locations operated by such licensee.

(2) The distributor may obtain any additional verification as the distributor deems necessary.

(c) License/permit verification of business organizations.

(1) A business organization may (in lieu of furnishing a certified copy of a license) furnish the distributor a certified list which contains the name, address, license number and date of license expiration of each licensed

location. The certified list need be furnished only once during the current term of the license or permit. Also, a business organization need not furnish a certified list to other licensed locations operated by such business organization.

(2) A business organization shall, prior to ordering explosive materials, furnish the licensee or permittee a current certified list of the representatives or agents authorized to order explosive materials on behalf of the business organization showing the name, address, and date and place of birth of each representative or agent. A licensee or permittee shall not distribute explosive materials to a business organization on the order of a person who does not appear on the certified list of representatives or agents and, if the person does appear on the certified list, the licensee or permittee shall verify the identity of such person.

(d) Licensee/permittee certified statement.

(1) A licensee or permittee ordering explosive materials from another licensee or permittee shall furnish a current, certified statement of the intended use of the explosive materials; e.g., resale, mining, quarrying, agriculture, construction, road building, oil well drilling, seismographic research, to the distributor.

(2) For individuals, the certified statement of intended use must specify the name, address, date and place of birth, and social security number of the distributee.

(3) For business organizations, the certified statement of intended use must specify the taxpayer identification number, the identity and the principal and local places of business.

(4) The licensee or permittee purchasing explosive materials need revise the furnished copy of the certified statement only when the information is no longer current.

(e) *User-limited permit transactions.* A user-limited permit issued under the provisions of this part is valid for only a single purchase transaction and is not renewable (see § 55.51). Accordingly, at the time a user-limited permittee orders explosive materials, the licensed distributor shall write on the front of the user-limited permit the transaction date, his signature, and the distributor's license number prior to returning the permit to the user-limited permittee.

§ 55.104 Certified copy of license or permit.

Except as provided in § 55.49(a), each person issued a license or permit under this part shall be furnished together with his license or permit a copy for his

certification. If a person desires an additional copy of his license or permit for certification and for use under § 55.103, he shall—

(a) Make a reproduction of the copy of his license or permit and execute the certification on it;

(b) Make a reproduction of his license or permit, enter on the reproduction the statement: "I certify that this is a true copy of a (insert the word license or permit) issued to me to engage in the specified business or operations", and sign his name next to the statement; or

(c) Submit a request, in writing, for certified copies of his license or permit to the regional regulatory administrator for the region in which the license or permit was issued. The request will show the name, trade name (if any), and address of the licensee or permittee and the number of copies of the license or permit desired. There is a fee of \$1 for each copy of a license or permit issued by the regional regulatory administrator under this paragraph. Fee payment must accompany each request for additional copies of a license or permit. The fee must be paid by (1) cash, or (2) money order or check made payable to the Bureau of Alcohol, Tobacco and Firearms.

§ 55.105 Distributions to nonlicensees and nonpermittees.

(a) This section will apply in any case where distribution of explosive materials to the distributee is not otherwise prohibited by the Act or this part.

(b) Except as provided in paragraph (c) of this section, a licensed importer, licensed manufacturer, or licensed dealer may distribute explosive materials to a nonlicensee or nonpermittee if the nonlicensee or nonpermittee is a resident of the same State in which the licensee's business premises are located, and the nonlicensee or nonpermittee furnishes to the licensee the explosives transaction record, AFT F 5400.4, required by § 55.126. Disposition of AFT F 5400.4 will be made in accordance with § 55.126.

(c) A licensed importer, licensed manufacturer, or licensed dealer may sell or distribute explosive materials to a resident of a State contiguous to the State in which the licensee's place of business is located if the purchaser's State or residence has enacted legislation, currently in force, specifically authorizing a resident of that State to purchase explosive materials in a contiguous State and the purchaser and the licensee have, prior to the distribution of the explosive materials, complied with all the

requirements of paragraphs (b), (e), and (f) of this section applicable to intrastate transactions occurring on the licensee's business premises.

(d) A licensed manufacturer, limited or a permittee may dispose of surplus stocks of explosive materials to a nonlicensee or nonpermittee if the nonlicensee or nonpermittee is a resident of the same State in which the licensee's or permittee's business premises or operations are located, or is a resident of a State contiguous to the State in which the licensee's or permittee's place of business or operations are located, and if the requirements of paragraphs (b), (c), (e) and (f) of this section are fully met.

(e) A licensed importer, licensed manufacturer, or licensed dealer selling or otherwise distributing explosive materials to a business entity shall verify the identity of the representative or agent of the business entity who is authorized to order explosive materials on behalf of the business entity. Each business entity ordering explosive materials shall furnish the distributing licensee prior to or with the first order of explosive materials a current certified list of the names of representatives or agents authorized to order explosive materials on behalf of the business entity. The business entity ordering explosive materials is responsible for keeping the certified list current. A licensee shall not distribute explosive materials to a business entity on the order of a person whose name does not appear on the certified list.

(f) Where the possession of explosive materials is transferred at the distributor's premises, the distributor shall in all instances verify the identity of the person accepting possession on behalf of the distributee before relinquishing possession. Before the delivery at the distributor's premises of explosive materials to an employee of a nonlicensee or nonpermittee, or to an employee of a carrier transporting explosive materials to a nonlicensee or nonpermittee, the distributor delivering explosive materials shall obtain an executed ATF F 5400.8 from the employee before releasing the explosive materials. The ATF F 5400.8 must contain all of the information required on the form and by this part. (See examples in § 55.103(a).)

(g) A licensee or permittee disposing of surplus stocks may sell or distribute commercially manufactured black powder in quantities of 50 pounds or less to a nonlicensee or nonpermittee if—

(1) The black powder is intended to be used solely for sporting, recreational, or

cultural purposes in antique firearms or in antique devices; and

(2) The nonlicensee or nonpermittee furnishes to the licensee the transaction record, ATF F 5400.3, required by § 55.130.

§ 55.106 Certain prohibited distributions.

(a) A licensee shall not distribute explosive materials to any person not licensed or holding a permit under this part, who the licensee knows or has reason to believe does not reside in the State in which the licensee's place of business is located. This paragraph does not apply to the distribution of explosive materials to a resident of a State contiguous to the State in which the licensee's place of business is located, if the requirements of § 55.105(c) are fully met.

(b) A licensee shall not distribute any explosive materials to any person—

(1) Who the licensee knows is less than 21 years of age;

(2) In any State where the purchase, possession, or use by a person of explosive materials would be in violation of any State law or any published ordinance applicable at the place of distribution;

(3) Who the licensee has reason to believe intends to transport the explosive materials into a State where the purchase, possession, or use of explosive materials is prohibited or which does not permit its residents to transport or ship explosive materials into the State or to receive explosive materials in the State; or

(4) Who the licensee has reasonable cause to believe intends to use the explosive materials for other than a lawful purpose.

(c) A licensee shall not distribute any explosive materials to any person knowing or having reason to believe that the person—

(1) Is, except as provided under § 55.142 (d) and (e), under indictment or information for, or was convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

(2) Is a fugitive from justice;

(3) Is an unlawful user of marijuana, or any depressant or stimulant drug, or narcotic drug (as these terms are defined in the Controlled Substances Act, 21 U.S.C. 802); or

(4) Was adjudicated as a mental defective or was committed to a mental institution.

(d) The provisions of this section do not apply to the purchase of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for

sporting, recreational, or cultural purposes in antique firearms or in antique devices, if the requirements of § 55.105(g) are fully met.

§ 55.107 Record of transactions.

Each licensee and permittee shall keep records of explosive materials as required by Subpart G of this part.

§ 55.108 Importation.

(a) Explosive materials imported or brought into the United States by a licensed importer or permittee may be released from customs custody to the licensed importer or permittee upon proof of his status as a licensed importer or permittee. Proof of status must be made by the licensed importer or permittee furnishing to the customs officer a certified copy of his license or permit (see § 55.103).

(b) A nonlicensee or nonpermittee may import or bring into the United States commercially manufactured black powder in quantities not to exceed 50 pounds. Upon submitting to the customs officer completed ATF F 5400.3, certifying that the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, black powder may be released from customs custody. The disposition of the executed ATF F 5400.3 will be in accordance with the instructions on the form.

(c) The provisions of this section are in addition to, and are not in lieu of, any applicable requirement under 27 CFR Part 47.

§ 55.109 Identification of explosive materials.

(a) Each licensed manufacturer of explosive materials shall legibly identify by marking all explosive materials he manufactures for sale or distribution. The marks required by this section must identify the manufacturer and the location, date, and shift of manufacture. The licensed manufacturer shall place on each cartridge, bag, or other immediate container of explosive materials manufactured for sale or distribution the required mark which shall also be placed on the outside container, if any, used for their packaging.

(b) Exceptions.

(1) Licensed manufacturers of blasting caps are only required to place the identification marks prescribed in paragraph (a) on the containers used for the packaging of blasting caps.

(2) The Director may authorize other means of identifying explosive materials upon receipt of a letter application from the licensed manufacturer showing that

other identification is reasonable and will not hinder the effective administration of this part.

(3) The Director may authorize the use of other means of identification on fireworks instead of marks prescribed in paragraph (a).

Subpart G—Records and Reports

§ 55.121 General.

(a) (1) Licensees and permittees shall keep records pertaining to explosive materials in permanent form (i.e., commercial invoices, record books) and in the manner required in this subpart.

(2) Licensees and permittees shall keep records required by this subpart on the business premises for five years from the date a transaction occurs or until discontinuance of business or operations by the licensee or permittee. (See also § 55.128 for discontinuance of business or operations.)

(b) ATF officers may enter the premises of any licensee or permittee for the purpose of examining or inspecting any record or document required by or obtained under this part (see § 55.24). Section 843(f) of the Act requires licensees and permittees to make all required records available for examination or inspection at all reasonable times. Section 834(f) of the Act also requires licensees and permittees to submit all reports and information relating to all required records and their contents, as the regulations in this part prescribe.

(c) Each licensee and permittee shall maintain all records of importation, production, shipment, receipt, sale, or other disposition, whether temporary or permanent, of explosive materials as the regulations in this part prescribe. Sections 842(f) and 842(g) of the Act make it unlawful for any licensee or permittee knowingly to make any false entry in, or fail to make entry in, any record required to be kept under the Act and the regulations in this part.

§ 55.122 Records maintained by licensed importers.

(a) Each licensed importer shall take true and accurate physical inventories which will include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed importer shall take a special inventory (1) at the time of commencing business, which is the effective date of the license issued upon original qualification under this part; (2) at the time of changing the location of his business to another region; (3) at the time of discontinuing business; and (4) at any time the regional regulatory administrator may in writing require.

Each special inventory is to be prepared in duplicate, the original of which is submitted to the regional regulatory administrator, and the duplicate retained by the licensed importer. If a special inventory specified by paragraph (a) (1) through (4) of this section has not been taken during the calendar year, at least one physical inventory will be taken. However, the record of the yearly inventory, other than a special inventory required by paragraph (a) (1) through (4) of this section, will remain on file for inspection instead of being sent to the regional regulatory administrator. (See also § 55.127.)

(b) Each licensed importer shall, not later than the close of the next business day following the date of importation or other acquisition of explosive materials, enter the following information in a separate record:

(1) Date of importation or other acquisition.

(2) Name or brand name of manufacturer and country of manufacture.

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(c) Each licensed importer shall, not later than the close of the next business day following the date of distribution of any explosive materials to another licensee or a permittee, enter in a separate record the following information:

(1) Date of disposition.

(2) Name or brand name of manufacturer and country of manufacture.

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(6) License or permit number of licensee or permittee to whom the explosive materials are distributed.

(d) The regional regulatory administrator may authorize alternate records to be maintained by a licensed importer to record his distribution of explosive materials when it is shown by the licensed importer that alternate records will accurately and readily disclose the information required by paragraph (c) of this section. A licensed importer who proposes to use alternate records shall submit a letter application

to the regional regulatory administrator and shall describe the proposed alternate records and the need for them. Alternate records are not to be employed by the licensed importer until approval is received from the regional regulatory administrator.

(e) Each licensed importer shall maintain separate records of the sales or other distribution made of explosive materials to nonlicensees or nonpermittees. These records are maintained as prescribed by § 55.126.

(f) Each licensed importer shall maintain separate records of sales or other distribution made to nonlicensees or nonpermittees of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. These records are maintained as prescribed by § 55.130.

§ 55.123 Records maintained by licensed manufacturers.

(a) Each licensed manufacturer shall take true and accurate physical inventories which will include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed manufacturer shall take a special inventory (1) at the time of commencing business, which is the effective date of the license issued upon original qualification under this part; (2) at the time of changing the location of his premises to another region; (3) at the time of discontinuing business; and (4) at any other time the regional regulatory administrator may in writing require. Each special inventory is to be prepared in duplicate, the original of which is submitted to the regional regulatory administrator, and the duplicate retained by the licensed manufacturer. If a special inventory required by paragraph (a) (1) through (4) of this section has not been taken during the calendar year, at least one physical inventory will be taken. However, the record of the yearly inventory, other than a special inventory required by paragraph (a) (1) through (4) of this section, will remain on file for inspection instead of being sent to the regional regulatory administrator. (See also § 55.127.)

(b) Each licensed manufacturer shall not later than the close of the next business day following the date of manufacture or other acquisition of explosive materials, enter the following information in a separate record:

(1) Date of manufacture or other acquisition.

(2) Manufacturer's marks of identification.

(3) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(4) Name, brand name or description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) of the product and size (length and diameter).

(c) Each licensed manufacturer shall, not later than the close of the next business day following the date of distribution of any explosive materials to another licensee or a permittee, enter in a separate record the following information:

(1) Date of disposition.

(2) Name or brand name of manufacturer or name of importer, as applicable, if acquired other than by his own manufacture.

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(6) License or permit number of licensee or permittee to whom the explosive materials are distributed.

(d) Each licensed manufacturer who manufactures explosive materials for his own use shall, not later than the close of the next business day following the date of use, enter in a separate record the following information:

(1) Date of use.

(2) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(3) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

Exception—A licensed manufacturer is exempt from the recordkeeping requirements of this subsection if the explosive materials are manufactured for his own use and used within a 24 hour period at the same site.

(e) The regional regulatory administrator may authorize alternate records to be maintained by a licensed manufacturer to record his distribution or use of explosive materials when it is shown by the licensed manufacturer that alternate records will accurately and readily disclose the information required by paragraph (c) of this section. A licensed manufacturer who proposes to use alternate records shall submit a letter application to the regional regulatory administrator and shall describe the proposed alternate records and the need for them. Alternate records are not to be employed by the licensed manufacturer until approval is received

from the regional regulatory administrator.

(f) Each licensed manufacturer shall maintain separate records of the sales or other distribution made of explosive materials to nonlicensees or nonpermittees. These records are maintained as prescribed by § 55.126.

(g) Each licensed manufacturer shall maintain separate records of sales or other distribution made to nonlicensees or nonpermittees of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. These records are maintained as prescribed by § 55.130.

§ 55.124 Records maintained by licensed dealers.

(a) Each licensed dealer shall take true and accurate physical inventories which will include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed dealer shall take a special inventory (1) at the time of commencing business, which is the effective date of the license issued upon original qualification under this part; (2) at the time of changing the location of his premises to another region; (3) at the time of discontinuing business; and (4) at any other time the regional regulatory administrator may in writing require. Each special inventory is to be prepared in duplicate, the original of which is submitted to the regional regulatory administrator, and the duplicate retained by the licensed dealer. If a special inventory required by paragraph (a) (1) through (4) of this section has not been taken during the calendar year, at least one physical inventory will be taken. However, the record of the yearly inventory, other than a special inventory required by paragraph (1) through (4) of this section, will remain on file for inspection instead of being sent to the regional regulatory administrator. (See also § 55.127.)

(b) Each licensed dealer shall, not later than the close of the next business day following the date of purchase or other acquisition of explosive materials (except as provided in paragraph (d) of this section), enter the following information in a separate record:

(1) Date of acquisition.

(2) Name or brand name of manufacturer and name of importer (if any).

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(6) Name, address, and license or permit number of the person from whom the explosive materials are received.

(c) Each licensed dealer shall, not later than the close of the next business day following the date of use (if the explosives are used by the dealer) or the date of distribution of any explosive materials to another licensee or a permittee (except as provided in paragraph (d) of this section), enter in a separate record the following information:

(1) Date of disposition.

(2) Name or brand name of manufacturer and name of importer (if any).

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(6) License or permit number of licensee or permittee to whom the explosive materials are distributed.

(d) When a commercial record is kept by a licensed dealer showing the purchase or other acquisition information required for the permanent record prescribed by paragraph (b) of this section, or showing the distribution information required for the permanent record prescribed by paragraph (c) of this section, the licensed dealer acquiring or distributing the explosive materials may, for a period not exceeding seven days following the date of acquisition or distribution of the explosive materials, delay making the required entry into the permanent record of acquisition or distribution. However, until the required entry of acquisition or disposition is made in the permanent record, the commercial record must be (1) kept by the licensed dealer separate from other commercial documents kept by the licensee, and (2) readily available for inspection on the licensed premises.

(e) The regional regulatory administrator may authorize alternate records to be maintained by a licensed dealer to record his acquisition or disposition of explosive materials, when it is shown by the licensed dealer that alternate records will accurately and readily disclose the required information. A licensed dealer who proposes to use alternate records shall submit a letter application to the regional regulatory administrator and

shall describe the proposed alternate records and the need for them. Alternate records are not to be employed by the licensed dealer until approval is received from the regional regulatory administrator.

(f) Each licensed dealer shall maintain separate records of the sales or other distribution made of explosive materials to nonlicensees or nonpermittees. These records are maintained as prescribed by § 55.126.

(g) Each licensed dealer shall maintain separate records of the sales or other distribution made to nonlicensees or nonpermittees of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices. These records are maintained as prescribed by § 55.130.

§ 55.125 Records maintained by licensed manufacturers-limited and permittees.

(a) Each licensed manufacturer-limited and each permittee will take true and accurate physical inventories which will include all explosive materials on hand required to be accounted for in the records kept under this part. The licensed manufacturer-limited or permittee shall take a special inventory (1) at the time of commencing business, which is the effective date of the license or permit issued upon original qualification under this part; (2) at the time of changing the location of his premises to another region; (3) at the time of discontinuing business; and (4) at any other time the regional regulatory administrator may in writing require. Each special inventory is to be prepared in duplicate, the original of which is submitted to the regional regulatory administrator and the duplicate retained by the licensee or permittee. If a special inventory required by paragraph (a) (1) through (4) of this section has not been taken during the calendar year, a permittee is required to take at least one physical inventory. However, the record of the yearly inventory, other than a special inventory required by paragraph (a) (1) through (4) of this section, will remain on file for inspection instead of being sent to the regional regulatory administrator. (See also § 55.127).

(b)(1) Each licensed manufacturer-limited shall, not later than the close of the next business day following the date of disposition of surplus stocks of explosive materials to another licensee or to a permittee, enter in a separate record the information prescribed in § 55.123(c).

(2) Each licensed manufacturer-limited shall maintain separate records

of disposition of surplus stocks of explosive materials to nonlicensees or nonpermittees as prescribed by § 55.126.

(3) Each licensed manufacturer-limited shall maintain separate records of disposition of surplus stocks of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, as prescribed by § 55.130.

(c) Each permittee shall, not later than the close of the next business day following the date of acquisition of explosive materials, enter the following information in a separate record:

(1) Date of acquisition.

(2) Name or brand name of manufacturer.

(3) Manufacturer's marks of identification.

(4) Quantity (applicable quantity units, such as pounds of explosives, number of detonators, etc.).

(5) Description (dynamite (dyn), blasting agents (ba), detonators (det), etc.) and size (length and diameter).

(6) Name, address, and license number of the persons from whom the explosive materials are received.

(d) Each permittee shall, not later than the close of the next business day following the date of disposition of surplus explosive materials to another permittee or a licensee, enter in a separate record the information prescribed in § 55.124(c).

(e) Each permittee shall maintain separate records of disposition of surplus stocks of explosive materials to nonlicensees or nonpermittees as prescribed in § 55.126.

(f) Each permittee shall maintain separate records of disposition of surplus stocks of commercially manufactured black powder in quantities not to exceed 50 pounds, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, as prescribed in § 55.130.

(g) The regional regulatory administrator may authorize alternate records to be maintained by a permittee to record his acquisition of explosive materials, when it is shown by the permittee that alternate records will accurately and readily disclose the required information. A permittee who proposes to use alternate records shall submit a letter application to the regional regulatory administrator and shall describe the proposed alternate records and the need for them. Alternate records are not to be employed by the

permittee until approval is received from the regional regulatory administrator.

§ 55.126 Explosives transaction record.

(a) A licensee or permittee shall not temporarily or permanently distribute explosive materials to any person, other than another licensee or permittee, unless he records the transaction on an explosives transaction record, ATF F 5400.4.

(b) Before the distribution of explosive materials to a nonlicensee or nonpermittee who is a resident of the State in which the licensee or permittee maintains his business premises, or to a nonlicensee or nonpermittee who is not a resident of the State in which the licensee or permittee maintains his business premises and is acquiring explosive materials under § 55.105(c), the licensee or permittee distributing the explosive materials shall obtain an executed ATF F 5400.4 from the distributee which contains all of the information required on the form and by the regulations in this part.

(c) ATF F 5400.4 is completed in duplicate, the original of which is to be retained by the licensee or permittee as part of his permanent records in accordance with paragraph (d) of this section, and the copy forwarded in accordance with the instructions on the form, on or before the close of business on the next business day following the date of the transaction.

(d) Each original ATF F 5400.4 is retained in numerical (by transaction serial number) order commencing with "1" and continuing in regular sequence. When the numbering of any series reaches "1,000,000", the licensee or permittee may recommence the series. The recommenced series is to be given an alphabetical prefix or suffix. Where there is a change in proprietorship, or in the individual, firm, corporate name, or trade name, the series in use at the time of the change may be continued.

(e) The requirements of this section are in addition to any other recordkeeping requirement contained in this part.

(f) A licensee or permittee may obtain, upon request, a supply of ATF F 5400.4 from the Director.

§ 55.127 Daily summary of magazine transactions.

In taking the inventory required by §§ 55.122, 55.123, 55.124, and 55.125, a licensee or permittee shall enter the inventory in a record of daily transactions to be kept at each magazine of an approved storage facility; however, these records may be kept at one central location on the business premises if separate records of

daily transactions are kept for each magazine. Not later than the close of the next business day, each licensee and permittee shall record by manufacturer's name or brand name, the total quantity received in and removed from each magazine during the day, and the total remaining on hand at the end of the day. Any discrepancy which might indicate a theft or loss of explosive materials is to be reported in accordance with § 55.30.

§ 55.128 Discontinuance of business.

Where an explosive materials business or operations is discontinued and succeeded by a new licensee or permittee, the records required by this subpart are to appropriately reflect this information and be delivered to the successor. Where discontinuance of the business or operations is absolute, the records required in this subpart are to be delivered within 30 days following the business or operations discontinuance to the regional regulatory administrator for the region in which the business was operated. Where State law or local ordinance requires the delivery of records to other responsible authority, the regional regulatory administrator may arrange for the delivery of the records required by this subpart to that authority (see also § 55.61).

§ 55.129 Exportation.

Exportation of explosive materials is to be in accordance with the applicable provisions of section 38 of the Arms Export Control Act (22 U.S.C. 2778) and implementing regulations. However, a licensed importer, licensed manufacturer, or licensed dealer exporting explosive materials shall maintain records showing the manufacture or acquisition of explosive materials as required by this part and records showing the quantity, the manufacturer's name or brand name of explosive materials, the name and address of the foreign consignee of the explosive materials, and the date the explosive materials were exported.

§ 55.130 Transaction record for black powder to be used in antique firearms or in antique devices.

(a) A licensee or permittee shall not sell or otherwise distribute to a nonlicensee or nonpermittee commercially manufactured black powder in quantities of 50 pounds or less, intended to be used solely for sporting, recreational, or cultural purposes in antique firearms or in antique devices, unless he records the transaction on ATF F 5400.3.

(b) Before the distribution of the black powder in paragraph (a) of this section

to a nonlicensee or nonpermittee who is acquiring it under the provisions contained in § 55.105(g), the licensee or permittee distributing the black powder shall obtain an executed ATF F 5400.3 from the distributee. The ATF F 5400.3 is to contain all the information required on the form and by the regulations in this part.

(c) ATF F 5400.3 is retained by the licensee or permittee as part of his permanent records in accordance with paragraph (d) of this section.

(d) Each ATF F 5400.3 is retained in numerical (by transaction serial number) order commencing with "1" and continuing in regular sequence. When the numbering of any series reaches "1,000,000", the licensee or permittee may recommence the series. The recommenced series is then given an alphabetical prefix or suffix. Where there is a change in proprietorship, or in the individual, firm, corporate name, or trade name, the series in use at the time of the change may be continued.

(e) The requirements of this section are in addition to any other recordkeeping requirement contained in this part.

(f) A licensee or permittee may obtain, upon request, a supply of ATF F 5400.3 from the Director.

Subpart H—Exemptions

§ 55.141 Exemptions.

(a) General. This part does not apply with respect to:

(1) Any aspect of the transportation of explosive materials via railroad, water, highway, or air which is regulated by the U.S. Department of Transportation and its agencies.

(2) The use of explosive materials in medicines and medicinal agents in the forms prescribed by the official United States Pharmacopoeia or the National Formulary.

(3) The transportation, shipment, receipt, or importation of explosive materials for delivery to any agency of the United States or to any State or its political subdivision.

(4) Small arms ammunition and components of small arms ammunition.

(5) The manufacture under the regulation of the military department of the United States of explosive materials for, or their distribution to or storage or possession by, the military or naval services or other agencies of the United States.

(6) Arsenal, navy yards, depots, or other establishments owned by, or operated by or on behalf of, the United States.

(7) The importation and distribution of fireworks classified as Class C explosives and generally known as "common fireworks", and other Class C explosives, as described by U.S. Department of Transportation regulations in 49 CFR Part 173.100 (p), (r), (t), (u) and (x).

(8) Gasoline, fertilizers, propellant actuated devices, or propellant actuated industrial tools manufactured, imported, or distributed for their intended purposes.

(9) Industrial and laboratory chemicals which are intended for use as reagents and which are packaged and shipped pursuant to U.S. Department of Transportation regulations, 49 CFR Parts 100 to 177, which do not require explosives hazard warning labels.

(b) *Black powder.* Except for the provisions applicable to persons required to be licensed under subpart D, this part does not apply with respect to commercially manufactured black powder in quantities not to exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers, if the black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms, as defined in 18 U.S.C. 921(a)(16) or antique devices, as exempted from the term "destructive devices" in 18 U.S.C. 921(a)(4), and if the provisions of §§ 55.105(g) and 55.130 are fully complied with.

§ 55.142 Relief from disabilities incurred by indictment, information or conviction.

(a) Any person may make application for relief from the disabilities under the Act incurred by reason of an indictment or information for, or conviction of, a crime punishable by imprisonment for a term exceeding one year.

(b) An application for relief from disabilities is filed with the Director and supported by data that the applicant considers appropriate. In the case of a corporation, or of any person having the power to direct or control the management of the corporation, the supporting data is to include information as to the absence of culpability in the offense for which the corporation, or any such person, was indicted, formally accused or convicted.

(c) The Director may grant relief to an applicant if it is established to the satisfaction of the Director that the circumstances regarding the indictment, information or conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief

would not be contrary to the public interest.

(d) A person who has been granted relief under this section is relieved of any disabilities imposed by the Act with respect to engaging in the business of importing, manufacturing, or dealing in explosive materials, or the purchase of explosive materials, that were incurred by reason of such indictment, information or conviction.

(e)(1) A licensee or permittee who is under indictment or information for, or convicted of, a crime punishable by imprisonment for a term exceeding one year during the term of a current license or permit, or while he has pending a license or permit renewal application, shall not be barred from licensed or permit operations for 30 days after the date of indictment or information or 30 days after the date upon which his conviction becomes final. Also, if he files his application for relief under this section within such 30 day period, he may further continue licensed or permit operations while his application is pending. A licensee or permittee who does not file an application within 30 days from the date of his indictment or information, or within 30 days from the date his conviction becomes final, shall not continue licensed or permit operations beyond 30 days from the date of his indictment or information or beyond 30 days from the date his conviction becomes final.

(2) In the event the term of a license or permit of a person expires during the 30 day period following the date of indictment or information or during the 30 day period after the date upon which his conviction becomes final or while his application for relief is pending, he shall file a timely application for renewal of his license or permit in order to continue licensed or permit operations. The license or permit application is to show that the applicant has been indicted or under information for, or convicted of, a crime punishable by imprisonment for a term exceeding one year.

(3) A licensee or permittee shall not continue licensed or permit operations beyond 30 days following the date the Director issues notification that the licensee's or permittee's application for removal of the disabilities resulting from an indictment, information or conviction has been denied.

(4) When a licensee or permittee may no longer continue licensed or permit operations under this section, any application for renewal of license or permit filed by the licensee or permittee while his application for removal of disabilities resulting from an indictment, information or conviction is pending,

will be denied by the regional regulatory administrator.

Subpart I—Unlawful Acts, Penalties, Seizures and Forfeitures

§ 55.161 Engaging in business without a license.

Any person engaging in the business of importing, manufacturing, or dealing in explosive materials without a license issued under the Act, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

§ 55.162 False statement or representation.

Any person who knowingly withholds information or makes any false or fictitious oral or written statement or furnishes or exhibits any false, fictitious, or misrepresented identification, intended or likely to deceive for the purpose of obtaining explosive materials, or a license, permit, exemption, or relief from disability under the Act, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

§ 55.163 False entry in record.

Any licensed importer, licensed manufacturer, licensed manufacturer-limited, licensed dealer, or permittee who knowingly makes any false entry in any record required to be kept under subpart G of this part, shall be fined not more than \$10,000 or imprisoned not more than 10 years, or both.

§ 55.164 Unlawful storage.

Any person who stores any explosive material in a manner not in conformity with this part, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

§ 55.165 Failure to report theft or loss.

Any person who has knowledge of the theft or loss of any explosive materials from his stock and fails to report the theft or loss within 24 hours of discovery in accordance with § 55.30, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

§ 55.166 Seizure or forfeiture.

Any explosive materials involved or used or intended to be used in any violation of the Act or of this part or in any violation of any criminal law of the United States are subject to seizure and forfeiture, and all provisions of title 26, U.S.C. relating to the seizure, forfeiture, and disposition of firearms, as defined in 26 U.S.C. 5845(a), will, so far as applicable, extend to seizures and forfeitures under the Act.

Subpart J—Storage

The provisions in this subpart apply until August 9, 1982. The provisions in Subpart K may be used in lieu of the provisions in this subpart, but are mandatory after August 9, 1982.

§ 55.181 General.

(a) Section 842(j) of the Act and § 55.29 of this part require that the storage of explosive materials by any person must be in accordance with the regulations in this part. The storage standards prescribed by this subpart confer no rights or privileges to store explosive materials in a manner contrary to State or other law.

(b) The Director may authorize alternate construction for explosives storage magazines when it is shown that the alternate magazine construction is substantially equivalent to the standards of safety and security contained in this subpart. Any person intending to use alternate magazine construction shall submit a letter application to the regional regulatory administrator for transmittal to the Director, specifically describing the proposed magazine. Explosive materials may not be stored in alternate magazines before the applicant has been notified by ATF that the application has been approved.

(c) A licensee or permittee who intends to make modifications to or changes in his approved magazines, or who intends to construct or acquire additional magazines, shall comply with § 55.63.

§ 55.182 Classes of explosive materials.

For purposes of this part, there are three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

(a) *High explosives.* Explosive materials which can be caused to detonate by means of a blasting cap when unconfined. (For example, dynamite and detonators.)

(b) *Low explosives.* Explosive materials which can be caused to deflagrate when confined. (For example, black powder; safety fuses; igniters; igniter cords; fuse lighters; and "special fireworks" defined as Class B explosives by U.S. Department of Transportation regulations in 49 CFR Part 173.)

(c) *Blasting agents.* (For example, ammonium nitrate-fuel oil and certain water-gels (see also § 55.11).)

§ 55.183 Types of magazines.

For purposes of this part, there are five types of magazines. These types, together with the classes of explosive

materials, as defined in § 55.182, to be stored in them are as follows:

(a) *Type 1 magazines.* Permanent magazines for the storage of high explosives, subject to the limitations prescribed by §§ 55.186 and 55.193. Other classes may also be stored in type 1 magazines.

(b) *Type 2 magazines.* Mobile and portable indoor and outdoor magazines for the storage of high explosives, subject to the limitations prescribed by §§ 55.186, 55.188(b), and 55.193. Other classes may also be stored in type 2 magazines.

(c) *Type 3 magazines.* Portable outdoor magazines for the temporary storage of high explosives while attended (for example, a "day-box"), subject to the limitations prescribed by §§ 55.186 and 55.193. Other classes may also be stored in type 3 magazines.

(d) *Type 4 magazines.* Magazines for the storage of low explosives, subject to the limitations prescribed by §§ 55.186(b), 55.190(b), and 55.193. Blasting agents may be stored in type 4 magazines, subject to the limitations prescribed by §§ 55.186(c), 55.191(b), and 55.193. Detonators that will not mass detonate may also be stored in type 4 magazines, subject to the limitations prescribed by §§ 55.186(a), 55.190(b), and 55.193.

(e) *Type 5 magazines.* Magazines for the storage of blasting agents subject to the limitations prescribed by §§ 55.186(c), 55.191(b), and 55.193.

§ 55.184 Inspection of magazines.

Any person storing explosive materials shall inspect his magazines at least every seven days. This inspection need not be an inventory, but must be sufficient to determine whether there has been unauthorized entry or attempted entry into the magazines, or unauthorized removal of the contents of the magazines (see also § 55.30).

§ 55.185 Movement of explosive materials.

All explosive materials must be kept in locked magazines meeting the standards in this subpart unless they are—

- (a) In the process of manufacture;
- (b) Being physically handled in the operating process of a licensee or user;
- (c) Being used; or
- (d) Being transported to a place of storage or use by a licensee or permittee or by a person who has lawfully acquired explosive materials under § 55.126.

§ 55.186 Location of magazines.

(a) Outdoor magazines in which high explosives are stored are to be located no closer to inhabited buildings,

passenger railways, public highways, or other magazines in which high explosives are stored, than the minimum distances specified in the table of distances for storage of explosives in § 55.198.

(b) Outdoor magazines in which low explosives are stored are to be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which explosive materials are stored, than the minimum distances specified in the table of distances for storage of low explosives in § 55.199. The distances shown in § 55.199 may not be reduced by the presence of barricades.

(c)(1) Outdoor magazines in which blasting agents in quantities of more than 50 pounds are stored are to be located no closer to inhabited buildings, passenger railways, or public highways than the minimum distances specified in the table of distances for storage of explosive materials in § 55.198.

(2) Ammonium nitrate and magazines in which blasting agents are stored are to be located no closer to magazines in which high explosives or other blasting agents are stored than the minimum distances specified in the table of distances for the separation of ammonium nitrate and blasting agents in § 55.200. However, the minimum distances for magazines in which explosives and blasting agents are stored from inhabited buildings, etc., may not be less than the distances specified in the table of distances for storage of explosive materials in § 55.198.

§ 55.187 Construction of type 1 magazines.

A type 1 magazine is a permanent structure: a building, an igloo or "Army-type structure", a tunnel, or a dugout. It is bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated.

(a) *Buildings.* All building type magazines are to be constructed of masonry, wood, metal, or a combination of these materials and have no openings except for entrances and ventilation. The ground around building magazines must slope away for drainage.

(1) *Masonry wall construction.* Masonry wall construction is to consist of brick, concrete, tile, cement block, or cinder block and be not less than six inches in thickness. Hollow masonry units used in construction must have all hollow spaces filled with well-tamped, coarse, dry sand or weak concrete (at least a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in

place). Interior walls are to be constructed of, or covered with, a nonsparking material.

(2) *Fabricated metal wall construction.* Metal wall construction consists of sectional sheets of steel or aluminum not less than number 14-gauge, securely fastened to a metal framework. Metal wall construction is either lined inside with brick, solid cement blocks, hardwood not less than four inches thick, or will have at least a six-inch sand fill between interior and exterior walls. Interior walls are to be constructed of, or covered with, a nonsparking material.

(3) *Wood frame wall construction.* The exterior of outer wood walls are to be covered with iron or aluminum not less than number 26-gauge. An inner wall of, or covered with, nonsparking material will be constructed so as to provide a space of not less than six inches between the outer and inner walls. The space is to be filled with coarse, dry sand or weak concrete.

(4) *Floors.* Floors are to be constructed of, or covered with, a nonsparking material and be strong enough to bear the weight of the maximum quantity to be stored.

(5) *Foundations.* Foundations are to be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings is to be enclosed with metal.

(6) *Roof.* Except for buildings with fabricated metal roofs, the outer roof is to be covered with no less than number 26-gauge iron or aluminum, fastened to at least $\frac{3}{8}$ inch sheathing.

(7) *Bullet-resistant ceilings or roofs.* Where it is possible for a bullet to be fired directly through the roof and into the magazine at such an angle that the bullet would strike the explosive within, the magazine is to be protected by one of the following methods:

(i) A sand tray lined with a layer of building paper, plastic, or other nonporous materials, and filled with not less than four inches of coarse, dry sand, and located at the tops of inner walls covering the entire ceiling area, except that portion necessary for ventilation.

(ii) A fabricated metal roof constructed of $\frac{3}{8}$ inch plate steel lined with four inches of hardwood. (For each additional $\frac{3}{8}$ inch of plate steel, the hardwood lining may be decreased one inch.)

(8) *Doors.* All doors are to be constructed of not less than $\frac{1}{4}$ inch plate steel and lined with at least two inches of hardwood. Hinges and hasps are to be attached to the doors by welding, riveting or bolting (nuts on inside of door). They must be installed

in such a manner that the hinges and hasps cannot be removed when the doors are closed and locked.

(9) *Locks.* Each door is to be equipped with two mortise locks; or with two padlocks fastened in separate hasps and staples; or with a combination of mortise lock and padlock; or with a mortise lock that requires two keys to open; or a three-point lock. Locks must have at least five tumblers. All padlocks must be protected with not less than $\frac{1}{4}$ inch steel caps constructed so as to prevent sawing or lever action on the locks, hasps, and staples.

(10) *Ventilation.* Magazines are to be ventilated to prevent dampness or heating of stored explosive materials. Except at doorways, at least a two inch air space is to be left around ceilings and the perimeter of floors. Where foundation ventilators are used, they must not be less than four by six inches. Vents in the foundation, roof, or gables must be offset and screened to prevent the entrance of sparks.

(11) *Exposed metal.* No sparking material is to be exposed to contact with the stored explosive materials. All ferrous metal nails in the floor and side walls, which might be exposed to contact with explosive materials, must be blind nailed, countersunk, or covered with a nonsparking lattice work or other nonsparking material.

(b) *Igloos, "Army-type structures", tunnels, and dugouts.* Igloo, "Army-type structures", tunnel, and dugout magazines are to be constructed of reinforced concrete, masonry, metal, or a combination of these materials. They must have an earthmound covering of not less than 24 inches on the top, sides and rear. Interior walls and floors must be constructed of, or covered with, a nonsparking material. Magazines of this type are also to be constructed in conformity with the requirements of paragraph (a)(4) and paragraphs (a)(8) through (11) of this section.

§ 55.188 Construction of type 2 magazines.

A type 2 magazine is a box, trailer, semi-trailer, or other mobile facility. It is to be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated. Except as provided in paragraph (c) of this section, hinges and hasps are to be attached to the covers or doors in the manner prescribed in § 55.187(a)(8) and locking system as prescribed in § 55.187(a)(9).

(a) *Outdoor magazines.* Outdoor magazines are to be supported in such a manner so as to prevent direct contact with the ground and, if less than one cubic yard in size, must be securely fastened to a fixed object. The sides,

bottoms, tops, and covers or doors are to be constructed of not less than $\frac{1}{4}$ inch steel and lined with at least two inches of hardwood. Magazines with top openings must have lids with water-resistant seals or which overlap the sides by at least one inch when in a closed position. The ground around magazines must slope away for drainage. When unattended, vehicular magazines must have wheels removed or otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor magazines.* No indoor magazine for the storage of high explosive may be located in a residence or dwelling. The indoor storage of high explosives may not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the magazines are separated by a distance of at least 10 feet and the total quantity of explosive materials stored does not exceed 50 pounds. Detonators are to be stored in a separate magazine (except as provided in § 55.213) and the total quantity of detonators stored may not exceed 5,000. Indoor magazines are to be constructed according to the following specifications:

(1) *Wood construction.* Wood indoor magazines must have sides, bottoms, and covers or doors constructed of not less than two inches of hardwood and be well braced at corners. They are to be covered with sheet metal of not less than number 20-gauge. Nails exposed to the interior of magazines must be countersunk.

(2) *Metal construction.* Metal indoor magazines must have sides, bottoms, and covers or doors constructed of not less than number 12-gauge metal and be lined inside with a nonsparking material. Edges of metal covers must overlap sides at least one inch.

(c) *Detonator boxes.* Magazines for detonators in quantities of 100 or less are to have sides, bottoms, and covers constructed of not less than number 12-gauge metal and lined with a nonsparking material. Hinges and hasps must be attached by welding. A single lock having at least five tumblers is sufficient for locking purposes.

§ 55.189 Construction of type 3 magazines.

A type 3 magazine is a "day-box" or other portable magazine. It is constructed in the same manner prescribed for type 2 outdoor magazines in § 55.188(a), and is bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated. Hinges, hasps, locks and lock protection are to be in

conformity with the requirements of § 55.187(a) (8) and (9). The ground around magazines must slope away for drainage. No explosive materials are to be left in magazines if unattended. The explosive materials contained in type 3 magazines must be removed to types 1 or 2 magazines for unattended storage.

§ 55.190 Construction of type 4 magazines.

A type 4 magazine may be a building, igloo or "Army-type structure", tunnel, dugout, box, trailer, or semi-trailer or other mobile magazine and is to be fire-resistant, weather-resistant, and theft-resistant. It must be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors of magazines must be lined with a nonsparking material or suitable lattice work. The doors or covers must be metal or solid wood covered with metal. The foundations, hinges and hasps, locks and lock protection, and interior are to be in conformity with the requirements of § 55.187(a) (5), (8), (9), and (11).

(a) *Outdoor magazines.* The ground around outdoor magazines must slope away for drainage. When unattended, vehicular magazines must have wheels removed or be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor magazines.* No indoor magazine may be located in a residence or dwelling. The indoor storage of low explosives may not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of low explosives stored does not exceed 50 pounds.

§ 55.191 Construction of type 5 magazines.

A type 5 magazine may be a building, igloo or "Army-type structure", tunnel, dugout, bin, box, trailer, or semi-trailer or other mobile facility. It is to be theft-resistant. The doors or covers are to be solid wood or metal. The hinges, hasps, locks, and lock protection are to be in conformity with the requirements of § 55.187(a) (8) and (9).

(a) *Outdoor magazines.* The ground around outdoor magazines must slope away for drainage. When unattended, vehicular magazines must have wheels removed or be otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(b) *Indoor magazines.* No indoor magazine for the storage of blasting agents may be located in a residence or dwelling.

§ 55.192 Smoking and open flames.

Smoking, matches, open flames, and spark producing devices are not permitted in, or within 50 feet of, any outdoor storage facility.

§ 55.193 Quantity and storage restrictions.

Explosive materials in excess of 300,000 pounds or detonators in excess of 20 million are not to be stored in one magazine. Detonators are not to be stored with other explosive materials in the same magazines, except as provided in § 55.213.

§ 55.194 Storage within types 1, 2, 3, and 4 magazines.

(a) Explosive materials within a magazine may not be placed directly against interior walls and are to be stored so as not to interfere with ventilation. To prevent contact of stored explosive materials with walls, a nonsparking lattice work or other nonsparking material may be used.

(b) Containers of explosive materials are to be stored so that marks are visible. Stocks of explosive materials are to be stored so they can be easily counted and checked upon inspection.

(c) Except with respect to fiberboard or other nonmetal containers, containers of explosive materials are not to be unpacked or repacked inside a magazine or within 50 feet of a magazine, and are not to be unpacked or repacked close to other explosive materials. Containers of explosive materials are to be securely closed while being stored.

(d) Tools used for opening or closing containers of explosive materials are to be of nonsparking materials, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber, or wooden mallet are to be used for opening or closing wood containers or explosive materials. Metal tools other than nonsparking transfer conveyors are not to be stored in any magazine containing high explosives.

§ 55.195 Housekeeping.

Magazines are to be kept clean, dry, and free of grit, paper, empty packages and containers, and rubbish. Floors are to be regularly swept. Brooms and other utensils used in the cleaning and maintenance of magazines must have no spark producing metal parts. Floors stained by leakage from explosive materials are to be cleaned according to instructions of the explosives manufacturer. When any explosive material has deteriorated to the extent that it is in a dangerous condition, or if a liquid is leaking from an explosive material, it is to be destroyed in accordance with the instructions of its

manufacturer. The area surrounding magazines is to be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions, except as provided in § 55.215. Any other combustible materials are to be kept a distance of not less than 50 feet from outdoor magazines.

§ 55.196 Repair of magazines.

Before repairing the interior of magazines, all explosive materials are to be removed and the interior cleaned. Before repairing the exterior of magazines, all explosive materials must be removed if there exists any possibility that repairs may produce sparks or flame. The explosive materials removed from magazines under repair must either be placed in other magazines appropriate for the storage of the materials under this part or placed a safe distance from the magazines under repair where they are to be properly guarded and protected until the repairs have been completed.

§ 55.197 Lighting.

No lighting is to be placed or used in a type 1, 2, 3, or 4 magazine except battery-activated safety lights or battery-activated safety lanterns.

§ 55.198 American table of distances for storage of explosive materials.

Explosives (pounds)		Distances in feet when storage is barricaded			
Over	Not over	Inhabited buildings	Passenger railways	Public highways	Separation of magazines
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	190	75	75	16
100	125	200	80	80	18
125	150	215	85	85	19
150	200	235	95	95	21
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27
400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33
800	900	390	155	155	35
900	1,000	400	160	160	36
1,000	1,200	425	170	165	39
1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	45
2,000	2,500	545	220	190	49
2,500	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	800	320	250	72
8,000	9,000	835	335	255	75
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82
12,000	14,000	885	380	275	87
14,000	16,000	900	405	280	90
16,000	18,000	940	420	285	94

Explosives (pounds)		Distances in feet when storage is barricaded			
Over	Not over	Inhabited buildings	Passenger railways	Public highways	Separation of magazines
18,000	20,000	975	435	290	98
20,000	25,000	1,055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	590	420	135
50,000	55,000	1,460	610	440	140
55,000	60,000	1,515	630	455	145
60,000	65,000	1,565	645	470	150
65,000	70,000	1,610	660	485	155
70,000	75,000	1,655	675	500	160
75,000	80,000	1,695	690	510	165
80,000	85,000	1,730	705	520	170
85,000	90,000	1,760	720	530	175
90,000	95,000	1,790	730	540	180
95,000	100,000	1,815	745	545	185
100,000	110,000	1,835	770	550	195
110,000	120,000	1,855	790	555	205
120,000	130,000	1,875	810	560	215
130,000	140,000	1,890	835	565	225
140,000	150,000	1,900	850	570	235
150,000	160,000	1,935	870	580	245
160,000	170,000	1,965	890	590	255
170,000	180,000	1,990	905	600	265
180,000	190,000	2,010	920	605	275
190,000	200,000	2,030	935	610	285
200,000	210,000	2,055	955	620	295
210,000	230,000	2,100	980	635	315
230,000	250,000	2,155	1,010	650	335
250,000	275,000	2,215	1,040	670	360
275,000	300,000	2,275	1,075	690	385

Notes for American table of distances

(1) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, highways, and, in addition, they shall be separated from each other by not less than the distances shown for "Separation of magazines". However, the quantity of explosives contained in cap (detonator) magazines shall govern in the spacing of cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of magazines" distances, then the two or more magazines, as a group, must be considered as one magazine. The total quantity of explosives stored in that group must then be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum distances from other magazines, inhabited buildings, railways, or highways.

(2) All types of blasting caps in strengths through No. 8 cap shall be rated at 1 1/2 lbs. of explosives per 1,000 caps. For strengths higher than No. 8 caps, consult the manufacturer.

(3) For quantity and distance purposes, detonating cord of 50 to 60 grains per foot shall be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads shall be rated proportionately.

(4) When a storage facility is not barricaded, the distances shown should be doubled.

§ 55.199 Table of distances for storage of low explosives.

Pounds		From inhabited building distance (feet) (3)	From public railroad and highway distance (feet) (4)	From above ground magazine (feet) (5)
Over (1)	Not over (2)			
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

§ 55.200 Table of separation distances of ammonium nitrate and blasting agents from explosives or other blasting agents. (1) (6)

Donor weight (pounds)		Minimum separation distance of acceptor from donor when barricaded (feet) (2)		Minimum thickness of artificial barricades (inches) (5)
Over	Not over	Ammonium nitrate (3)	Blasting agent (4)	
100	100	3	11	12
300	300	4	14	12
600	600	5	18	12
1,000	1,000	6	22	12
1,600	1,600	7	25	12
2,000	2,000	8	29	12
3,000	3,000	9	32	15
4,000	4,000	10	36	15
6,000	6,000	11	40	15
8,000	8,000	12	43	20
10,000	10,000	13	47	20
12,000	12,000	14	50	20
16,000	16,000	15	54	25
20,000	20,000	16	58	25
25,000	25,000	18	65	25
30,000	30,000	19	68	30
35,000	35,000	20	72	30
40,000	40,000	21	76	30
45,000	45,000	22	79	35
50,000	50,000	23	83	35
55,000	55,000	24	86	35
60,000	60,000	25	90	35
70,000	70,000	26	94	40
80,000	80,000	28	101	40
90,000	90,000	30	108	40
100,000	100,000	32	115	40
120,000	120,000	34	122	50
140,000	140,000	37	133	50
160,000	160,000	40	144	50
180,000	180,000	44	158	50
200,000	200,000	48	173	50
220,000	220,000	52	187	60
250,000	250,000	56	202	60
275,000	275,000	60	216	60
300,000	300,000	64	230	60

Notes

(1) This table recommends separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of

high explosives or other blasting agents referred to in the table as the "donor". Ammonium nitrate, by itself, is not considered to be a donor when applying this table. Ammonium nitrate, ammonium nitrate-fuel oil, or combinations of the two are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate shall be included in the mass of the donor when calculating separation distances.

(2) When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor". When storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in § 55.198 are not required.

(3) The distances in the table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer issued by the Fertilizer Institute. Ammonium nitrate failing to pass this test shall be stored at separation distances determined by competent persons and approved by the authority having jurisdiction.

(4) These distances apply to nitro-carbonitrates and blasting agents which pass the insensitivity test prescribed in the U.S. Department of Transportation (DOT) regulations.

(5) Earth dikes, sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves are also acceptable.

(6) For determining the distances to be maintained from inhabited buildings, passenger railways, and public highways, use the table in § 55.198. Ammonium nitrate, when stored with blasting agents or explosives, may be counted at one-half its actual weight because its blast effect is lower.

Subpart K—Storage

(The provisions of this subpart may be used in lieu of the provisions in Subpart J, but are mandatory after August 9, 1982.)

§ 55.201 General.

(a) Section 842(j) of the Act and § 55.29 of this part require that the storage of explosive materials by any

person must be in accordance with the regulations in this part. The storage standards prescribed by this subpart confer no rights or privileges to store explosive materials in a manner contrary to State or other law.

(b) The Director may authorize alternate construction for explosives storage magazines when it is shown that the alternate magazine construction is substantially equivalent to the standards of safety and security contained in this subpart. Any alternate explosive magazine construction approved by the Director prior to August 9, 1982, will continue as approved unless notified in writing by the Director. Any person intending to use alternate magazine construction shall submit a letter application to the regional regulatory administrator for transmittal to the Director, specifically describing the proposed magazine. Explosive materials may not be stored in alternate magazines before the applicant has been notified that the application has been approved.

(c) A licensee or permittee who intends to make changes in his magazines, or who intends to construct or acquire additional magazines, shall comply with § 55.63.

§ 55.202 Classes of explosive materials.

For purposes of this part, there are three classes of explosive materials. These classes, together with the description of explosive materials comprising each class, are as follows:

(a) *High explosives.* Explosive materials which can be caused to detonate by means of a blasting cap when unconfined. (For example, dynamite.)

(b) *Low explosives.* Explosive materials which can be caused to deflagrate when confined. (For example, black powder; safety fuses; igniters; igniter cords; fuse lighters; and "special fireworks" defined as Class B explosives by U.S. Department of Transportation regulations in 49 CFR Part 173.)

(c) *Blasting agents.* (For example, ammonium nitrate-fuel oil and certain water-gels (see also § 55.11).)

§ 55.203 Types of magazines.

For purposes of this part, there are five types of magazines. These types, together with the classes of explosive materials, as defined in § 55.202, which will be stored in them, are as follows:

(a) *Type 1 magazines.* Permanent magazines for the storage of high explosives, subject to the limitations prescribed by §§ 55.206 and 55.213. Other classes of explosive materials may also be stored in type 1 magazines.

(b) *Type 2 magazines.* Mobile and portable indoor and outdoor magazines for the storage of high explosives, subject to the limitations prescribed by §§ 55.206, 55.208(b), and 55.213. Other classes of explosive materials may also be stored in type 2 magazines.

(c) *Type 3 magazines.* Portable outdoor magazines for the temporary storage of high explosives while attended (for example, a "day-box"), subject to the limitations prescribed by §§ 55.206 and 55.213. Other classes of explosive materials may also be stored in type 3 magazines.

(d) *Type 4 magazines.* Magazines for the storage of low explosives, subject to the limitations prescribed by §§ 55.206(b), 55.210(b), and 55.213. Blasting agents may be stored in type 4 magazines, subject to the limitations prescribed by §§ 55.206(c), 55.211(b), and 55.213. Detonators that will not mass detonate may also be stored in type 4 magazines, subject to the limitations prescribed by §§ 55.206(a), 55.210(b), and 55.213.

(e) *Type 5 magazines.* Magazines for the storage of blasting agents, subject to the limitations prescribed by §§ 55.206(c), 55.211(b), and 55.213.

§ 55.204 Inspection of magazines.

Any person storing explosive materials shall inspect his magazines at least every seven days. This inspection need not be an inventory, but must be sufficient to determine whether there has been unauthorized entry or attempted entry into the magazines, or unauthorized removal of the contents of the magazines.

§ 55.205 Movement of explosive materials.

All explosive materials must be kept in locked magazines meeting the standards in this subpart unless they are—

- (a) In the process of manufacture;
- (b) Being physically handled in the operating process of a licensee or user;
- (c) Being used; or
- (d) Being transported to a place of storage or use by a licensee or permittee or by a person who has lawfully acquired explosive materials under § 55.106.

§ 55.206 Location of magazines.

(a) Outdoor magazines in which high explosives are stored must be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which high explosives are stored, than the minimum distances specified in the table of distances for storage of explosive materials in § 55.218.

(b) Outdoor magazines in which low explosives are stored must be located no closer to inhabited buildings, passenger railways, public highways, or other magazines in which explosive materials are stored, than the minimum distances specified in the table of distances for storage of low explosives in § 55.219. The distances shown in § 55.219 may not be reduced by the presence of barricades.

(c)(1) Outdoor magazines in which blasting agents in quantities of more than 50 pounds are stored must be located no closer to inhabited buildings, passenger railways, or public highways than the minimum distances specified in the table of distances for storage of explosive materials in § 55.218.

(2) Ammonium nitrate and magazines in which blasting agents are stored must be located no closer to magazines in which high explosives or other blasting agents are stored than the minimum distances specified in the table of distances for the separation of ammonium nitrate and blasting agents in § 55.220. However, the minimum distances for magazines in which explosives and blasting agents are stored from inhabited buildings, etc., may not be less than the distances specified in the table of distances for storage of explosives materials in § 55.218.

§ 55.207 Construction of type 1 magazines.

A type 1 magazine is a permanent structure: a building, an igloo or "Army-type structure", a tunnel, or a dugout. It is to be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated.

(a) *Buildings.* All building type magazines are to be constructed of masonry, wood, metal, or a combination of these materials, and have no openings except for entrances and ventilation. The ground around building magazines must slope away for drainage or other adequate drainage provided.

(1) *Masonry wall construction.* Masonry wall construction is to consist of brick, concrete, tile, cement block, or cinder block and be not less than 6 inches in thickness. Hollow masonry units used in construction must have all hollow spaces filled with well-tamped, coarse, dry sand or weak concrete (at least a mixture of one part cement and eight parts of sand with enough water to dampen the mixture while tamping in place). Interior walls are to be constructed of, or covered with, a nonsparking material.

(2) *Fabricated metal wall construction.* Metal wall construction is

to consist of sectional sheets of steel or aluminum not less than number 14-gauge, securely fastened to a metal framework. Metal wall construction is either lined inside with brick, solid cement blocks, hardwood not less than four inches thick, or will have at least a six inch sand fill between interior and exterior walls. Interior walls are to be constructed of, or covered with, a nonsparking material.

(3) *Wood frame wall construction.* The exterior of outer wood walls is to be covered with iron or aluminum not less than number 26-gauge. An inner wall of, or covered with nonsparking material will be constructed so as to provide a space of not less than six inches between the outer and inner walls. The space is to be filled with coarse, dry sand or weak concrete.

(4) *Floors.* Floors are to be constructed of, or covered with, a nonsparking material and shall be strong enough to bear the weight of the maximum quantity to be stored. Use of pallets covered with a nonsparking material is considered equivalent to a floor constructed of or covered with a nonsparking material.

(5) *Foundations.* Foundations are to be constructed of brick, concrete, cement block, stone, or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the buildings is to be enclosed with metal.

(6) *Roof.* Except for buildings with fabricated metal roofs, the outer roof is to be covered with no less than number 26-gauge iron or aluminum, fastened to at least $\frac{3}{8}$ inch sheathing.

(7) *Bullet-resistant ceilings or roofs.* Where it is possible for a bullet to be fired directly through the roof and into the magazine at such an angle that the bullet would strike the explosives within, the magazine is to be protected by one of the following methods:

(i) A sand tray lined with a layer of building paper, plastic, or other nonporous material, and filled with not less than four inches of coarse, dry sand, and located at the tops of inner walls covering the entire ceiling area, except that portion necessary for ventilation.

(ii) A fabricated metal roof constructed of $\frac{3}{8}$ -inch plate steel lined with four inches of hardwood. (For each additional $\frac{1}{8}$ inch of plate steel, the hardwood lining may be decreased one inch.)

(8) *Doors.* All doors are to be constructed of not less than $\frac{1}{4}$ inch plate steel and lined with at least two inches of hardwood. Hinges and hasps are to be attached to the doors by welding, riveting or bolting (nuts on inside of door). They are to be installed in such a manner that the hinges and

hasps cannot be removed when the doors are closed and locked.

(9) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ inch diameter. Padlocks must be protected with not less than $\frac{1}{4}$ inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(10) *Ventilation.* Ventilation is to be provided to prevent dampness and heating of stored explosive materials. Ventilation openings must be screened to prevent the entrance of sparks. Ventilation openings in side walls and foundations must be offset or shielded for bullet-resistant purposes. Magazines having foundation and roof ventilators with the air circulating between the side walls and the floors and between the side walls and the ceiling must have a wooden lattice lining or equivalent to prevent the packages of explosive materials from being stacked against the side walls and blocking the air circulation.

(11) *Exposed metal.* No sparking material is to be exposed to contact with the stored explosive materials. All ferrous metal nails in the floor and side walls, which might be exposed to contact with explosive materials, must be blind nailed, countersunk, or covered with a nonsparking lattice work or other nonsparking material.

(b) *Igloos, "Army-type structures", tunnels, and dugouts.* Igloo, "Army-type structure", tunnel, and dugout magazines are to be constructed of reinforced concrete, masonry, metal, or a combination of these materials. They must have an earthmound covering of not less than 24 inches on the top, sides and rear unless the magazine meets the requirements of paragraph (a)(7) of this section. Interior walls and floors must be constructed of, or covered with, a nonsparking material. Magazines of this type are also to be constructed in conformity with the requirements of paragraph (a)(4) and paragraphs (a)(8) through (11) of this section.

§ 55.208 Construction of type 2 magazines.

A type 2 magazine is a box, trailer, semitrailer, or other mobile facility.

(a) *Outdoor magazines.* (1) *General.* Outdoor magazines are to be bullet-resistant, fire-resistant, weather-resistant, theft-resistant, and ventilated. They are to be supported to prevent direct contact with the ground and, if less than one cubic yard in size, must be securely fastened to a fixed object. The ground around outdoor magazines must slope away for drainage or other adequate drainage provided. When unattended, vehicular magazines must have wheels removed or otherwise effectively immobilized by kingpin locking devices or other methods approved by the Director.

(2) *Exterior construction.* The exterior and doors are to be constructed of not less than $\frac{1}{4}$ -inch steel and lined with at least two inches of hardwood. Magazines with top openings will have lids with water-resistant seals or which overlap the sides by at least one inch when in a closed position.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ -inch diameter. Padlocks must be protected with not less than $\frac{1}{4}$ -inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(b) *Indoor magazines.* (1) *General.* Indoor magazines are to be fire-resistant and theft-resistant. They need not be bullet-resistant and weather-resistant if the buildings in which they are stored provide protection from the weather and from bullet penetration. No indoor magazine is to be located in a residence or dwelling. The indoor storage of high explosives must not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of explosive materials stored does not exceed 50 pounds. Detonators must be stored in a separate magazine (except as provided in § 55.213) and the total quantity of detonators must not exceed 5,000.

(2) *Exterior construction.* Indoor magazines are to be constructed of wood or metal according to one of the following specifications:

(i) Wood indoor magazines are to have sides, bottoms and doors constructed of at least two inches of hardwood and are to be well braced at the corners. They are to be covered with sheet metal of not less than number 26-gauge (.0179 inches). Nails exposed to the interior of magazines must be countersunk.

(ii) Metal indoor magazines are to have sides, bottoms and doors constructed of not less than number 12-gauge (.1046 inches) metal and be lined inside with a nonsparking material. Edges of metal covers must overlap sides at least one inch.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ -inch diameter. Padlocks must be protected with not less than $\frac{1}{4}$ -inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ -inch diameter, if the door hinges and lock hasp are securely fastened to the magazine. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(c) *Detonator boxes.* Magazines for detonators in quantities of 100 or less are to have sides, bottoms and doors constructed of not less than number 12-gauge (.1046 inches) metal and lined with a nonsparking material. Hinges and hasps must be attached so they cannot be removed from the outside. One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ -inch diameter is sufficient for locking purposes.

§ 55.209 Construction of type 3 magazines.

A type 3 magazine is a "day-box" or other portable magazine. It must be fire-resistant, weather-resistant, and theft-resistant. A type 3 magazine is to be constructed of not less than number 12-gauge (.1046 inches) steel, lined with at least either $\frac{1}{2}$ -inch plywood or $\frac{1}{2}$ -inch Masonite-type hardboard. Doors must overlap sides by at least one inch. Hinges and hasps are to be attached by welding, riveting or bolting (nuts on inside). One steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ -inch diameter is sufficient for locking purposes. Explosive materials are not to be left unattended in type 3 magazines and must be removed to type 1 or 2 magazines for unattended storage.

§ 55.210 Construction of type 4 magazines.

A type 4 magazine is a building, igloo or "Army-type structure", tunnel, dugout, box, trailer, or a semitrailer or other mobile magazine.

(a) *Outdoor magazines.* (1) *General.* Outdoor magazines are to be fire-resistant, weather-resistant, and theft-resistant. The ground around outdoor magazines must slope away for drainage or other adequate drainage be provided. When unattended, vehicular magazines must have wheels removed or otherwise be effectively immobilized by kingpin locking devices or other methods approved by the Director.

(2) *Construction.* Outdoor magazines are to be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. Foundations are to be constructed of brick, concrete, cement block, stone, or metal or wood posts. If piers or posts are used, in lieu of a continuous foundation, the space under the building is to be enclosed with fire-resistant material. The walls and floors are to be constructed of, or covered with, a nonsparking material or lattice work. The doors must be metal or solid wood covered with metal.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at

least five tumblers and case-hardened shackle of at least $\frac{3}{8}$ inch diameter. Padlocks must be protected with not less than $\frac{1}{4}$ inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(b) *Indoor magazine.* (1) *General.* Indoor magazines are to be fire-resistant and theft-resistant. They need not be weather-resistant if the buildings in which they are stored provide protection from the weather. No indoor magazine is to be located in a residence or dwelling. The indoor storage of low explosives must not exceed a quantity of 50 pounds. More than one indoor magazine may be located in the same building if the total quantity of explosive materials stored does not exceed 50 pounds. Detonators that will not mass detonate must be stored in a separate magazine and the total number of electric detonators must not exceed 5,000.

(2) *Construction.* Indoor magazines are to be constructed of masonry, metal-covered wood, fabricated metal, or a combination of these materials. The walls and floors are to be constructed of, or covered with, a nonsparking material. The doors must be metal or solid wood covered with metal.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ inch diameter. Padlocks must be protected with not less than $\frac{1}{4}$ inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ inch diameter, if the door hinges and lock hasp are securely fastened to the magazine. These requirements do not apply to magazine doors that are adequately secured on the inside by

means of a bolt, lock, or bar that cannot be actuated from the outside.

§ 55.211 Construction of type 5 magazines.

A type 5 magazine is a building, igloo or "Army-type structure", tunnel, dugout, bin, box, trailer, or a semitrailer or other mobile facility.

(a) *Outdoor magazines.* (1) *General.* Outdoor magazines are to be weather-resistant and theft-resistant. The ground around magazines must slope away for drainage or other adequate drainage be provided. When unattended, vehicular magazines must have wheels removed or otherwise be effectively immobilized by kingpin locking devices or other methods approved by the Director.

(2) *Construction.* The doors are to be constructed of solid wood or metal.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside of door). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ inch diameter. Padlocks must be protected with not less than $\frac{1}{4}$ inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Trailers, semitrailers, and similar vehicular magazines may, for each door, be locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ inch diameter, if the door hinges and lock hasp are securely fastened to the magazine and to the door frame. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

(b) *Indoor magazines.* (1) *General.* Indoor magazines are to be theft-resistant. They need not be weather-resistant if the buildings in which they are stored provide protection from the weather. No indoor magazine is to be located in a residence or dwelling. Indoor magazines containing quantities of blasting agents in excess of 50 pounds are subject to the requirements of § 55.206 of this subpart.

(2) *Construction.* The doors are to be constructed of wood or metal.

(3) *Hinges and hasps.* Hinges and hasps are to be attached to doors by welding, riveting, or bolting (nuts on inside). Hinges and hasps must be installed so that they cannot be removed when the doors are closed and locked.

(4) *Locks.* Each door is to be equipped with (i) two mortise locks; (ii) two padlocks fastened in separate hasps and staples; (iii) a combination of a mortise lock and a padlock; (iv) a mortise lock that requires two keys to open; or (v) a three-point lock. Padlocks must have at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ inch diameter. Padlocks must be protected with not less than $\frac{1}{4}$ inch steel hoods constructed so as to prevent sawing or lever action on the locks, hasps, and staples. Indoor magazines located in secure rooms that are locked as provided in this subparagraph may have each door locked with one steel padlock (which need not be protected by a steel hood) having at least five tumblers and a case-hardened shackle of at least $\frac{3}{8}$ inch diameter, if the door hinges and lock hasps are securely fastened to the magazine and to the door frame. These requirements do not apply to magazine doors that are adequately secured on the inside by means of a bolt, lock, or bar that cannot be actuated from the outside.

§ 55.212 Smoking and open flames.

Smoking, matches, open flames, and spark producing devices are not permitted—

- (a) In any magazine;
- (b) Within 50 feet of any outdoor magazine; or
- (c) Within any room containing an indoor magazine.

§ 55.213 Quantity and storage restrictions.

(a) Explosive materials in excess of 300,000 pounds or detonators in excess of 20 million are not to be stored in one magazine unless approved by the Director.

(b) Detonators are not to be stored in the same magazine with other explosive materials, except under the following circumstances:

- (1) In a type 4 magazine, detonators that will not mass detonate may be stored with electric squibs, safety fuse, igniters, and igniter cord.
- (2) In a type 1 or type 2 magazine, detonators may be stored with delay devices and any of the items listed in paragraph (b)(1) of this section.

§ 55.214 Storage within types 1, 2, 3, and 4 magazines.

(a) Explosive materials within a magazine are not to be placed directly against interior walls and must be

stored so as not to interfere with ventilation. To prevent contact of stored explosive materials with walls, a nonsparking lattice work or other nonsparking material may be used.

(b) Containers of explosive materials are to be stored so that marks are visible. Stocks of explosive materials are to be stored so they can be easily counted and checked upon inspection.

(c) Except with respect to fiberboard or other nonmetal containers, containers of explosive materials are not to be unpacked or repacked inside a magazine or within 50 feet of a magazine, and must not be unpacked or repacked close to other explosive materials. Containers of explosive materials must be closed while being stored.

(d) Tools used for opening or closing containers of explosive materials are to be of nonsparking materials, except that metal slitters may be used for opening fiberboard containers. A wood wedge and a fiber, rubber, or wooden mallet are to be used for opening or closing wood containers of explosive materials. Metal tools other than nonsparking transfer conveyors are not to be stored in any magazine containing high explosives.

§ 55.215 Housekeeping.

Magazines are to be kept clean, dry, and free of grit, paper, empty packages and containers, and rubbish. Floors are to be regularly swept. Brooms and other utensils used in the cleaning and maintenance of magazines must have no spark-producing metal parts, and may be kept in magazines. Floors stained by leakage from explosive materials are to be cleaned according to instructions of the explosives manufacturer. When any explosive material has deteriorated it is to be destroyed in accordance with the advice or instructions of the manufacturer. The area surrounding magazines is to be kept clear of rubbish, brush, dry grass, or trees (except live trees more than 10 feet tall), for not less than 25 feet in all directions. Volatile materials are to be kept a distance of not less than 50 feet from outdoor magazines. Living foliage which is used to stabilize the earthen covering of a magazine need not be removed.

§ 55.216 Repair of magazines.

Before repairing the interior of magazines, all explosive materials are to be removed and the interior cleaned. Before repairing the exterior of magazines, all explosive materials must be removed if there exists any possibility that repairs may produce sparks or flame. Explosive materials removed from magazines under repair

must be (a) placed in other magazines appropriate for the storage of those explosive materials under this subpart, or (b) placed a safe distance from the magazines under repair where they are to be properly guarded and protected until the repairs have been completed.

§ 55.217 Lighting.

(a) Battery-activated safety lights or

battery-activated safety lanterns may be used in explosives storage magazines.

(b) Electric lighting used in any explosives storage magazine must meet the standards prescribed by the "National Electrical Code," (National Fire Protection Association, NFPA 70-81), for the conditions present in the magazine at any time. All electrical

switches are to be located outside of the magazine and also meet the standards prescribed by the National Electrical Code.

(c) Copies of invoices, work orders or similar documents which indicate the lighting complies with the National Electrical Code must be available for inspection by ATF officers.

§ 55.218 Table of distances for storage of explosive materials.

Quantity of explosives		Distances in feet							
Pounds over	Pounds not over	Inhabited buildings		Public highways class A to D		Passenger railways—public highways with traffic volume of more than 3,000 vehicles bay		Separation of magazines	
		Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
2	5	70	140	30	60	51	102	6	12
5	10	90	180	35	70	64	128	8	16
10	20	110	220	45	90	81	162	10	20
20	30	125	250	50	100	93	186	11	22
30	40	140	280	55	110	103	206	12	24
40	50	150	300	60	120	110	220	14	28
50	75	170	340	70	140	127	254	15	30
75	100	190	380	75	150	139	278	16	32
100	125	200	400	80	160	150	300	18	36
125	150	215	430	85	170	159	318	19	38
150	200	235	470	95	190	175	350	21	42
200	250	255	510	105	210	189	378	23	46
250	300	270	540	110	220	201	402	24	48
300	400	295	590	120	240	221	442	27	54
400	500	320	640	130	260	238	476	29	58
500	600	340	680	135	270	253	506	31	62
600	700	355	710	145	290	266	532	32	64
700	800	375	750	150	300	278	556	33	66
800	900	390	780	155	310	289	578	35	70
900	1,000	400	800	160	320	300	600	36	72
1,000	1,200	425	850	165	330	318	636	39	78
1,200	1,400	450	900	170	340	336	672	41	82
1,400	1,600	470	940	175	350	351	702	43	86
1,600	1,800	490	980	180	360	366	732	44	88
1,800	2,000	505	1,010	185	370	378	756	45	90
2,000	2,500	545	1,090	190	380	408	816	49	98
2,500	3,000	580	1,160	195	390	432	864	52	104
3,000	4,000	635	1,270	210	420	474	948	58	116
4,000	5,000	685	1,370	225	450	513	1,026	61	122
5,000	6,000	730	1,460	235	470	546	1,092	65	130
6,000	7,000	770	1,540	245	490	573	1,146	68	136
7,000	8,000	800	1,600	250	500	600	1,200	72	144
8,000	9,000	835	1,670	255	510	624	1,248	75	150
9,000	10,000	865	1,730	260	520	645	1,290	78	156
10,000	12,000	875	1,750	270	540	687	1,374	82	164
12,000	14,000	885	1,770	275	550	723	1,446	87	174
14,000	16,000	900	1,800	280	560	756	1,512	90	180
16,000	18,000	940	1,880	285	570	786	1,572	94	188
18,000	20,000	975	1,950	290	580	813	1,626	98	196
20,000	25,000	1,055	2,000	315	630	876	1,752	105	210
25,000	30,000	1,130	2,000	340	680	933	1,866	112	224
30,000	35,000	1,205	2,000	360	720	981	1,962	119	238
35,000	40,000	1,275	2,000	380	760	1,026	2,000	124	248
40,000	45,000	1,340	2,000	400	800	1,068	2,000	129	258
45,000	50,000	1,400	2,000	420	840	1,104	2,000	135	270
50,000	55,000	1,460	2,000	440	880	1,140	2,000	140	280
55,000	60,000	1,515	2,000	455	910	1,173	2,000	145	290
60,000	65,000	1,565	2,000	470	940	1,206	2,000	150	300
65,000	70,000	1,610	2,000	485	970	1,236	2,000	155	310
70,000	75,000	1,655	2,000	500	1,000	1,263	2,000	160	320
75,000	80,000	1,695	2,000	510	1,020	1,293	2,000	165	330
80,000	85,000	1,730	2,000	520	1,040	1,317	2,000	170	340
85,000	90,000	1,760	2,000	530	1,060	1,344	2,000	175	350
90,000	95,000	1,790	2,000	540	1,080	1,368	2,000	180	360
95,000	100,000	1,815	2,000	545	1,090	1,392	2,000	185	370
100,000	110,000	1,835	2,000	550	1,100	1,437	2,000	195	390
110,000	120,000	1,855	2,000	555	1,110	1,479	2,000	205	410
120,000	130,000	1,875	2,000	560	1,120	1,521	2,000	215	430
130,000	140,000	1,890	2,000	565	1,130	1,557	2,000	225	450
140,000	150,000	1,900	2,000	570	1,140	1,593	2,000	235	470
150,000	160,000	1,935	2,000	580	1,160	1,629	2,000	245	490
160,000	170,000	1,965	2,000	590	1,180	1,662	2,000	255	510
170,000	180,000	1,990	2,000	600	1,200	1,695	2,000	265	530
180,000	190,000	2,010	2,010	605	1,210	1,725	2,000	275	550
190,000	200,000	2,030	2,030	610	1,220	1,755	2,000	285	570
200,000	210,000	2,055	2,055	620	1,240	1,782	2,000	295	590
210,000	230,000	2,100	2,100	635	1,270	1,836	2,000	315	630
230,000	250,000	2,155	2,155	650	1,300	1,890	2,000	335	670

Quantity of explosives		Distances in feet							
Pounds over	Pounds not over	Inhabited buildings		Public highways class A to D		Passenger railways—public highways with traffic volume of more than 3,000 vehicles day		Separation of magazines	
		Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded	Barricaded	Unbarricaded
250,000	275,000	2,215	2,215	670	1,340	1,950	2,000	360	720
275,000	300,000	2,275	2,275	690	1,380	2,000	2,000	365	770

Table: American Table of Distances for Storage of Explosives (December 1910), as revised and approved by The Institute of Makers of Explosives—November 5, 1971

Notes to the Table of Distances for Storage of Explosives

(1) Terms found in the table of distances for storage of explosive materials are defined in § 55.11.

(2) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and, in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

(3) All types of blasting caps in strengths through No. 8 cap should be rated at 1½ lbs. of explosives per 1,000 caps. For strengths higher than No. 8 cap, consult the manufacturer.

(4) For quantity and distance purposes, detonating cord of 50 or 60 grains per foot should be calculated as equivalent to 9 lbs. of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.

§ 55.219 Table of distances for storage of low explosives

Pounds		From inhabited building distance (feet)	From public railroad and highway distance (feet)	From above ground magazine (feet)
Over	Not over			
0	1,000	75	75	50
1,000	5,000	115	115	75
5,000	10,000	150	150	100
10,000	20,000	190	190	125
20,000	30,000	215	215	145
30,000	40,000	235	235	155

Pounds		From inhabited building distance (feet)	From public railroad and highway distance (feet)	From above ground magazine (feet)
Over 1	Not over			
40,000	50,000	250	250	165
50,000	60,000	260	260	175
60,000	70,000	270	270	185
70,000	80,000	280	280	190
80,000	90,000	295	295	195
90,000	100,000	300	300	200
100,000	200,000	375	375	250
200,000	300,000	450	450	300

Table: Department of Defense Ammunition and Explosives Standards, Table 5-4.1 extract; 4145.27 M, March 1969.

§ 55.220 Table of separation distances of ammonium nitrate and blasting agents from explosives or blasting agents. (1)(6)

Donor weight (pounds)		Minimum separation distance of acceptor from donor when barricaded (ft.)		Minimum thickness of artificial barricades (in.)
Over	Not over	Ammonium nitrate	Blasting agent	
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Table: National Fire Protection Association (NFPA) Official Standard No. 492, 1968.

Notes of Table of Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents

(1) This table specifies separation distances to prevent explosion of ammonium nitrate and ammonium nitrate-based blasting agents by propagation from nearby stores of high explosives or blasting agents referred to in the table as the "donor." Ammonium nitrate, by itself, is not considered to be a donor when applying this table. Ammonium nitrate, ammonium nitrate-fuel oil or combinations thereof are acceptors. If stores of ammonium nitrate are located within the sympathetic detonation distance of explosives or blasting agents, one-half the mass of the ammonium nitrate is to be included in the mass of the donor.

(2) When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table must be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor." Where explosives storage is in bullet-resistant magazines or where the storage is protected by a bullet-resistant wall, distances and barricade thicknesses in excess of those prescribed in the table in § 55.218 are not required.

(3) These distances apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer issued by the Fertilizer Institute.¹ Ammonium nitrate failing to pass the test must be stored at separation distances in accordance with the table in § 55.218.

(4) These distances apply to blasting agents which pass the insensitivity test prescribed in regulations of the U.S. Department of Transportation (49 CFR Part 173).

(5) Earth or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor"

¹ Definition and Test Procedures for Ammonium Nitrate Fertilizer, Fertilizer Institute 1015-18th St. N.W. Washington, D.C. 20036.

when the trees are bare of leaves, are also acceptable.

(6) For determining the distances to be maintained from inhabited buildings, passenger railways, and public highways, use the table in § 55.218.

Signed: May 12, 1981.

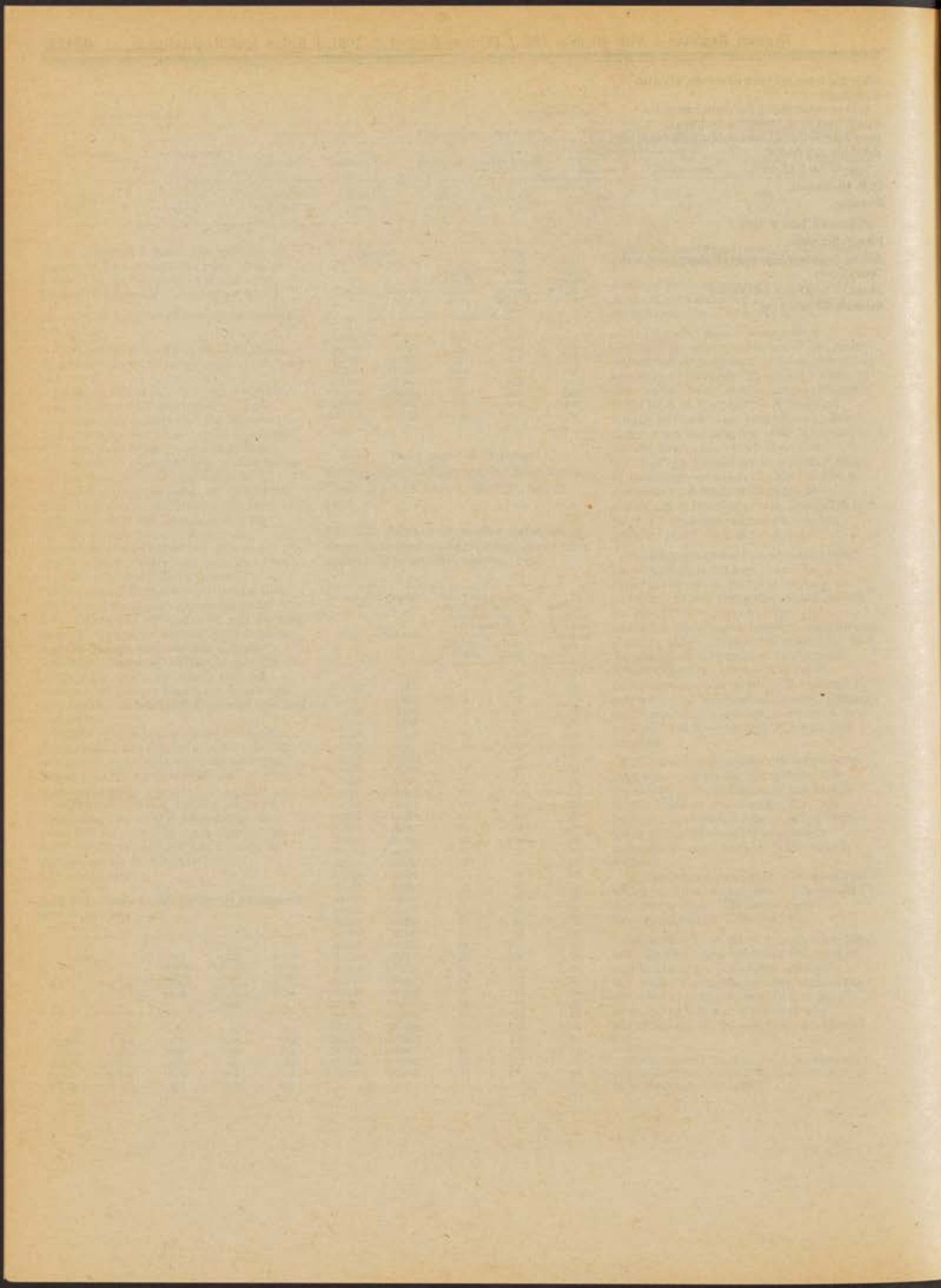
G. R. Dickerson,
Director.

Approved: June 9, 1981.

John P. Simpson,
Acting Assistant Secretary (Enforcement and Operations).

[FR Doc. 81-22744 Filed 8-6-81; 8:45 am]

BILLING CODE 4810-31-M



Registered

Friday
August 7, 1981

Part III

Department of Labor

Employment Standards Administration,
Wage and Hour Division

Minimum Wages for Federal and
Federally Assisted Construction; General
Wage Determination Decisions

DEPARTMENT OF LABOR

Employment Standards
Administration, Wage and Hour
DivisionMinimum Wages for Federal and
Federally Assisted Construction;
General Wage Determination
Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects 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 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 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 Supersedes
Decisions to General Wage
Determination Decisions

Modifications and supersedes 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 supersedes 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 supersedes 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, Wage and Hour Division, Office of Government Contract Wage Standards, Division of Government Contract Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Determination Decision.

New General Wage Determination
Decisions

None.

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.

Arizona: AZ81-5124	May 29, 1981.
California:	
CA81-5128	July 6, 1981.
CA81-5129	Do.
Florida: FL81-1260	Do.
Idaho: ID81-5125	June 5, 1981.
Nevada:	
NV81-5103	Feb. 6, 1981.
NV81-5104	Feb. 20, 1981.
NV81-5111	May 1, 1981.
New Jersey: NJ79-3029	Jan. 4, 1980.
Oregon: OR81-5127	July 6, 1981.
Pennsylvania: PA81-3041	Do.
Utah: UT81-5117	May 8, 1981.
Virginia: VA81-3015	Mar. 6, 1981.
Washington: WA81-5126	July 6, 1981.
Wyoming: WY81-5123	May 22, 1981.

Supersedes 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. Supersedes decision numbers are in parentheses following the numbers of the decisions being superseded.

Illinois:

IL79-2075 (IL81-2051)	Sept. 14, 1979.
IL79-2027 (IL81-2050)	May 4, 1979.
IL79-2029 (IL81-2050)	Do.
IL79-2031 (IL81-2050)	Do.
IL79-2032 (IL81-2050)	Do.
IL79-2033 (IL81-2050)	Do.
IL79-2054 (IL81-2050)	June 15, 1979.

Montana:

MT81-5114 (MT81-5138)	May 8, 1981.
MT81-5115 (MT81-5139)	Do.
MT81-5116 (MT81-5140)	Do.

Pennsylvania: PA80-3010 (PA81-3044) April 4, 1980.

Texas: TX80-4024 (TX81-4064) Do.

Virginia: VA78-3062 (VA81-3055) Sept. 22, 1978.

**Cancellation of General Wage
Determination Decisions**

None.

Signed at Washington, D.C., this 31st day
of July 1981.

Dorothy P. Come,*Assistant Administrator, Wage and Hour
Division.*

BILLING CODE 4510-27-M

Modification Page 1

DECISION NUMBER A281-5124 Mod. # 5
(46 FR 29160 - May 29, 1981)

STATEWIDE, ARIZONA	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CHANGE:						
Electricians						
Area 5	\$16.44	\$.60	3%+8%			1/2%
Electricians	16.69	.60	3%+8%			1/2%
Cable Splicers						
DECISION NO. CA81-5128 - Mod. #1 (46 FR 34951 - July 6, 1981)						
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California						
Change:						
Carpenters:						
Area 2:	\$14.94	\$1.63	\$2.63	\$1.50	.10	
Carpenters	15.02	1.63	2.63	1.50	.10	
Saw Filers						
Table Power Saw						
Operators	13.91	1.63	2.63	1.50	.10	
Shinglers, Piledriver-men, Bridge or Dock						
Carpenters						
Hardwood Floorlayers						
Pneumatic Nailers						
Millwrights						
Divers:						
Diver, wet	35.14	1.63	2.63	1.50	.10	
Diver, stand-by	17.57	1.63	2.63	1.50	.10	
Diver, tender	16.57	1.63	2.63	1.50	.10	

Modification Page 2

DECISION #CA81-5129-Mod. #1 (46 FR 34961 - July 6, 1981)	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara, and Ventura Counties, California						
Change:						
Carpenters:						
Carpenters	14.94	1.63	2.63	1.50	.10	
Saw Filers	15.02	1.63	2.63	1.50	.10	
Table Power Saw						
Operators	13.91	1.63	2.63	1.50	.10	
Shinglers, Piledriver-men, Bridge or Dock						
Carpenters	15.07	1.63	2.63	1.50	.10	
Hardwood Floorlayers	\$15.14	\$1.63	\$2.63	\$1.50	.10	
Pneumatic Nailers	15.19	1.63	2.63	1.50	.10	
Millwrights	15.44	1.63	2.63	1.50	.10	
Divers:						
Diver, wet	35.14	1.63	2.63	1.50	.10	
Diver, stand-by	17.57	1.63	2.63	1.50	.10	
Diver, tender	16.57	1.63	2.63	1.50	.10	

Modification Page 3

DECISION NUMBER FL81-1260-
MOD. #2
(46 FR 34968-34969 - July
6, 1981)
Cape Canaveral Air Force
Station, Patrick Air Force
Base, Kennedy Space Flight
Center, & Melabar Radar
Site in Brevard & Volusia
Counties, Florida

Change:
POWER EQUIPMENT OPERATORS
Group I
Group II
Group III
Group IV
Group V

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
12.30	.55	.50			
11.70	.55	.50			.06
11.20	.55	.50			.06
10.80	.55	.50			.06
10.00	.55	.50			.06

Modification Page 4

DECISION NO. 1281-5125 - Mod. #4
(46 FR 30250 - June 5, 1981)
Statewide Idaho

CHANGE:
ARRESTORS WORKERS:
Area 4
ELECTRICIANS:
Area 3:
Cable Splicers
ELEVATOR CONSTRUCTORS:
Area 1:
Elevator Constructors
Helpers
Probationary Helpers
IRONWORKERS:
Ornamental Reinforcing:
Structural:
Area 2
Area 3
PAINTERS:
Area 2:
Painters and Tapers
ROOFERS:
Area 2:
Roofers; Kettlemen
Roofers working with coal tar
and pitch products
SOFT FLOOR LAYERS:
Area 3

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
\$16.11	.77	1.52			
16.39	.75	\$1 + 1.00			12
18.35	1.345	1.085	a		.035
12.99	1.345	1.085	a		.035
9.28	1.345	1.085	a		.035
16.73	1.00	2.15			.15
14.87	1.05	1.60			.02
12.25	.78	.60			.03
13.40	.95	.45			.05
15.40	.95	.45	.05		
11.74	.69	.50			

DECISION NO. NV81-5103 - Mod. #5

(46 FR 11486-February 5,

1981)

Nevada Test Site in-
cluding Tonopah Test
Range in Clark, Lincoln,
and Nye Counties, Nevada

Change:

Ironworkers:

Ornamental: Reinforcing

Structural

Laborers:

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Group 7

Group 8

Group 9

Group 10

Group 11

Group 12

Group 13

Group 14

Group 15

Group 16

Group 17

Group 18

Power Equipment
Operators:(Except Piledriving
and Steel Erection):

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Roofers

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$16.56	\$1.44	\$3.77	.40		.12
11.80	1.06	1.73	1.25		
11.85	1.06	1.73	1.25		
11.88	1.06	1.73	1.25		
11.90	1.06	1.73	1.25		
11.92	1.06	1.73	1.25		
11.93	1.06	1.73	1.25		
11.95	1.06	1.73	1.25		
11.98	1.06	1.73	1.25		
11.99	1.06	1.73	1.25		
12.01	1.06	1.73	1.25		
12.06	1.06	1.73	1.25		
12.09	1.06	1.73	1.25		
12.11	1.06	1.73	1.25		
12.14	1.06	1.73	1.25		
12.16	1.06	1.73	1.25		
12.23	1.06	1.73	1.25		
12.25	1.06	1.73	1.25		
12.32	1.06	1.73	1.25		
14.48	1.25	2.80	.45		.14
14.72	1.25	2.80	.45		.14
14.96	1.25	2.80	.45		.14
15.07	1.25	2.80	.45		.14
15.26	1.25	2.80	.45		.14
15.36	1.25	2.80	.45		.14
19.30	1.00				

DECISION NO. NV81-5104 - Mod. #6

(46 FR 13482-February 10,

1981)

Washoe County, Nevada

Change:

Plumbers: Steamfitters

Sheet Metal Workers:

Residential construction

not over 3 stories in

height where each

individual family

apartment is in-

dividually conditioned

by a separate and

independent unit or

system

All other residential

construction

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
\$17.04	\$1.23	\$1.25	\$2.10		.05
12.50	1.30	2.36	1.56		.14
15.63	1.30	2.35	1.56		.14
16.11	.77	1.52			
17.04	1.23	1.25	2.10		.20
17.04	1.23	1.25	2.10		.20
19.30	1.00				
15.63	1.30	2.35	1.56		.14

DECISION #NV81-5111-Mod. #6

(46 FR 24837-May 1, 1981)

Statewide (does not in-

clude the Nevada Test

Site and Tonopah Test

Range, and Highway

Construction in Douglas

County), Nevada

Change:

Asbestos Workers:

Area 2

Plumbers: Steamfitters:

Area 2

Plumber (Utility):

Area 1

Roofers:

Area 1

Sheet Metal Workers:

Area 2

DECISION NO. NJ79-3029 -
CONT'D

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
CARPENTERS, INSULATORS & MILLWRIGHTS:					
ZONE 4	14.10	8%	7%		1/8
Carpenters & Insulators	14.60	8%	7%		1/8
MILLWRIGHTS					
DOCK BUILDERS & PILEDRIVER-MEN	13.25	1.85	1.78	1.01	.05
ELECTRICIANS & CABLE SPICERS:					
ZONE 1	14.57	9%	17%		1/8
ZONE 3	16.78	7%	34+1.90		.015
ZONE 6					
Wireman	16.78	7%	104+50		
Cable Splicers	17.85	7%	104+50		
ZONE 7	16.94	8%	34+1.20		
ZONE 8	16.45	7%	34+1.90		.015
ZONE 9	16.41	7%	34+2.25		.02
ZONE 10	16.73	7%	34+1.90		.015
ZONE 12	14.25	7%	34+1.00		.02
LABORERS, BUILDING CONSTRUCTION:					
ZONE 3					
Laborers	10.35	.70	.80		.10
Mortar Mixers, Scaffold Men, Pneumatic Hammer Ops., Bell Men & Carpenter Tenders					
ZONE 7	10.60	.70	.80		.10
Laborers	9.50	.90	.85		.10
ZONE 11					
Laborers, Air Tool Ops. (jackhammer, vibrator), Mason Tenders, Mortar Mixers, Plaster Tenders, Pipelayers, Wreckers & Excavation	10.30	.75	.70		.10
ZONE 14					
Laborers	10.00	.85	.75		.10

DECISION NO. NJ79-3029 -
MOD. #9

(44 FR 1350 - January 4, 1980)
Bergen, Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Sussex, Union and Warren Counties, New Jersey

CHANGE:

CEMENT MASONS & PLASTERERS:

	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or App. Tr.
ZONE 1	13.71	1.00	2.00		.05
ZONE 3	13.13	1.37	2.37		.03
ZONE 6	13.70	1.10	1.15		.02
ZONE 7	14.25	.90	.70		.02
ZONE 8	13.81	.95	1.10		.04
ZONE 9	13.65	1.15	1.15		.02
ZONE 10	14.03	.85	1.15		.02
ZONE 11	13.92	.85	1.15		.02
ZONE 12	13.15	1.35	1.45		.02

AREA COVERED BY BRICKLAYERS, STONEMASONS, ETC. ZONES

ZONE 1 - Bergen (North Arlington, Lyndhurst - East of Ridge Rd. and North to Rutherford Avenue and Barry's Creek West of the Hackensack River); Essex (Except Millburn Township); Hudson that portion West of the Hackensack River).

ZONE 6 - Essex (Millburn Township), Morris (Gillette & Stirling, Shore Hills Twp.), Union (New Providence Springfield, Summit & Union Twp.).

ZONE 10 - Somerset (Remainder of County) Hunterdon Co. at Old Millend, Rt. 32 following Passaic River to Dead River to Brown Mills at Pluckemin thence Oldwick to Fairmont, across county line to Long Valley in Morris County thence 3 miles North of Chester to Muskrat to Ralston in Morris to Mendham Twp. across Morris County line to Somerset back to old Mill in Bernardsville Route 23 in Somerset County.

ZONE 11 - Union (Plainfield, Scotch Plains).

ZONE 12 - Union (Remainder of County).

DECISION NO. NJ79-3029 -		Fringe Benefits Payments				
CONT'D		Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS, HEAVY & HIGHWAY CONSTRUCTION:						
GROUP 1		10.30	1.25	1.15	d	.10
GROUP 2		10.50	1.25	1.15	d	.10
GROUP 3		10.80	1.25	1.15	d	.10
GROUP 4		11.00	1.25	1.15	d	.10
GROUP 5		11.25	1.25	1.15	d	.10
GROUP 6		11.80	1.25	1.15	d	.10
LINE CONSTRUCTION (EXCLUDING RAILROAD CONSTRUCTION):						
ZONE 1						
Line men, Cable Splicers, Line Equipment Operators, Line Truck Operators, Groundmen and Welders		15.13	98	128		3/48
ZONE 2						
Linenmen and Equipment Operators		16.78	78	108		3/48
Cable Splicers		17.85	78	108		3/48
ZONE 4						
Linenmen, Cable Splicers, Line Equipment Operators and Groundmen		16.18	78	6.58+ 2.00		3/48
ZONE 5						
Linenmen, Cable Splicers, Line Equipment Operators and Groundmen		16.18	78	6.58+ 2.00		3/48
ZONE 7						
Linenmen and Equipment Operators		16.94	88	38+1.20		3/48
Groundmen and Line Truck Operators		15.10	88	38+1.20		3/48
ZONE 8						
Linenmen and equipment Operators		16.45	78	38+1.90		3/48
ZONE 10						
Linenmen, Cable Splicers & Groundmen		16.73	78	38+1.90		3/48
ZONE 11						
Linenmen, Cable Splicers and Groundmen		16.41	78	38+2.25		3/48
		15.56	78	38+2.25		3/48

DECISION NO. NJ79-3029 -		Fringe Benefits Payments				
CONT'D		Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or App. Tr.
PAINTERS:						
ZONE 1						
Painters and Tapers		12.30	1.35	2.60		.06
Steel outside		13.30	1.35	2.60		.06
Spray		13.85	1.35	2.60		.06
ZONE 2						
Brush and Roller		12.89	1.10	1.20	.55	.11
Spray		14.07	1.10	1.20	.55	.11
ZONE 3						
Painters on new construction and major alterations		12.40	.80	.90		.08
Painters on repaint work		11.40	.80	.90		.08
Spraying or application of hazardous or dangerous materials on repaint work		12.00	.80	.90		.08
Exterior work exceeding 3 stories in height except flat tanks on the ground and on interior work which requires painting higher than 20' above the ground or floor (this shall not be applied to machinery or equipment located therein)		12.55	.80	.90		.08
Repaint work as described above		11.55	.80	.90		.08
On bridges, television and radio towers, structural steel and tanks above 3 stories in height (30' or over), smoke stacks, water towers, sandblasting, steam-cleaning, spraying or application of hazardous materials		13.00	.80	.90		.08
PIPEFITTERS:						
ZONE 2		14.67	1.03	2.20	1.47	.10

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DECISION NO. PA81-3041 - MOD. #1 (46 FR 34934 - July 6, 1981) Allegheny, Armstrong, Beaver, Bedford, Blair, Butler, Cambria, Cameron, Centre, Clarion, Clearfield, Clinton, Crawford, Elk, Erie, Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Lawrence, McKean, Mifflin, Potter, Somerset, Venango, Warren, Washington, Westmoreland Counties, Pennsylvania	Basic Hourly Rates	Fringe Benefits Payments				Education and Appr. Tr.
		H & W	Pensions	Vacation	Education and Appr. Tr.	
CHANGE: PILEDRIVERS - WELDER TRUCK DRIVERS: Class 4 Zone 2	14.34	6%	10%			
ADD: TO Class 7 (TRUCK DRIVER CLASSIFICATION DEFINITIONS): Mobile Mixer and Slurry Seal Truck	11.07	8.5%	9.5%			
DECISION NO. UT81-5117 - Mod. #3 (46 FR 25986 - May 8, 1981) Statewide, Utah						
CHANGE: Asbestos Workers Elevator Constructors Elevator Constructors Helpers Elevator Constructors Helpers (Prob.)	\$16.11 14.045 14.045 9.83 9.83 7.02	.77 1.345 1.345 1.345 1.345	\$1.52 1.085 1.085 1.085 1.085			.035 .035

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DECISION NO. NJ79-3029 - CONT'D	Basic Hourly Rates	Fringe Benefits Payments				Education and Appr. Tr.
		H & W	Pensions	Vacation	Education and Appr. Tr.	
PLUMBERS: ZONE 1 ZONE 2 ROOFERS: ZONE 5 Composition, damp and waterproofing Slate and Tile SOFT FLOOR LAYERS	15.78 15.425 15.425 12.73	1.00 1.60 1.50 1.50 7%	2.15 2.15 1.50 1.50 5%		.25 .25	
DECISION NO. OR81-5117 - Mod. #1 (46 FR 35019 - July 6, 1981) Statewide Oregon						
CHANGE: Painters: Area 1: Painters and Tapers Roofers: Area 4: Soft Floor Layers: Area 2	\$12.25 13.40 11.74	.78 .93 .69	.40 .45 .50		.03	

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DECISION NO. VAB1-3015-Mod. #6 (46 FR 15666-March 6, 1981) Radford Army Ammunition Plant, Virginia	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CHANGE: CARPENTERS LATHERS MILLWRIGHTS	\$10.55 10.55 13.40	.50 .50 .50	.45 .45 .45			.02 .02 .02
DECISION NO. VAB1-3126 - Mod. #3 (46 FR 35029 - July 9, 1981) Statewide Washington						
CHANGE: Asbestos Workers: Area 3 Bricklayers; Marble Setters: Area 5 Elevator Constructors: Area 1 Soft Floor Layers: Area 1	\$17.84 17.11 18.555 13.49	.78 1.10 1.345 .69	1.45 1.50 1.085			.04 .25 .035

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DECISION NO. WYB1-5123 - Mod. #1

(46 FR 28131 - May 22, 1981) Statewide, Wyoming	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
CHANGE: Line Construction: All work over 34.5 KV all work on steel towers and/or multi- ple wood structures, all cross country underground communi- cations work, and all motor traffic con- trolling, street, and highway lighting: Cable Splicer Linemen Equipment Operators Groundmen All work 34.5 KV and under: Linemen Line Equipment Operator Groundman	\$15.95 14.50 13.04 10.60 14.50 12.45 10.60	.45 .45 .45 .45 .45 .45 .45	34+.50 34+.50 34+.50 34+.50 34+.50 34+.50 34+.50			3/4of14 3/4of14 3/4of14 3/4of14 3/4of14 3/4of14 3/4of14

DECISION NO. IL81-2051

SUPERSEDES DECISION

STATE: Illinois
 COUNTIES: See Below
 DATE: Date of publication
 DECISION NO: IL81-2051
 Superseded Decision No. IL79-2075, dated September 14, 1979 in
 44 FR 53631

DESCRIPTION OF WORK: Heavy and Highway Construction Projects, Dredging

COUNTIES: Fulton, Hancock,
 Henderson, Knox, McDonough,
 Mercer, Peoria, Stark,
 Tazewell & Warren

CARPENTERS & PILEDRIVERS:

Western 2/3 of Hancock Co.:
 Carpenters
 Piledrivers
 McDonough County & Eastern
 1/3 of Hancock Co.:
 Carpenters
 Piledrivers
 Knox, Henderson & Warren
 Cos:

Carpenters
 Piledrivers
 Mercer County:
 Carpenters
 Piledrivers
 Stark Co: Peoria Co., ex-
 cluding area South of Rt.
 #116, West of US Rt. #34,
 & East Peoria in Tazewell
 County:

Carpenters
 Piledrivers
 Fulton County, & Peoria
 County South of Rt. #116
 & West of US #24; Remain-
 der of Tazewell County:

Carpenters
 Piledrivers
 CEMENT MASONS:
 Fulton, Peoria & Tazewell
 Counties
 Hancock & McDonough Cos.,
 Mercer Co. & Henderson Co.,
 Knox & Warren Cos.

STARK COUNTY
 ELECTRICIANS:
 Peoria & Tazewell Cos;
 Twp. of Essex Valley &
 W. Jersey in Stark Co.,
 Remainder of Fulton Co.,
 Remainder of Stark Co.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	M & W	Pensions	Vacation	
\$12.85	1.00	1.00		.08
13.55	1.00	1.00		.08
14.51	.75	1.50		.07
15.01	.75	1.50		.07
14.50	.75	1.50		.07
15.00	.75	1.50		.07
13.135	.65	1.00		.04
13.56	.65	1.15		.08
14.51	.75	1.50		.07
15.01	.75	1.50		.07
14.51	.75	1.50		.07
15.01	.75	1.50		.07
14.35	1.20	1.30		.05
13.70	.85			
12.57	.70	.60		.05
14.87	1.13	.63		
13.95	1.00			
16.00	.55	32+1.00		3/48
13.30	.50	32+ .50		3/48

ELECTRICIANS: (Cont'd)

Knox, Warren & Henderson
 Cos., Twp. of Ohio Grove,
 Suez & N. Henderson in
 Mercer Co.; Twp. of Bland-
 insville, Prairie City,
 Emmet, Tennessee, Scot-
 land, Sciota, Bushnell,
 Macomb, Colchester, New
 Salem, Walnut Grove, Hite,
 Mound & Chalmers in Mc-
 Donough Co.; Twp. of
 Union, Lee, Cass, Ellis-
 ville, Dearfield, Young,
 Hickory & Harris in Ful-
 ton County
 Hancock Co.: & Twp. of
 Lamine, Bethel, Industry
 & Eldorado in McDonough
 County
 Remainder of Mercer County
 IRONWORKERS:
 Fulton Co., Vic. of Astoria,
 Marletown & Summit
 Knox Co., within Galesburg
 & all area North of City
 Peoria, Stark & Tazewell
 Cos.: Remainder of Fulton
 & Knox Cos.
 Hancock, Henderson, Mc-
 Donough, Mercer & Warren
 Cos.: all area W. & SW of
 Galesburg in Knox Co.

LABORERS:

Henderson, Knox & Warren
 Cos:

Unskilled
 Semi-Skilled
 Skilled

Hancock & McDonough Cos.:

Unskilled
 Semi-Skilled
 Skilled

Stark (E. 1/2) Co.:

Unskilled
 Semi-Skilled
 Skilled

Stark (W. 1/2) Co.:

Unskilled
 Semi-Skilled
 Skilled

Fringe Benefits Payments

Basic
Hourly
Rates

M & W

Pensions

Vacation

Education
and/or
Appr. Tr.

Education
and/or
Appr. Tr.

Education
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DECISION NO. IL81-2051

LINEMEN:

Peoria, Tazewell, Stark,
Fulton, Hancock, Henderson,
Knox, McDonough
Warren Cos. & Mercer Co.
(N. Henderson & Suez Twp.)
Linemen

Groundman Equip. Opr.
Class 1

Groundman Truck Driver:
W/Winch

WO/Winch
Groundman

Mercer (Remainder of Co.):
Linemen: Hwy. Equip. Op. &
& Technicians

Cable Splicers
Dynamiter

Groundman Equip. Opr.
Groundman Truck Driver

W/Winch
Groundman Truck Driver

WO/Winch: Groundman
PAINTERS:

Peoria, Tazewell & Fulton
Cos.:

Brush
Bridge Work, Spray &
Structural Steel

Warren & Mercer Cos.:
Brush & Roller

Structural Steel & Spray
Bridges

Knox, Henderson & Stark
Cos.:

Brush
Structural Steel

Spray
McDonough & Hancock Cos.:

Brush
Spray-Bridge & Structural
Steel

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
\$15.80	.45	3%			5/10%
14.74	.45	3%			5/10%
11.20	.45	3%			5/10%
10.54	.45	3%			5/10%
10.05	.45	3%			5/10%
14.07	.45	3%			1/2
14.17	.45	3%			1/2
11.97	.45	3%			1/2
11.39	.45	3%			1/2
10.06	.45	3%			1/2
9.72	.45	3%			1/2
14.37	.70	.70			.03
15.22	.55	.30			.03
13.77	.70	1.50			.22
14.27	.70	1.50			.22
15.02	.70	1.50			.22
11.70	.60	.20			
11.95	.60	.20			
12.20	.60	.20			
13.25					
13.75					

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LABORERS:

FULTON COUNTY & THE REMAINDER OF

TAZEWELL COUNTY

UNSKILLED

SEMI-SKILLED

SKILLED

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
\$14.25	.75	.60			.05
14.45	.75	.60			.05
14.65	.75	.60			.05

UNSKILLED LABORERS-Carpenters Tender, Tool Cribmen, Cleaning & Oil-
ing Machinery & Tools, Fireman or Salamander Tenders, Flagmen,
Gravel Box Men, Form Handlers, Material Handlers, Fencing Laborers,
Cleaning Lumber, Pit Men, Material Checkers, Dispatchers, Land-
scapers, Unloading Explosives, Laying of Sod, Planting of Trees,
Removal of Trees, Wrecking Laborers, Fireproofing Laborers, Sur-
veyors, Janitors, Unloading & Carrying of Rebars, Mason Tenders,
Scaffold Workers, Laborers w/Dewatering Systems, Plaster Tenders
& Tunnel Laborers (Free Air).

SEMI-SKILLED-Handling of Materials treated w/Oil & Creosote, Asphalt
and/or Foreign Material harmful to skin & clothing handled by any
mode or method, Track Laborers, Cement Handlers, Signaling & Spot-
ting of Rigs & Equipment, Chloride Handlers, Wet Concrete Workers,
Batch Dumpers, Kettle & Tar Men, Tank Cleaner, Plastic Installer,
Motorized Buggies or Motorized Units used for Wet Concrete or Build-
ing Materials, Sewer Workers, Vibrator Operators, Mortar Mixer Opr.,
Cement Silica, Clay, Fly Ash, Lime & Plaster Handlers (Bulk or Bag),
Cofferdam Workers, Work on Concrete Paving, Placing, Cutting & Tying
of Reinforcing, Deck Hand, Dredge Hand & Shore Laborers, Bank Men
or Floating Plant, Asphalt Workers & Layers with Machine, Grade
Checker, Dumpmen & Spotter where Grade is to be established, Tower
Tools, Chain Saw Operator, Jackhammer & Drill Operators, Air Tamp-
ing Hammerman, Caisson Top Man, Gunnite Pot Man, Batterboard Setter,
Digging Bell Moles, Driving or Stakes & Setting Stinelines for all
Machinery.

SKILLED-Caisson or Tunnel Miners & Muckers, Gunnite Nozzlemen, Weld-
ers, Cutters, Burners, & Torchmen, Steel Form Setters-Street & High-
way, Concrete Saw Operator, Screenman on Asphalt Pavers, Front-End
Man on Chip Spreader, Laborers Tending Masons with hot Material
or/where Foreign Matter of Materials are used, Multiple Concrete
Duct-Leadman, Lutemen, Curb Asphalt Machine Operator, Ready Mix
Scalman, Permanent Portable or Temporary Plant, Laborers Handling
Master-Plate or similar Materials, Laser Beam Opr., Concrete Burn-
ing Machine Opr., Coxing Mach. Opr., Underpinning & Shoring of Build-
ings, Dynamic Shooter, Cribbing & Jackman in Trench & Hydraulic
Jackman.

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
LABORERS: (Cont'd)					
Asphalt Paver, Bricklayers, to Cutting Torch, Setting lines to level forms, Form Setters, Gunite Hoistman, Sandblasting Nozzleman, Powderman, Ripping Cutting Torchman (elec. & acetylene)	.65	1.00			.05
TUNNEL & SUEWAYS (FREE AIR):					
Top Laborer	.65	1.00			.05
Bell Man (Top & Bottom), All Laborers in Tunnel	.65	1.00			.05
Drill & Powder Man, Gunite Operator (Tunnel), Operator Cement Placement	.65	1.00			.05
Mockers	.65	1.00			.05
Tunnel Miners	.65	1.00			.05
COFFERDAMS & CAISSON (FREE AIR):					
Caisson & Cofferdam Top Man	.65	1.00			.05
Caisson & Cofferdam Top Man Tenders	.65	1.00			.05
Caisson & Cofferdam Miners; Caisson & Cofferdam Mockers; & Any other Laborers Working in "sail" Caisson or Cofferdam	.65	1.00			.05
OPEN SEXTON OR TRENCHES:					
Top Man & All other Excavating Men Working in Sews 2 years old and older	.65	1.00			.05
Bottom Man who does immediate grading, Batter Board Men, Laser Beam Equipment	.65	1.00			.05
Tile Layer & Caulker	.65	1.00			.05
Gribbling, Jackman & Hydraulic Jackman in Trench	.65	1.00			.05
LEVEE & HEAVY GRADING:					
All other Laborers	.65	1.00			.05
Spotters, Dump Man & Cut Man	.65	1.00			.05

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
LABORERS:					
FEORIA CO. & CITY OF EAST PEORIA IN TADWELL COUNTY					
ROAD, DRIVEWAYS & ALLEY CONST.					
Bricklayer Tender, Carpenter Tender, Cement Mason Tender, Flagman, Concrete Form Dismantler, Piledriver Tender, Tool Cribmen, Water Carrier, Expansion Joint Assemblers, All other Excavating Work & Labor, Curing all Concrete by Hand Method; Drive Stakes; Stringlines for all Machinery; Waterproofing w/Cold Stuff; Landscape Work	.65	1.00			.05
Stripping Concrete forms with Composite Crew of Carpenters and Laborers	.65	1.00			.05
All Power Operated Tool, Asphalt Kettlemen & Carriers, Cement Men & Sack Shakers, Chipping Hammermen, Jackhammer & Drill Operator (open), Power Form Tampers, Power Concrete Saw, Rigger, Signaling & Spotting Rigs & Equipment, Waterproofing w/Hot Stuff	.65	1.00			.05
Power Wheelbarrows or Buggies	.65	1.00			.05
Gunite Pump Man, Puddlers, Vibrator Man, Wire Fabric Placer, Sandblasting Pump Man, Strike Off, Unloading, Handling & Carrying of any Crecosoted Material Concrete Burning Bars	.65	1.00			.05

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LABORERS: (Cont'd)

PIPELINE:
All other Laborers, Rollers, Sealers & Spotters
Signal Men on Rigs, Rig Men, Kettlemen & Carriers, Men handling hotstuff, Men who do immediate grading for laying of pipe or digging bell holes
Spacers

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$13.36	.65	1.00		.05
14.065	.65	1.00		.05
14.235	.65	1.00		.05

LABORERS:
MINER COUNTY

CLASS 1
CLASS 2
CLASS 3

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$11.27	.50	1.00		.035
11.52	.50	1.00		.035
11.77	.50	1.00		.035

CLASS 1 - Common Laborers, Carpenter Tender, Tool Cribman, Salaried Tenders, Flagman, Form Handlers, Material Handlers, Fencing Laborers, Cleaning Lumber, Landscapers, Unloading Explosives, Laying of Sod, Planting of Trees, Removal of Trees, Wrecking Laborers, Unloading of Re-Bars, Scaffold Workers, Signal Man on Crane

CLASS 2 - Handling of Materials treated with creosote, Kettle Men, Prime Mover or motorized unit used for wet concrete or handling of building materials, Vibrator Operators, Mortar Mixer, Power Tools used under the jurisdiction of the laborer, Sand Points, Gunnite Nozzle Men, Welders, Cutters, Burners and Torchmen, Chain Saw Operator, Jackhammer and Drill Operators, Paving Breakers, Air Tamping Hammerman, Concrete Saw Operator, Concrete Burning Machine Operator, Coring Machine Operator, Hod Carriers and Plasterer Tenders

CLASS 3 - Caisson Workers after 6 ft. depth, Dynamite Man, Tunnel Miners, Mixerman (plaster only), Pump Man

DECISION NO. IL81-1051

POWER EQUIPMENT OPERATORS:
MINER COUNTY

CLASS 1
CLASS 2
CLASS 3
CLASS 4
CLASS 5

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$14.80	1.00	.90		.08
14.80	1.00	.90		.08
13.40	1.00	.90		.08
13.40	1.00	.90		.08
12.35	1.00	.90		.08

CLASS 1 - Crane, Shovel, Clamshell, Dragline, Backhoe, Derrick, Tower Crane, Cable Way, Concrete Spreader (servicing two pavers), Asphalt Spreader, Asphalt Mixer Plant Engineer, Dipper Dredge Operator, Dipper Dredge Crane Man, Dual Purpose Truck (boom or winch), Levcran or Engineman (hydraulic dredge), Mechanic, Paving Mixer with tower attached (two operators required), Pile Driver, Boom Tractor, Stationary, Portable or Floating Mixing Plant, Trenching Machine (over 40 H.P.), Building Hoist (two drums), Hot Paint Wrapping Machine, Cleaning and Priming Machine, Backfiller (throw bucket), Locomotive Engineer, Qualified Welder, Tow or Push Boat, Concrete Paver, Seaman Trav-L-Plant or similar machines, CMI Auto-grader or similar machines, Slip Form Paver, Caisson Augering Machine, Mucking Machine, Asphalt Heater-Planer Unit, Hydraulic Cranes, Mine Hoists.

CLASS 2 - Athey, Barber-Greene, Euclid or Haisc Loader, Asphalt Pug Mill, Fireman and Drier, Concrete Pump, Concrete Spreader (servicing one paver) Bulldozer, Endloader, Log Chippers or similar machines, Elevating Grader, Group Equipment Greaser, Letourneau and similar machines, M-10, Hyster Winch and similar machines, Motor Patrol, Power Blade, Push Cat, Tractor Pulling Elevating Grader or Power Blade, Tractor Operating Scoop or Scraper, Tractor with Power Attachment, Roller on Asphalt or Blacktop, Single Drum Hoist, Jaeger Mix and Place Machine, Pipe Bonding Machine, Flexaplane or similar machines, Automatic Curbing Machines, Automatic Cement and Gravel Batch Plants (one stop set-up), Schman Pulverizer or similar machines, Blasthoist Self-Propelled Rotary Drill or similar machines, Work Boat, Combination Concrete Finishing Machine and Float, Self-Propelled Sheep Foot Roller or Compactor (used in conjunction with a Grading Spread), Asphalt Spreader Screed Operator, Apso Spreader or similar machine, Slusher, Forklift (over 6,000 lb. cap. or working at heights above 28 ft.) Concrete Conveyors, Chip Spreader.

DECISION NO. IL81-2051

POWER EQUIPMENT OPERATORS:
REMAINDER OF COUNTRIES

	Basic Hourly Rate	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP 1	\$ 15.92	.75	.80		.05
GROUP 2	15.72	.75	.80		.05
GROUP 3	14.77	.75	.80		.05
GROUP 4	14.50	.75	.80		.05
GROUP 5	13.06	.75	.80		.05

GROUP 1 - Cranes, Escalated Rate on Crane and Derrick Booms, \$.01 per hr., per ft. over 80 ft. including 1lb \$1.00 per hour over scale when Crane or Derrick Boom is positioned 50' or more above adjacent ground level or water level, Hydro Crane, Shovels, Crane Type Backfiller, Tower Cranes - Mobile & Crawler & Stationary, Der-ricks & Hoists (3 drum), Draclines, Drott Yumbo & similar types considered as Cranes, Backhoes, Derrick Booms, Pile Driver and Skid Pigs, Ciam Shell, Locomotive - Cranes, Road Pavers - Single Drum - Dual Drum - Tri Batcher, Motor Patrols & Power Blades - Dumore - Elevating & similar types Machines, Central Concrete Mixing Plant Operator, Blacktop Plant Operators and Plant Engineers, Gradall, Caisson Rigs (require oiler), Skimmer Scoop - Roering Scooper, Dredges (all types), Hoptoe - Crane type (requires oiler), All Cherry Pickers, Cherry Pickers (over 15 ton require oiler), Work Boat - requires Oiler (over 100 hp), Ross Carrier, Helicopter, Dozer, Turnadozer, Tournapulls - all and similar types, Multiple Unit Earth Movers, \$.25 per hr., for each scoop over one(1). Scoops (all sizes), Pushcats, Endloaders (all types), Asphalt Surfacing Machine, Slip Form Paver (require Oiler), Rock Crusher, Heavy Equip-ment Greaser (top greaser on spread), CMI, Auto Grado, CMI Belt Placer & 3 Track and similar types (require Oiler), Side Boom, Starting Engineer on Pipeline, Asphalt Water & Planer Combination (used to plane streets), Wheel tractors (with dozer, hoe or end-loader attachments), F.W.D. and similar types, Blaw Knox Spreader and similar types

CLASS 3 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 185), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitator motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-Propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well-point-pump) Portable Crusher Operator, Trench Machine (under 40 H.P.) Power Subgrader (on forms) or similar machines, Forklift (6,000 or less cap.) Gypsum Pump, Conveyor over 20 H.P., Fuller Kenyon Cement Pump or similar machines.

CLASS 4 - Air Compressor (275 c.f.m. or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batch-ing Machine (Cement Auger or Conveyor), Boiler (engineer or fire-man), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-Tired Tractors (not including backhoes or endloaders), Self-Propelled Curing Ma-chine.

CLASS 5 - Oiler, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boats (Safety Boat and Life Boat), Engine Driven Welding Machine, and Small Tractors (used to unroll or roll wire mesh).

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POWER EQUIPMENT OPERATORS: (Cont'd)

CLASS 3 - Asphalt Booster, Fireman and Pump Operator at Asphalt Plant, Mud Jack, Underground Boring Machine, Concrete Finishing Machine, Form Grader with Roller on Earth, Mixers (3 bag to 185), Power Operated Bull Float, Tractor without Power attachment, Dope Pot (agitator motor), Dope Chop Machine, Distributor (back end), Straddle Carrier, Portable Machine Fireman, Hydro-Hammer, Power Winch on Paving Work, Self-Propelled Roller or Compactor (other than provided for above), Pump Operator (more than one well-point-pump) Portable Crusher Operator, Trench Machine (under 40 H.P.) Power Subgrader (on forms) or similar machines, Forklift (6,000 or less cap.) Gypsum Pump, Conveyor over 20 H.P., Fuller Kenyon Cement Pump or similar machines.

CLASS 4 - Air Compressor (275 c.f.m. or over), Driver on Truck Crane or similar machines, Light Plant, Mixers (1 or 2 bag), Power Batch-ing Machine (Cement Auger or Conveyor), Boiler (engineer or fire-man), Water Pumps, Mechanical Broom, Automatic Cement and Gravel Batch Plants (two or three stop set-up), Small Rubber-Tired Tractors (not including backhoes or endloaders), Self-Propelled Curing Ma-chine.

CLASS 5 - Oiler, Mechanical Heater (other than steam boiler), Belt Machine, Small Outboard Motor Boats (Safety Boat and Life Boat), Engine Driven Welding Machine, and Small Tractors (used to unroll or roll wire mesh).

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POWER EQUIPMENT OPERATORS: (Cont'd)

GROUP 2 - Trench Machines, Pump Crete - Belt Crete - Squeeze Crete - Screw type Pumps and Gypsum (operator will clean), Bulker & Pump, Power Launches, Boring Machine & Pipe Jacking Machine, Dinkys, P-H One - Pass Soil Cement Machines and similar types, Wheel Tractors (industry or farm type - other), Back Fillers, Euclid Loader, Fork Lifts, Formless Finishing Machines, Jeep w/Winching Machine or other attachments, Tunnelbore, Automatic Cement & Gravel Batch-ing Plants, Mobile Drills - Soil Testing and similar types, Pugmill with Pump, Fisherty Spreader or similar types (require Oilier), All (1) and (2) Drum Hoists, Dewatering System, Straw Blower, Hydro-Seeder, Boring Machine, Hydro-Boom, Bump Grinders (self-propelled), Assistant Heavy Equipment Greaser.

GROUP 3 - Appso Spreader, Tractors (track-type) without Power units Pulling Rollers, Rollers on Asphalt - Brick or Macadam, Concrete Breakers, Concrete Spreaders, Center Strippers, Cement Finishing Machines & CMI Texture & Seal Curing Machines, Vibro-Tampers (all similar types) Self-Propelled, Mechanical Bull Floats, Mixers - over three (3) bags to 27E, Winch and Boom Trucks, Tractor Pulling Power Blade or Elevating Grader, Porter Box Rail, Clary Screed, Mule Pulling Rollers, Pugmill without Pump, Barber Greene or similar Loaders, Track Type Tractor w/Power Unit attached (minimum), Fireman, Screed Man on Laydown Machine, Spray Machine on Paving, Curb Machines, Paved Ditch Machine, Power Broom, Self-Propelled Conveyors

GROUP 4 - Power Subgrader, Oil Distributor, Straight Tractor, Tractor Machine (without attachments), Truck Crane Oilier, Truck Type Oiliers, Shop Scale for Operators

GROUP 5 - Herman Nelson Heater, Dravo, Warner, Slient GIP & similar types, One (1) Engineer will operate 1-5 & after 5 two (2) Operators required.

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TRUCK DRIVERS:

Fulton, Hancock, Henderson, Knox, McDonough, Mercer & Warren Cos.

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
GROUP I	\$13.50	\$1.00	\$46.00a			
GROUP II	13.70	1.00	46.00a			
GROUP III	13.90	1.00	46.00a			
GROUP IV	14.15	1.00	46.00a			
Peoria, Stark, & Tazewell Cos.						
GROUP I	13.65	1.00	46.00a			
GROUP II	14.05	1.00	46.00a			
GROUP III	14.25	1.00	46.00a			
GROUP IV	14.50	1.00	46.00a			

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork Lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Framed Winches; Fork Lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydrolifts or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatchers; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Trailers when moving equipment

FOOTNOTE:

a. Per Week Per Employee

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DREDGING CONSTRUCTION

Fulton, Hancock, Henderson, Knox, McDonough, Peoria, Stark, Tazewell & Warren Counties

GROUP 1
GROUP 2
GROUP 3
GROUP 4
GROUP 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
GROUP 1	\$13.07	.45	.80		.05
GROUP 2	12.87	.45	.80		.05
GROUP 3	12.495	.45	.80		.05
GROUP 4	12.22	.45	.80		.05
GROUP 5	11.61	.45	.80		.05

GROUP 1 - Operators on Hydraulic Dipper or Clamshell Dredges, Engineers and Repairmen, Operators on Work Boats

GROUP 2 - Power Winches 1-2-3 Drums

GROUP 3 - Security Engineer

GROUP 4 - Cranesmen on Dipper Dredges, Operators on Launches or Power Boats

GROUP 5 - Firemen & Oilers

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

ILLINOIS

DECISION NO. IL81-2050

Superceded Decision Nos. IL79-2027, dated May 4, 1979 in 44 FR 26413; IL79-2029, dated May 4, 1979 in 44 FR 26419; IL79-2031, dated May 4, 1979 in 44 FR 25425; IL79-2032, dated May 4, 1979 in 44 FR 26429; IL79-2033, dated May 4, 1979 in 44 FR 26432; & IL79-2034, dated June 15, 1979 in 44 FR 34741

DESCRIPTION OF WORK: Building Construction Projects (Not including Single Family Homes and Apartments up to and including 4 stories)

Adams, Brown, Bureau, Fulton, Hancock, Henderson, Henry, Knox, LaSalle, Livingston, Logan, McDonough, McLean, Marshall, Mason, McHard, Mercer, Pike, Putnam, Rock Island, Schuyler, Stark, Warren & Woodford

ASBESTOS WORKERS:

Adams, Brown, Fulton, Logan, Mason, Menard, Pike & Schuyler Cos.

Bureau, LaSalle, Livingston, McLean, Marshall, Putnam, Stark, & Woodford Cos.

Hancock, Henderson, Henry, Knox, McDonough, Mercer, Rock Island, & Warren Cos.

BOILERMAKERS:

Adams, Brown, Menard, & Pike Cos. Remaining Cos.

BRICKLAYERS: Caulkers; Cleaners; Pointers; & Steamfitters: Adams, Brown, & Pike Cos. Bureau & Putnam Cos.

Fulton, Henderson, Knox, Marshall, Warren, & Woodford Cos. Hancock & McDonough Cos.

Henry & Stark Cos. LaSalle Co.: LaSalle & Peru LaSalle Co.: Ottawa & Vic. LaSalle Co.: Streator & Vic. Livingston Co.

Logan & Nason Cos. McLean Co. McHard Co.

Mercer & Rock Island Cos. Schuyler Co.

CARPENTERS: Millwrights; Piledriverman; & Soft Floor Layers: Adams Co.:

Carpenters; Soft Floor Layers Millwrights; Piledriverman Brown, Pike, & Schuyler (Excl. Part lying N. of Illinois State Hwy #101 to Federal Hwy #47, S. of Federal Hwy #71 N. from this point to SW corner of Fulton Co.) Cos.:

Carpenters; Soft Floor Layers Millwrights; Piledriverman

COUNTIES: *SEE BELOW

DATE: Date of Publication

Superceded Decision Nos. IL79-2027, dated May 4, 1979 in 44 FR 26413; IL79-2029, dated May 4, 1979 in 44 FR 26419; IL79-2031, dated May 4, 1979 in 44 FR 25425; IL79-2032, dated May 4, 1979 in 44 FR 26429; IL79-2033, dated May 4, 1979 in 44 FR 26432; & IL79-2034, dated June 15, 1979 in 44 FR 34741

DESCRIPTION OF WORK: Building Construction Projects (Not including Single Family Homes and Apartments up to and including 4 stories)

Adams, Brown, Bureau, Fulton, Hancock, Henderson, Henry, Knox, LaSalle, Livingston, Logan, McDonough, McLean, Marshall, Mason, McHard, Mercer, Pike, Putnam, Rock Island, Schuyler, Stark, Warren & Woodford

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS:					
Adams, Brown, Fulton, Logan, Mason, Menard, Pike & Schuyler Cos.	\$15.49	1.00	1.26		.06
Bureau, LaSalle, Livingston, McLean, Marshall, Putnam, Stark, & Woodford Cos.	17.00	1.145	1.645		.20
Hancock, Henderson, Henry, Knox, McDonough, Mercer, Rock Island, & Warren Cos.	14.66	.60	1.10		.03
BOILERMAKERS:					
Adams, Brown, Menard, & Pike Cos. Remaining Cos.	15.20	1.275	1.50		.03
BRICKLAYERS: Caulkers; Cleaners; Pointers; & Steamfitters: Adams, Brown, & Pike Cos. Bureau & Putnam Cos.	14.65	1.275	1.00		.03
Fulton, Henderson, Knox, Marshall, Warren, & Woodford Cos. Hancock & McDonough Cos.	11.65	.70	.20		.02
Henry & Stark Cos. LaSalle Co.: LaSalle & Peru LaSalle Co.: Ottawa & Vic. LaSalle Co.: Streator & Vic. Livingston Co.	14.30	.80	.75		
Logan & Nason Cos. McLean Co. McHard Co.	14.84		1.65		
Mercer & Rock Island Cos. Schuyler Co.	15.55		1.10		
CARPENTERS: Millwrights; Piledriverman; & Soft Floor Layers: Adams Co.:	14.15	.95	1.20		
Carpenters; Soft Floor Layers Millwrights; Piledriverman Brown, Pike, & Schuyler (Excl. Part lying N. of Illinois State Hwy #101 to Federal Hwy #47, S. of Federal Hwy #71 N. from this point to SW corner of Fulton Co.) Cos.:	13.60	.95	1.45		
Carpenters; Soft Floor Layers Millwrights; Piledriverman	13.80	.95	.60		
	13.60	.95	.75		
	15.30		1.30		.01
	14.71	.80	1.30		.02
	13.85	.95	1.15		.07
	15.06	.70	1.30		.05
	13.73	.85	.56		
		.75	.60		.08
		.75	.60		.08
	13.35	.75	.25		.08
	13.55	.75	.25		.08

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$14.87	1.13	.63			.05
14.31	1.20	1.20			.05
14.46	1.20	1.30			
15.05	.85				
14.80	.85				
12.92	.70	.60			
15.40					
11.15					
10.78					
13.70	1.10				
15.49	.75				
16.86					
14.60					
15.30					
14.56	1.00	1.20			.05
16.26	1.00	1.00			.01

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$14.78	1.00	1.15			.03
15.03	1.00	1.15			.03
13.31	.65	1.15			.08
15.00	.65	1.30			.25
13.56	.65	1.15			.08
14.56	.75	1.50			.07
15.06	.75	1.50			.07
12.85	1.00	1.00			.08
13.55	1.00	1.00			.08
14.62	.75	.55			.08
15.12	.75	.55			.08
11.95	1.50	1.50			.01
12.55	1.50	1.50			
15.60	1.00				

DECISION NO. TL81-2050

Decision No.	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
		H & W	Pensions	Vacation	
Pulmon (Rem. of Co.), Marshall (W. of Bell Plain & Roberts Tps.), Mason (Exclu. Bath, Crane Creek, Kilbourne, Lynchburg, Mason City, & Salt Creek Tps.), Stark (Essex, Valley & W. Jersey Tps.), & Woodford (W. of Kansas, Lim, Palestine, & Roanoke Tps.) Cos. Henry (Rem. of Co.), Mercer (Rem. of Co.), & Rock Island Cos.: Electricians Cable Splicers LaSalle (Rem. of Co.), Livingston, McLean (Cropsey, Anchor, Chene Grove, & Belleflower Tps.), Marshall (Roberts, Evans, Bell, Flaine, & Bennington Tps.), Putnam (Magnolia Tps.), & Woodford (Lim, Clayton, Nimock, Roanoke, Green, & Panola Tps.) Cos.	\$16.00 16.34 17.34 16.25	.55 .70 .70 .55	375+1.00 7.5% 7.5% 375+.60	 .5%	
Logan, Mason (Lynchburg, Bath, Kilbourne, Crane Creek, Salt Creek, & Mason Tps.), & Menard Cos.: Electricians; Cable Splicers McLean (Rem. of Co.), & Woodford (Rem. of Co.) Cos. ELEVATOR CONSTRUCTORS: Adams, Brown, McLean, & Menard Cos.: Mechanics Helpers Helpers (Prob.) Henry, Mercet, & Rock Island Cos.: Cos.: Mechanics Helpers Helpers (Prob.)	15.92 15.40 15.42 70¢/hr 50¢/hr 13.64 70¢/hr 50¢/hr	.35 .35 1.345 1.345 1.195 1.195	375+.70 375+.65 .95 .95 .95 .95	.1% 1% .035 .035 .035 .035	 .035 .035 .035 .035

DECISION NO. TL81-2050

Basic Heavy Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
	H & W	Pensions	Vacation	
\$16.00	.55	35+1.00		3/42
17.40	.88	37+88		.62
17.80	.88	37+88		.62
15.80	.55	35+70		.25
15.30	.55	35+70		.25
16.00	.55	35+1.00		3/42

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Basic Monthly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
GLAZIERS: Adams, Brown, Logan, Mason, Menard, Pike, & Schuyler Cos. Bureau (NW Corner of Co.), Hancock, Henderson, Henry, Knox, McDonough (N), Mercer, Rock Island, & Warren Cos. Bureau (SE Corner of Co.), LaSalle, Marshall (E 1/3 of Co.), & Woodford Cos. Fulton, McLean, & Stark Cos. IRONWORKERS: Adams (SE Corner), Brown, Fulton (S. Tip, incl. Marbleton, Astoria, & Summit Twp.), Logan, Mason (Exclu. W. of Rte #136), Menard, Pike, & Schuyler (E) Cos. Adams (Exclu. SE corner), Hancock, Henderson, Knox (W. of Hwy #41), Mercer, Schuyler (W), & Warren Cos. Bureau, LaSalle, Marshall (Exclu. SW corner), & Putnam Cos. Fulton (Exclu. S. tip), Knox (S. & E. of Galesburg), Livingston, McDonough, McLean (W. part), Marshall (SW Corner), Mason (W. of Rte #136), Stark, & Woodford Cos. Henry, Knox (Within Galesburg & all area N. of city), & Rock Island Cos. McLean (E 1/2) Co. LATHES: Adams Co. Brown, Pike, & Schuyler (Exclu. part lying N. of Illinois St. Hwy #101 to Fed. Hwy #67, S. to Fed. Hwy #67 1/2 mi., from this point to SW Corner of Fulton Co.) Cos.	\$13.49 14.31 15.00 15.14 15.10 14.95 16.58 15.23 16.60 14.55 13.35 13.35	.45 .75 .60 .60 .55 .80 .915 1.065 .75 .75 .75 .75	.50 1.00 .30 .60 1.05 1.05 1.355 1.175 1.125 1.25 .60 .25	.02 .02 .01 .01 .08 .06 .02 .025 .30 .08 .08 .08

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Basic Monthly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
Fulton, McDonough, McLean, Marshall (SW 1/4), Schuyler (Rem. of Co.), & Stark Cos. Henry, Mercer, & Rock Island Cos. Knox Co. Menard Co. MARBLE SETTERS: Terrazzo Workers; & Tile Setters: Adams, Brown, & Pike Cos. Fulton, Henderson, Knox, Marshall, Warren, & Woodford Cos. Hancock & McDonough Cos.: Terrazzo Workers Logan & Mason Cos. McLean Co. Menard Co. Mercer & Rock Island Cos. Schuyler Co. MARBLE SETTERS' FINISHERS: Terrazzo Workers' Finishers; & Tile Setters' Finishers: Adams, Brown, Logan, Mason, Menard, Pike, & Schuyler Cos.: Marble & Tile Finishers Terrazzo Finishers: Terrazzo Floor Machine Ops. Terrazzo Base Machine Ops. Fulton, Hancock, Henderson, Knox, Marshall, McDonough, McLean, Warren, & Woodford Cos.: Marble & Tile Finishers Terrazzo Finishers Base Machine Ops. PAINTERS: Adams Co.: Brush Sand & Water Blasting; Spray; & Steam Cleaning	.65 .20 .75 .20 .80 .80 .95 .55 .85 14.50 14.65 13.05 13.60 13.73 13.98 11.00 13.00	.50 .20 .55 .20 1.65 1.30 1.15 1.30 .56 1.00 1.00 1.00		.01 .01 .01 .05 .02 .01 .02 .05

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Basic Monthly Rates	Fringe Benefits, Payments			Education and/or Apprent. Tr.
	H & M	Pensions	Vocation	
Frown, Logan, & Menard Cos.:				
Brush	\$12.45	.50		\$25.00p/yr
Sandblasting	12.95	.50		25.00p/yr
Spray	13.20	.50		25.00p/yr
Rollers	13.45	.50		25.00p/yr
Bureau, LaSalle (LaSalle, Mendoza, Ogelsby, Ellice, Fern, & Vic.), & Putnam Cos.:				
Brush; Rollers	10.00	.45		
Spray; Taping	11.00	.45		
Fulton, Marshall, Masco, Schryler, & Woodford Cos.:				
Brush	14.37	.70		.03
Pressure Rollers; Sandblasting; Spray; Stripping Machine; & Structural Steel	14.97	.70		.03
Hancock & McDonough Cos.:	15.22	.70		.03
Brush; Drywall Taping & Finishing; & Wall Covering	13.25			
Pressure Roller; Sandblasting; Spray; & Structural Steel	13.75			
Henderso, Henry, Mercer, Rock Island, & Warren Cos.:				
Brush; Rollers; & Sign	13.77	1.50		.22
Drywall Tapers; Sandblasting; Spray; & Structural Steel	14.27	1.50		.22
Knox & Stark Cos.:				
Brush; Paperhangers	11.70	.20		
Sandblasting; Spray	11.95	.20		
Structural Steel	12.20	.20		
Spray				
LaSalle (Ottawa, Streater, & Morselles & Vic.) Co.:				
Brush; Rollers	11.00	.60		
Sandblasting; Spray	12.00	.60		
Livingston Co.	12.00			
McLean Co.:				
Brush	14.63	.60		
Machine Tapers; Paper Steamings; Spray; & Structural Steel	15.13	.60		
Pike Co.:				
Brush	13.64	.60		.35
Spray & Blast	14.64	.60		.35

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appl. Tr.
	H & W	Pensions	Vacation		
FLUMBERS; Pipefitters; & Steamfitters:					
Adams, Brown, Hancock (Exclu. El. of Co.), & Schuyler Cos.	.70	1.20			.05
Bureau, LaSalle, Livingston (N. of Pontiac), & Putnam Cos.	.66	.75			.09
Fulton, Hancock (El. of Co.), & McDonough Cos.	.60	.65	.60		
Henderson, Henry, Knox, Mercat, Beck Island, & Warren Cos.	.59	1.56			.20
Livingston (City of Pontiac & S. thereof), McLean, & Woodford (All territory S. of Rte. #116 to Rte #116A & E. of Rte. #116A to & inclu. Goodfield) Cos.	.80	1.25			.15
Livingston (Rem. of Co.) Co.	.70	1.10			.08
Logan, Mason (S. of St. Rte. #138, inclu. the town of Havana), Menard, & Pike Cos.	.70	1.43			.07
Marshall, Stark, & Woodford (Rem. of Co.) Cos.	.80	1.30			.15
WOODPES:			2.25		
Adams Co.	.75				
Brown, Logan, Mason, Menard, Pike, & Schuyler Cos.	1.00				
Bureau, LaSalle, Livingston, Marshall (NE 1/2 of Co.) & Putnam Cos.	1.00	.40			
Fulton, Marshall (SW 1/2 of Co.), McDonough (E 1/2, exclu. Macomb), Stark, & Woodford Cos.	.70	.40			.025
Hancock, Henderson, Knox, McDonough (W 1/2 inclu. Macomb), & Warren Cos.		.40			.06
Henry, Mercer, & Beck Island Cos.	.90	1.20			.14
McLean Co.	11.90	.45			.04
SHEET METAL WORKERS:					
Adams, Hancock, & Pike Cos.	.75	1.25			
Brown, Logan, Mason, Menard, & Schuyler Cos.	.75+d	1.28			

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appn. Tr.
		H & W	Pensions	Vocation	
Bureau, LaSalle, Livingston (S. part), Marshall, Putnam, & Stark Cos.	\$14.93	.804d	1.26		.07
Fulton, McLean, & Woodford Cos.	15.29	.804d	1.26		.17
Henderson, Henry, Knox, McDonough, Mercer, Rock Island, & Warren Cos.	12.92	.75	1.25		.14
Livingston (N. part) Co.	15.17	.95	1.03		.09
SPRINKLER FILTERS	15.31	.95	1.40		.08

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Day after Thanksgiving Day; & G-Christmas Day

FOOTNOTES:

- a. 7 Paid Holidays: A through G
 b. Employer contributes 8% of regular hourly rate to vacation pay credit for employee who has worked in the business more than 5 years; 6% for less than 5 years
 c. 7 Paid Holidays: A through G
 d. 3% of gross earnings to SLSM

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appn. Tr.
		H & W	Pensions	Vocation	
LABORERS:					
Adams Co.:					
Unskilled	\$12.69	.55	.60		.05
Semi-Skilled	12.89	.55	.60		.05
Skilled	13.04	.55	.60		.05
Brown, Mason, Pike, & Schuyler Cos.:					
Unskilled	12.74	.65	.45		.05
Semi-Skilled	12.94	.65	.45		.05
Skilled	13.09	.65	.45		.05
Logan & Monard (N. part) Cos.:					
Unskilled	12.30	.65	.40		.05
Semi-Skilled	13.50	.65	.40		.05
Skilled	13.65	.65	.40		.05

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appn. Tr.
		H & W	Pensions	Vocation	
Monard (S. part) incl. city of Petersburg) Co.:					
Unskilled	\$13.30	.65	.90		.05
Semi-Skilled	13.50	.65	.90		.05
Skilled	13.65	.65	.90		.05

CLASSIFICATIONS FOR Adams, Brown, Logan, Mason, Monard, Pike, & Schuyler Cos.

Unskilled Laborers: All Sewer Workers, plus Depth Pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters' Tenders; Cleaning Lumber; Cofferdam Workers, plus Depth Pay; Deck Hand, Dredge Band & Shore Laborers; Dispatchers; Driving of Stakes, Stringlines for all Machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Laborers with De-Watering Systems; Landscapers; Laying of Sod; Material Handlers; Pit Men; Plastic Installers; Planting of Trees; Removal of Trees; Rip Rap Men; Rod & Chaimen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading & Carrying Lath; Unloading and Carrying of Re-Bars; Wrecking, Dismantling Buildings, Wallmen & Housemovers; Wrecking Laborers

Semi-Skilled Laborers: Asphalt Workers with Machine; Asphalt Baker & Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasters, Handlers (Bulk or Bag); Chain Saw; Chloride Handlers; Concrete Workers (Wet); Grade Checker; Handling of Materials Treated with Oil, Creosote, Asphalt and/or any Foreign Material Harmful to Skin or Clothing; Kettle Tar Men on Concrete Paving; Placing, Cutting and Tying of Reinforcing; Tank Cleaners; Tunnel Tenders in Free Air

Skilled Laborers: Air Tamping Hammerman; Caisson Workers, plus Depth Pay; Concrete Burning Machine Op.; Concrete Saw Op.; Coring Machine Op.; Curb Asphalt Machine Op.; Concrete Mixer Men; Jackhammer and Drill Op.; Laborers Handling Masterplate or similar materials; Laborers Tending Masons with Hot Material or Where Foreign Materials are used; Laser Beam Op.; Layout Man on Sewer Work; Luteman; Mason Tenders; Mortar Mixer Op.; Motorized Buggies or Motorized Unit used for Wet Concrete or Handling of Building Materials; Multiple Concrete Duct - Leadman; Plasterers' Tenders; Ready Mix Scalemen; Screenshot on Asphalt Pavers; Steel Form Setters - Street & Highway; Vibrator Ops.; Welders, Cutters, Burners & Torchmen

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Plastic Installers; Scaffold Workers; Motorized Buggies or Motorized Units used for Wet Concrete or Handling of Building Materials; Laborers w/Overwatering Systems; All Sewer Workers, plus Depth; Rod and Chisels with Lead Surveyors; Vibrator Operators; Mortar Mixer Operators; Cement Silos, Clay, Fly Ash, Lime and Plaster; Handlers (Bulk or Bag); Cofferdam Workers, plus Depth (on Concrete Paving); Placing, Cutting and Tying or Reinforcing; Deck Hand; Dredge Hand and Shore Laborers; Submersible on Floating Plant; Asphalt Baker; & Grade Checker Skilled Laborers; Dynamite Man or Blasters; Calisson Workers, plus Depth; Cement Worker; Welder on Sewer Work; Welders; Cutters; Burners; Torchmen; Chain Saw Operators; Jackhammer and Drill Operators; Layout Man; Steel Form Setters (Street and Highway); Air Tamping Hammerman; Signal Man on Crane; Concrete Saw Operator; Screedman on Asphalt Pavers; Laborers Tending Masons w/Hot Materials are used; Multiple Concrete Duct-Loadmen; Latemen; Corb Asphalt Machine Operator; Ready-mix Scalmen; Portable or Temporary Plant; Laborers Handling Masterplate or similar materials; Laser Beam Operator; Coring Machine Operator; Concrete Burning Machine Operator

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Felton Co. (Projects \$375,000.00 & Over):					
Unskilled	\$13.94	.75	.60		.05
Semi-Skilled	14.14	.75	.60		.05
Skilled	14.34	.75	.60		.05
Felton Co. (Projects under \$375,000.00)					
Unskilled	13.54	.75	.60		.05
Semi-Skilled	13.74	.75	.60		.05
Skilled	13.94	.75	.60		.05
Hancock & McDonough Cos.:					
Unskilled	13.46	.65	.85		.05
Semi-Skilled	13.66	.65	.85		.05
Skilled	13.86	.65	.85		.05
Henderson, Knox, & Warren Cos.:					
Unskilled	13.26	.65	1.05		.05
Semi-Skilled	13.46	.65	1.05		.05
Skilled	13.66	.65	1.05		.05
Henry & Stark (W &) Cos.:					
Unskilled	12.83	.65	1.25		.05
Semi-Skilled	13.03	.65	1.25		.05
Skilled	13.23	.65	1.25		.05
Livingston & Woodford Cos.:					
Unskilled	13.01	.65	1.05		.05
Semi-Skilled	13.21	.65	1.05		.05
Skilled	13.41	.65	1.05		.05

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	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Bureau Co.:					
Unskilled	12.67	.65	1.20		.04
Semi-Skilled	12.87	.65	1.20		.04
Skilled	13.07	.65	1.20		.04
LaSalle (Stratton & Vic.) Co.:					
Unskilled	12.77	.55	1.20		.04
Semi-Skilled	12.97	.55	1.20		.04
Skilled	13.17	.55	1.20		.04
LaSalle (Morseilles & Vic.) Co.:					
Unskilled	13.17	.55	.80		.04
Semi-Skilled	13.37	.55	.80		.04
Skilled	13.57	.55	.80		.04
LaSalle (Ottawa & Vic.) Co.:					
Unskilled	12.72	.55	1.25		.04
Semi-Skilled	12.92	.55	1.25		.04
Skilled	13.12	.55	1.25		.04
LaSalle (LaSalle & Vic.) Co.:					
Unskilled	12.17	.65	1.70		.04
Semi-Skilled	12.37	.65	1.70		.04
Skilled	12.57	.65	1.70		.04
Peterson Co.:					
Unskilled	12.42	.65	1.45		.04
Semi-Skilled	12.62	.65	1.45		.04
Skilled	12.82	.65	1.45		.04

CLASSIFICATIONS #08 Bureau, LaSalle, & Petman Counties

Unskilled Laborers; Common; Carpenter Tenders; Tool Cribman; Fireman or Salsander Tenders; Flagmen; Gravel Box Men; Dumpmen and Spotters; Form Handlers; Material Handlers; Fencing Laborers; Cleaning Lumber; Pit Men; Dispatchers; Landscapers; Unloading Explosives; Laying of Sod; Planting and Removal of Trees; Asphalt Plant Laborers; Wrecking Laborers; Fireproofing Laborers; Wrecking-Dismantling Buildings; Wallmen and Housemovers; Driving of Stakes; Stringlines for All Machinery

Semi-Skilled Laborers: Handling of Materials Treated with Oil, Creosotes, Asphalt and/or other Foreign Material; Truck Laborers; Cement Handlers; Chloride Handlers; the Unloading and Laborers w/Steel Workers and Rebars; Concrete Workers (Wet); Tunnel Tenders in Free Air; Batch Dumpers; Mason and Plasterer Tenders and Material Wheelers; Kettlemen and Tarmen; Tank Cleaners;

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DECISION NO. 1181-2050

POWER EQUIPMENT OPERATORS (CONT'D):

CLASS III: Air Compressor; Air Compressors, Track or Self-propelled; Bulk Cement Batching Plants; Conveyors; Concrete Mixers (except plant, tower); Firemen; Generators; Graders; Light Plants; Mechanical Heaters; Oilers; Power Form Graders; Power Sub-Graders; Pug Mills, when used for other than Asphalt Operations; Rollers (except Bituminous Concrete); Tractors w/o Power Attachments Regardless of size or type; Truck Crane Oilier & Driver 1 (man); Vibratory Hammer; Water Pumps; Welding Machines (one 100 amp. or over); Welding Machines.

*COMBINATIONS OF ONE TO FIVE OF ANY AIR COMPRESSORS, CONVEYORS, WELDING MACHINES, WATER PUMPS, LIGHT PLANTS OR GENERATORS SHALL BE IN BATTERIES OR WITHIN 300 FT.

POWER EQUIPMENT OPERATORS:

Bureau (E. of Rte #26), LaSalle, Livingston, & Putnam (E. of Illinois River) Counties

CLASS I
CLASS II
CLASS III
CLASS IV

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
13.95	1.20	1.20	.70		.05
12.65	1.20	1.20	.70		.05
11.50	1.20	1.20	.70		.05
10.25	1.20	1.20	.70		.05

CLASS I - Asphalt Plant, Asphalt Spreader, Auto-Grad, Batch Plant, Benoto (Requires two engineers), Boiler & Throttle Valve, Caisson Rigs, Central Bed-Mix Plant, Combination Sackhoof Front End Loader Machine Compressor & Throttle Valve, Concrete Breaker (Truck Mounted), Conveyor, Concrete Paver, Concrete Placer, Concrete Tower, Cranes (all), Derricks (all), Grader, Elevator, Grouting Machine, Highlift Shovel or Front End Loader 1/2 yd. & over, Hoists, One, Two & Three Drum Hoists, Two Tugger One Floor, Hydraulic Boom Truck, Locomotives (all), Motor Patrol, Pile Drivers & Skid Rig, Post-Hole Digger, Pre-stress Machine, Pump Cretes Dual Ram (requiring frequent lubrication & water), Pumpcrete, Squeezing Screws, Screw type Pumps, Gypsum Bulker & Pump, Rock Drill (Self-Propelled), Rock Drill (Truck mounted), Scoops - Tractor Drawn, Slip Form Paver, Straddle Buggies, Tournaspull, Tractor with Boom & Side Boom, Trenching Machines

CLASS II - Boilers, Bulldozers, Broom all Power Propelled, Concrete Mixer (2 bag & over), Conveyor Portable, Forklift Truck, Greaser Engineer, Highlift Shovels or Front End Loaders under 2 1/2 yd., Hoists, Automatic, Hoists, All Elevators, Hoists, Tugger, Single Drum, Rollers, (All), Steam Generators, Stone Crushers, Tractors, (All), Winch Trucks with "A" Frame

CLASS III - Air Compressor - Small 125 & under (1 to 5 not exceed a total of 300 ft.), Air Compressor - large over 125, Combination - Small Equipment Opr., Generators under & over 50 KW, Heaters, Mechanical Pumps over 3" (1 to 3 not to exceed a total of 300 ft.), Pumps, Well Points, Welding Machine (2 through 5), Winches, 4 Small Electric Drill Winches

CLASS IV - Oilers

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation		
McLean Co.,						
Unskilled	\$13.01	.75	.95			.05
Semi-Skilled	13.12	.75	.95			.05
Skilled	13.41	.75	.95			.05
Marshall & Stark (E & W) Cos.:						
Unskilled	13.31	.55	.85			.05
Semi-Skilled	13.34	.55	.85			.05
Skilled	13.71	.55	.85			.05
Mercer & Rock Island Cos.:						
Unskilled	11.77	.50	1.00			.035
Semi-Skilled	11.52	.50	1.00			.035
Skilled	11.77	.50	1.00			.035

POWER EQUIPMENT OPERATORS:

Adams, Brown, Logan, Menard, Pike & Schuyler Counties

CLASS I
CLASS II
CLASS III

14.75
13.10
11.50

.85
.85
.85

CLASS I: Asphalt Plant Engineer; Asphalt Screed Man; Apco Concrete Spreaders; Asphalt Pavers; Asphalt Rollers on Bituminous Concrete; Athey Loaders; Backfillers; Crane Type Backhoes; Cableways; Cherry Pickers; Clim Shell; C.M.I. & Similar Type Autograde Formless Paver, Autograde Placer & Finisher; Concrete Breakers; Concrete Plant Operators; Concrete Pumps; Cranes; Derricks; Derrick Boats; Draglines; Earth Auger Boring Machines; Elevating Graders; Engineers on Dredge; Gravel Processing Machines; Head Equipment Greasers; High Lift or Fork Lifts; Hoist w/Two Drums or Two or more Loadlines; Locomotives; Mechanics; Motor Graders or Auto Patrols; Operators or Levelman on Dredges; Operators Power Boat; Operators Pug Mill (Asphalt Plants); Orange Peels; Overhead Cranes; Paving Mixers; Piledrivers; Pipe Wrapping & Painting Machines; Push Dozers, or Push Cuts; Rock Crushers; Ross Carriers or Similar Machines; Scoops; Skimmers 2 cu. yds., exp., & under; Sheep Foot Roller (Self-propelled); Shovel; Skimmer Scoops; Test Hole Drilling Machines; Tower Cranes; Tower Machines; Tower Mixers; Track Type & Loaders; Track Type Fork Lifts or High Lifts; Truck Jacks & Tumpers; Tractors; Tractors; Tractors; Tractors; Ditching Machine; Tunnel Luggers; Wheel Type End Loaders; Winch Cat; Scoops (All or Tournaspull)

CLASS II: Asphalt Boosters & Heaters; Asphalt Distributors; Asphalt Plant Fireman; Building Elevator; Bull Floats or Flaplines; Concrete Finishing Machines; Concrete Saws, Self-propelled; Concrete Spreader Machines; Gravel or Stone Spreaders; Power Operated; Hoist Automatic; Hoist w/1 Drum & 1 Load Line; Oilier on 2 Paving Mixers when used in Tandem Boom or Winch Truck; Post Hole Diggers, Mechanical; Road or Street Sweeper-Self-propelled; Scissors Hoist; Scum Tillery; Straw Machine; Vibratory Compactor; Well Drill Machine; & Mud Jacks (dry & dry only)

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POWER EQUIPMENT OPERATORS (CONT'D)

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1	\$15.82	.75	.80		.05
Group 2	15.62	.75	.80		.05
Group 3	15.245	.75	.80		.05
Group 4	14.97	.75	.80		.05
Group 5	14.36	.75	.80		.05

Group 3: Tractor (track type) without power unit pulling rollers, Rollers on Asphalt, Brick or Macadam, Concrete Breakers, Concrete Spreaders, Mule Pulling Rollers, Center Stripper, Cement Finish-ing Machines, Barber Greene or similar Loaders, Vibro Tamping (all similar types), Self-Propelled, Winch or Boom Truck, Mechanical Bull Floats, Mixer over 3 bags to 275, Tractor Pulling Power Blade or Elevating Grader, Porter Sex Rail, Clary Screed, Pugmill (with-out pump) Screed Man on Laydown Machine, Firemen and Spray Machine on Paving

Group 4: Air Compressor, All Air and Steam Valves, Power Subdrader, Oil Distributor, Straight Tractor, Trac-Are without attachments, Curb Machine, Truck Cranes Oiler, and Truck type Hoptoe Oilers

Group 5: Herman Nelson Heater, Dovo, Warner, Silent Glo, & similar types, One Engineer will operate 1-5 and after 5, Two Operators will be required, Self-Propelled Concrete Saws, Assistant Heavy Equipment Greaser on Spread, Roller, 5 tons and under on Earth or Gravel, Form Grader, Pump 1 or 2, Generator (1) or (2), Welding Machine (1) or (2) - 300 amp. or over, Mixer (3) bag and under (standard capacity) Bulk Cement Plant, Crawler Crane and Skid Rig Oilers

Group 1: Cranes, Escalated rate on Crane, Derricks, Booms, \$0.1 per hour per foot, After 80 feet or Boom including Jib, Overhead Cranes, Gradall, Cherry Pickers (and similar types, over 15 ton lifting capacity (require oiler), Mechanics, Central Concrete Mix-ing Plant Operator, Road Pavers (275-dual drum-tri batcher), Der-Blacktop Plant Operators and Plant Engineers, 3 Drum Hoist, Der-icks, Hydro Cranes, Shovels Skimmer Scoops, Kneeling Scoopers, Draglines, Backhoe, Hoptoe-Crane-Type that require Oilers Der-rick Boats, Pile Drivers and Skid Rigs, Clamshells, Locomotive Cranes, Dredge (all types), Motor Patrol, Power Blades Dumore-Elevating and similar types Tower Cranes (crawler mobile) and Stationary, Crane-Type Backfiller, Drott Yumbo and similar types Considered as Cranes, Caisson Rigs (require oilers) Doser, Tournad-Dozer, Work Boats, Ross Carrier and Helicopter

Group 2: Trench Machine, Pumpcrete-Belt Crete-Squeeze Cretes-Screw-Type Pumps and Cypsum Bulker and Pump, Dinkeys, Power Launches, Tournapulls (all), Multiple Unit, Earth Movers, \$.25 per hour for each Scoop over one, Scoops (all sizes), Push Cats, Endloaders (all types), Side Boom, P-H one pass Soil-Cement Machine (all similar types), Wheel Tractors (industrial or farm type w/dozer-Hoe-End-Loader or other attachments), Pugmill with Pump Buckfillers, Asphalt Surfacing Machine, Euclid Loader, Forklifts, Formless Finishing Machine, Jeeps w/Ditching Machine, or other attachments, Tune-Logger, Rock Crushers, Automatic Cement and Gravel Batching Plants, Mobile Drills (soil testing and similar types), (require oiler), Flaherty Spreader or similar types (require oiler), Heavy Equipment Greaser (top greaser on spread), Guries and similar type), 1 and 2 Drum Hoists (hook hoists and similar types Freight and Passenger Elevators Chicago Boom, Boring Machine and Pipe Jacking, Machine, Hydro Boom, Starting Engineer on Pipeline, C.M.I. and similar types (require oiler) Straw Blower, Hydro Seeder and P.W.D. and similar types

DECISION NO. IL81-7030

POWER EQUIPMENT OPERATORS:

Henry (W & Co.), Mercer, &
Rock Island Counties

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		M & W	Pensions	Vacation	
CLASS 1	\$14.80	1.00	.90		.08
CLASS 2	14.80	1.00	.90		.08
CLASS 3	13.40	1.00	.90		.08
CLASS 4	13.40	1.00	.90		.08
CLASS 5	12.35	1.00	.90		.08

Class 1: Cranes; Shovels; Draglines; Backhoes; Derricks; Cableways; Dual Drum Pavers; Concrete Spreaders (behind 2 pavers); Asphalt Spreaders; Asphalt Mixer Plant Engineers; Grader Operator; Digger Dredge Crane; Dual Purpose Trucks (Boom or Winch); Lumberman or Engine Man (Hydraulic Dredge); Mechanics; Paving Mixers (16-E to 34-E); Paving Mixers with Tower attached (2 operators required); Pile Drivers; Boom Tractors; Stationary, Portable, or Floating Mixing Plants; Trenching Machines; Building Hoists (2-drum); Hot Paint Strapping Machines; Cleaning and Priming Machines; on basement excavating work; Backfillers (throw bucket); Locomotive Engineers

Class 2: Athey, Barber Greene, Euclid or Haise Loaders; Asphalt Paving Mills; Firemen and Drivers; Concrete Pumps; Concrete Spreaders (behind 1 paver); Bulldozers; End Loaders (other than mentioned above); Fork-lifts; Elevating Graders; Group Equipment Graders; LeTourneau and similar machines; Power Blades; Power Subgraders (on Forms and similar machines); Push Cuts; Tractors pulling Elevating Graders or Power Blades; Tractors with power attachments; Rollers on Asphalt or Blacktop; Single Drum Boilers; Jaeger Mix and Place Machines; Pipe Sinking Machines; Welding Machines (3 to 4); Fuller-Kenyon Cement Pumps or similar machines; Automatic cement and gravel Batch Plants (1 stop set-up)

Class 3: Asphalt Boosters; Fireman and Pump Operators at Asphalt Plants; Compressors (500 cu. ft. and over); Concrete Finishing Machines; Form Graders with Rollers on earth; Mixers (3 bag to 16-E); Power operating Bull Floats; Tractors without power attachment; Dope Pots (agitating motor); Dope Chop Machines; Distributors (Back-end); Flex-planes; Boat Operator; Hydrohammers; Power Winch on paving work; Self-propelled earth Rollers or Compactors (other than paving work); Pump Operator (more than 1 well point pump); Portable Crusher Operator

Class 4: Air Compressors (215 C.F.M. or over); Drivers on Truck Cranes; Conveyors; Light Plants; Mixers (1 or 2 bag); Power Batching Machines (Cement Auger or Conveyor); Rollers Engineer or Fireman; Water Pumps; Welding Machines; Mechanical Brooms; Automatic cement and gravel Batch Plants (2 or 3 stop set-up); Small Rubber-tired Tractors

Class 5: Oilers; Mechanic Helpers; Water Pumps (pumping water to Paver); Mechanical Boosters (other than Steam Boiler)

TRUCK DRIVERS
Livingston (Exclm. SW. Corner),
& Woodford (Exclm. NW. Corner)
Counties

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		M & W	Pensions	Vacation	
2-3 Axles	\$12.25	\$29.00a	\$33.00a		
4 Axles	12.40	29.00a	33.00a		
5 Axles	12.60	29.00a	33.00a		
6 Axles	12.80	29.00a	33.00a		
Marshall, Mason, Stark, & Woodford (NW Corner) Cos.					
GROUP I	13.65	1.00	46.00a		
GROUP II	14.05	1.00	46.00a		
GROUP III	14.25	1.00	46.00a		
GROUP IV	14.50	1.00	46.00a		
Remainder of Livingston & Woodford Cos. & Remaining Cos.					
GROUP I	13.30	1.00	46.00a		
GROUP II	13.70	1.00	46.00a		
GROUP III	13.90	1.00	46.00a		
GROUP IV	14.15	1.00	46.00a		

GROUP I: Drivers on 2 Axles hauling less than 9 tons; Air Compressor & Welding Machine incl. those pulled by separate units; Fork lifts up to 6,000 lbs. cap.; Mechanic Tenders; Pick-ups when hauling materials, tools, or men to and from and on the job site; & Truck Driver Tenders

GROUP II: 2 or 3 Axles hauling more than 9 tons, but hauling less than 16 tons; A-Frame Winches; Fork lifts over 6,000 lbs. cap.; 4-Axle Combination units; Hydraulic or similar equipment when used for transportation purposes; & Winches

GROUP III: 2, 3 or 4 Axles hauling 16 tons or more; Dispatcher; 5-Axles or more combination units; Mechanics & Working Foreman; & Water Pulls

GROUP IV: Drivers on Oil Distributors; & Drivers on Semi-Lowboys when moving equipment

FOOTNOTE:

a. Per Week Per Employee

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (25 CFR, 5.5 (a) (1) (ii)).

SUPERSEDES DECISION

STATE: Montana
 DECISION NUMBER: MT81-5138
 SUPERSEDES DECISION NO. MT81-5114 dated May 8, 1981, in 46 FR 25925

COUNTIES: Statewide

DATE: Date of Publication

DESCRIPTION OF WORK: Heavy and Highway Projects

DECISION NO. MT81-5138

AREA DESCRIPTIONS

CARPENTERS:

Area 1: Statewide excluding Beaverhead and Silver Bow Counties

ELECTRICIANS:

Area 1: Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow, and Power Counties

Area 2: Big Horn, Carbon, Carter, Dawson, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 3: Blaine, Chouteau, Daniels, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Pondera, Phillips, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland Counties

Area 4: Broadwater, Lewis and Clark, and Meagher Counties

Area 5: Cascade County

Area 6: Custer and Garfield Counties

Area 7: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 8: Gallatin County

Area 9: Park and Sweet Grass Counties

IRONWORKERS:

Area 1: Beaverhead County, Broadwater County, Deer Lodge County, Gallatin County, Granite County, Jefferson County, Lewis and Clark County (southern half including Wolf Creek), Madison County, Park County, Powell County, Ravalli County, and Silver Bow County

Area 2: Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 3: Remaining Counties (including northern half of Lewis and Clark County)

	Basic Hourly Rate	Fringe Benefits Payments			Education and Appl. Tr.
		H & W	Pension	Vacation	
BOILERMAKERS					
CARPENTERS:					
Area 1:	\$14.97	\$1.375	\$1.15		.05
Carpenters	11.43	.90	1.25	.50	.06
Millwrights	12.43	.90	1.25	.50	.06
Piledrivers	11.68	.90	1.25	.50	.06
CEMENT MASONS:					
Cement Masons	10.88	.85	.40		
Grinder, Bush Hammer and Clipping Fan preparing finished surface; Epoxy	11.03	.85	.40		
ELECTRICIANS:					
Area 1:	14.35	.70	34+.50		1/24
Electricians	16.30	.70	34+.75		1/24
Cable Splicers	16.75	.70	34+.75		1/24
Area 2:					
Electricians	14.45	.70	34+.75		1/24
Cable Splicers	15.17	.70	34+.75		1/24
Area 3:					
Contracts under \$75,000:					
Electricians	15.90	.70	34+.75		1/24
Cable Splicers	16.70	.70	34+.75		1/24
Contracts over \$75,000:					
Electricians	14.95	.70	34+.50		1/24
Cable Splicers	15.90	.70	34+.75		1/24
Area 4:					
Electricians	16.70	.70	34+.75		1/24
Cable Splicers	11.47	.70	34+.75		1/24
Area 5:					
Electricians	15.65	.70	34+.50		1/24
Cable Splicers	16.43	.70	34+.50		1/24
Area 6:					
Electricians	13.70	.70	34+.50		1/24
Cable Splicers	15.79	.70	34+.50		1/24
Area 7:					
Electricians	13.40	.70	34+.50		1/24
Cable Splicers	14.07	.70	34+.50		1/24
Area 8:					
Electricians	13.21	.90	1.45		.15
Cable Splicers	17.11	.93	1.90		.10
Area 9:					
Electricians	13.21	.90	1.45		.15
Cable Splicers					
IRONWORKERS:					
Area 1:					
Area 2:					
Area 3:					

*See AREA Descriptions - following Page

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	M & W	Pensions	Vacation	
PAINTERS:*				
Area 1: Brush or Roller, Prep work, Pot Tender, Wet Sandblasting, Brush or Roller application of cold tar, epoxies and acid resistant materials	\$12.08	.59	.50	.03
Spray application of cold tar, epoxies and acid resistant materials	14.08	.59	.50	.03
Paper or Vinyl Hanger	17.08	.59	.50	.03
Structural Steel: Brush or Roller	12.08	.59	.50	.03
Perfa-taping	14.08	.59	.50	.03
Structural Steel: Spraying	12.58	.59	.50	.03
Airtless Spraying	15.08	.59	.50	.03
Area 2: Brush; Roller: Floor Layers	13.08	.59	.50	.03
Brush, Roller on steel and roofs, Pot Tender, and Paperhanger (hand tools)	11.56	.78	.50	.10
Perfatager (hand tools)	11.81	.78	.50	.10
Spray (hot steel)	11.86	.78	.50	.10
Sandblaster, commercial and steel; Spray on structural steel and tanks	12.54	.78	.50	.10
Perfatager (machine tools)	12.79	.78	.50	.10
Area 3: Painter	12.05	.78	.50	.10
Paint Mitts	10.02			
Perfa-taping	10.52			
	10.27			

*See AREA Descriptions -
Page 5

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	M & W	Pensions	Vacation	
PAINTERS:* (Cont'd)				
Area 3: (Cont'd) Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water Sandblasting and Steam cleaning; Stacks and steeples; Brushing of steel; Spraying and airless spraying; Work over 30 ft.	\$12.80			
Area 4: Painter, Brush, Preparatory work, Pot Tender, Roller up to 9 inches Paperhanger, Brush on steel	12.42	.69	.40	.18
Water and Sandblasting; Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Spraying and airless spray	12.92	.69	.40	.18
Roller over 9" long Signwriter	14.67	.69	.40	.18
Spray and Roller (in shop)	16.02	.69	.40	.18
Spray and Roller (out shop)	12.78	.69	.40	.18
Hand Taper	14.18	.69	.40	.18
Machine Taper	12.82	.69	.40	.18
Area 5:	14.07	.69	.40	.18
Area 6:	10.90			
Area 7: Highway parking and marking traffic surface applicator Operator; Material Mixer; Sandblaster; Stripper	13.67	.69	.50	.04
The installation of plastic, metal or composition button, or lines used instead of paint.	10.60	.56	.40	

*See AREA Descriptions -
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DECISION NO. MT81-5138

AREA DESCRIPTIONS

PAINTERS:

Area 1: The entire Counties of Beaverhead, Gallatin, Park and Silver Bow. The Northern portion of Jefferson County from a line running East and West (5) miles south of the southern City limits of Boulder, Montana; the south part of Jefferson County from a line running due west from the south limits of Tooten, Montana; the Southern portion of Lewis & Clark County from a line running east and west through the southern limits of Craig, Montana; the Southern portion of Powell County from a line running east and west through the Southern limits of Helmsville, Montana; the west part of Madison County from a line running north and south through the west limits of Harrison, Montana

Area 2: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, and Treasure Counties; Wheatland County (south of the City of Harlowtown); Wibaux and Yellowstone Counties

Area 3: Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Phillipsburg

Area 4: Cascade County; Chouteau County (south of a line running east and west through the southern limits of Big Sandy); Daniels and Fergus Counties; Glacier County (including Glacier National Park); Garfield and Judith-Basin Counties; Lewis and Clark County (northern portion from a line running east and west through the northern limits of Craig); McCone, Phillips, Poncha, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, and Valley Counties; Wheatland County (northern area from a line running east and through the southern limits of Harlowtown)

Area 5: Blaine, Hill, and Liberty Counties; Chouteau County (north of the southern limits of the City of Big Sandy)

Area 6: Flathead County; Granite County (northern area north of City limits of Phillipsburg); Lake County (southern area including the City of Roman); Lincoln, Mineral, and Missoula Counties; Powell County (northern area through south limits of Helmsville); Ravalli and Sanders Counties

Area 7: Statewide

DECISION NO. MT81-5138

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vocational	
PLUMBERS: *	\$15.78	.75	.70		.15
Area 1	16.20	.90	1.10		.17
Area 2	15.35	.70	.85		.10
Area 3	15.90	1.00	1.10		.20
SHEET METAL WORKERS: *					
Area 1	14.32	.73	.66		.24
Area 2	14.71	.73	.50		.24
Area 3	14.25	1.205	.805		.24
Area 4	14.04	.73	.75		.24
Area 5	14.09	.73	.73		.24

AREA DESCRIPTIONS

PLUMBERS:

Area 1: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 2: Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Meagher, Phillips, Pondera, Roosevelt, Teton, Toole, and Valley Counties

Area 3: Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis and Clark, Madison, Park, Powell, Silver Bow and Sweet Grass Counties

Area 4: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux and Yellowstone Counties

SHEET METAL WORKERS:

Area 1: Broadwater County, Jefferson County (including the north half of the City of Boulder), Lewis and Clark County, and Meagher County

Area 2: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 3: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Phillips, Powder River, Park, Prairie, Richland, Roosevelt, Rosebud, Sheridan, Stillwater, Sweet Grass, Valley, Wheatland, Wibaux, Treasure, and Yellowstone Counties

Area 4: Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton, and Toole Counties

Area 5: Beaverhead County, Deer Lodge County, Granite County, Jefferson County (southern half), Madison County, Powell County, and Silver Bow Counties

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LABORERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
Group 1	\$10.50	.75	.65	.30	.05
Group 2	10.66	.75	.65	.30	.05
Group 3	10.80	.75	.65	.30	.05
Group 4	11.50	.75	.65	.30	.05

Group 1: Axeman; Carpenter Tender; Car and Truck Loaders, Scissor-man; Chuck Tender and Nipper (above ground); Cosmoline applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Stripper; General Laborer - Heavy Highway, Highway Bridge and Structure, Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type of butane five, without blowers or fans - General Laborers scale); Landscape Laborer; Riprap Tender; Stake Jumper for Equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman

Group 2: Burning Bar; Cement Mason Tender; Caisson Workers (free air); Cement Handlers; Choker Setter; Concrete Laborers (wet or dry); Bucketmen and Signalmen; Curb Machine; Dumpman (Grade Man); Form Setter; Hand Pallet; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper Vibrating Roller, Hand Steered and other power tools; Nozzleman - air water, Gunite and Placo Machine; Concrete or Asphalt Saws; Pipelayer (all types); Laser equipment Operator; Pipewrapper; Posthole Digger (power auger); Power Saw (bucking); Powderman Tender; Power driven wheelbarrow; Rigger; Ripraper; Spiker Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Baker; Concrete Vibrator (5' and over); Drills, AirTrack, self-propelled, Cat and Truck mounted air operated Drills; Drills, Air Track with dual masts; Drills, Air Tract, self-propelled Mustang type and similar; Equipment Handler; High Scaler; High Pressure Machine Nozzleman; Power Saw (falling); Sandblaster

Group 4: Core Drill Operator; Grade Setter; Powderman; Cutting torch and air arc Operator

DECISION NO. MT81-5118

POWER EQUIPMENT OPERATORS: STATEWIDE

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
A-Frame Truck Crane, Winch Truck and similar	\$12.80	.97	.85	.50	.10
Air Compressor, single	12.49	.97	.85	.50	.10
Air Compressor, two or more	12.66	.97	.85	.50	.10
Air Doctor	12.96	.97	.85	.50	.10
Asphalt Paving Machine Operator	12.96	.97	.85	.50	.10
Asphalt Paving Machine Screed Operator	12.96	.97	.85	.50	.10
Automatic Finegrader, Gullies and other similar types	13.09	.97	.85	.50	.10
Belt Finish Machine Operator	12.66	.97	.85	.50	.10
Bit Grinder	12.96	.97	.85	.50	.10
Bituminous Mixer Paving, Travel Plant	12.96	.97	.85	.50	.10
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	12.55	.97	.85	.50	.10
Boring Machine (large)	12.96	.97	.85	.50	.10
Broom, self-propelled	12.63	.97	.85	.50	.10
Cableway Highline Operator	13.47	.97	.85	.50	.10
Cement Silo Operator	12.75	.97	.85	.50	.10
Central Mixing Plants, Concrete dam and stationary	12.21	.97	.85	.50	.10
Chain Bucket Loader, self-propelled	12.68	.97	.85	.50	.10
Chip or Gravel Spreader, Concrete Batch Plant, one and two Mixers	12.68	.97	.85	.50	.10
Concrete Batch Plant, three and four Mixers	12.96	.97	.85	.50	.10
Concrete Batch Plant, five Mixers and over	13.16	.97	.85	.50	.10
Concrete Batch Plant Oilier, up to and including two Mixers	13.36	.97	.85	.50	.10
Concrete Batch Plant Oilier, three Mixers and over	12.48	.97	.85	.50	.10
Concrete Bucket Dispatcher	12.79	.97	.85	.50	.10
Concrete Curing Machine	12.56	.97	.85	.50	.10
Concrete Curing Machine	12.96	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS:
(Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.50	.97	.85	.50	.10
12.88	.97	.85	.50	.10
12.55	.97	.85	.50	.10
12.77	.97	.85	.50	.10
12.73	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.42	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.50	.97	.85	.50	.10
12.73	.97	.85	.50	.10
12.96	.97	.85	.50	.10
13.46	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.45	.97	.85	.50	.10
12.86	.97	.85	.50	.10
12.96	.97	.85	.50	.10
13.06	.97	.85	.50	.10
12.66	.97	.85	.50	.10
13.04	.97	.85	.50	.10
13.09	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.53	.97	.85	.50	.10
12.45	.97	.85	.50	.10
12.86	.97	.85	.50	.10
12.96	.97	.85	.50	.10
13.09	.97	.85	.50	.10

Farm type tractor, over 50 HP engine
Field Equipment Servicemen
Fireman
Forklift, on construction
Job site
Form Grader Operator
Grapple Operator
Grade Setter
Heavy Duty Drills, all types
Herman-Watson Heaters and similar type
Hoist Operator, single drum
Hoist, two or more drums
Helicopter Hoist Operator
Hot Plant Operator
Hot Plant Fireman, when in operation
Hot Plant Oiler, 100 ton
Per hour or over
Hydra Lift and similar types
Industrial Locomotive all classes
Mechanic and/or Welder on job
Mechanic Shop (Dec. April 1)
Mixermobile
Motor Patrol Operator
Mountain Logger or similar type
Mucking Machine Operator
Oiler-Driver, Rubber tired
Cranes
Oilers, other than Shovels and Cranes
Oiler, Hoist House, dams
Pavement Breakers, Emeco and similar
Paving and Mixing Machine

DECISION NO. MT81-5138

POWER EQUIPMENT OPERATORS:
(Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.55	.97	.85	.50	.10
12.72	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.54	.97	.85	.50	.10
13.29	.97	.85	.50	.10
13.29	.97	.85	.50	.10
12.54	.97	.85	.50	.10
12.66	.97	.85	.50	.10
13.12	.97	.85	.50	.10
13.27	.97	.85	.50	.10
13.32	.97	.85	.50	.10
13.37	.97	.85	.50	.10
12.53	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.45	.97	.85	.50	.10
12.42	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.68	.97	.85	.50	.10
13.14	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.42	.97	.85	.50	.10

Concrete Finish Machine
Paving
Concrete Float-Spreader
Concrete Mixer, three bags and under
Concrete Mixer, four bags and over
Concrete Power Saw, self-propelled
Concrete Travel Batcher
Concrete Conveyor under 40 feet
Concrete Conveyor over 40 feet
Concrete Pump
Conveyor Loader Operator, up to and including 42' belt
Conveyor Loader Operator over 42' belt
Crane, to and including 80' boom
Crane, 81' to 130' boom
Crane, 131' to 150' boom
Crane, 151' boom and over
Crane Oiler
Crane with jibs an additional \$.15 per hour
Crusher Operator
Crusher Oiler
Crusher Conveyor, when required
Distributor Operator
DW 10, 15, or 20 tractor
Pulling Roller
Electric Overhead Cranes
Elevating Grader
Farm type tractor up to and including 50 HP engine

POWER EQUIPMENT OPERATORS:
(Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Power Auger, large truck or tractor mounted and Punch	.97	.85	.50	.10
Power Mixer, single or double drum	.97	.85	.50	.10
Power Saw, multiple cut, self-propelled	.97	.85	.50	.10
Pumpcrete or Grout Machine	.97	.85	.50	.10
Purpahn	.97	.85	.50	.10
Push Tractor	.97	.85	.50	.10
Quad loader and similar type	.97	.85	.50	.10
Radiator Repairman	.97	.85	.50	.10
Raygo Gaint	.97	.85	.50	.10
Refrigeration Plant Operator	.97	.85	.50	.10
Retort Operator	.97	.85	.50	.10
Roller, on blade or hot mix oil paving	.97	.85	.50	.10
Roller, on other blade or hot mix paving	.97	.85	.50	.10
Roller, 25 ton or over	.97	.85	.50	.10
Boss and similar type	.97	.85	.50	.10
Carriers, on construction site	.97	.85	.50	.10
Rubber-tired Dozer	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. and under	.97	.85	.50	.10
Rubber-tired Front End Loader, 1 cu. yd. to and including 3 cu. yds.	.97	.85	.50	.10
Rubber-tired Front End Loader, over 3 cu. yds. to and including 5 cu. yds.	.97	.85	.50	.10
Rubber-tired Front End Loader, over 5 cu. yds. to and including 10 cu. yds.	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS:
(Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	.97	.85	.50	.10
Rubber-tired Front End Loader, over 15 yards	.97	.85	.50	.10
Scraper, DW 15, 20, 21 and similar type if power unit is not used	.97	.85	.50	.10
Scraper, single or twin engine pulling Belly Dump Trailer	.97	.85	.50	.10
Scraper, single engine	.97	.85	.50	.10
Scraper, twin engine	.97	.85	.50	.10
Scraper, tandem engine or 3 engine	.97	.85	.50	.10
Self-propelled Sheepfoot and similar type	.97	.85	.50	.10
Shovels, including all attachments, under 1 cu. yd.	.97	.85	.50	.10
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	.97	.85	.50	.10
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	.97	.85	.50	.10
Shovels, including all attachments over 5 cu. yds.	.97	.85	.50	.10
Shovel Oiler, 3 Cu. Yds. and under	.97	.85	.50	.10
Shovel Oiler, over 3 cu. yds.	.97	.85	.50	.10
Slip Form Paver Operator	.97	.85	.50	.10
Stiff Leg Derrick and Guy Derrick	.97	.85	.50	.10
Track-type Front End Loaders, up to and including 5 cu. yds.	.97	.85	.50	.10

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Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appn. Tr.
TRUCK DRIVERS STATEWIDE				
COMBINATION TRUCK; Concrete Mixer and Transit Mixer: to & including 4 cu. yds.	\$11.10	.82	.84	
Over 4 cu. yds. to and including 6 cu. yds.	11.18	.82	.84	
Over 6 cu. yds. to and including 8 cu. yds.	11.26	.82	.84	
Over 8 cu. yds. to and including 10 cu. yds.	11.34	.82	.84	
Over 10 cu. yds.-additional \$.08 per hour each additional 2 cu. yds. increment				
DISTRIBUTOR DRIVER	11.08	.82	.84	
DRY BATCH TRUCKS: 3 Batch or under	10.85	.82	.84	
Over 3 Batch to and including 5 Batch	11.98	.82	.84	
Over 5 Batch to and including 10 Batch	11.14	.82	.84	
Over 10 Batch to and including 15 Batch	11.30	.82	.84	
Over 15 Batch-additional \$.15 per hour each additional 5 Batch increment				
PICKUP DRIVER, HAULING MATERIALS	10.95	.82	.84	
DONKMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.85	.82	.84	

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Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appn. Tr.
POWER EQUIPMENT OPERATORS: (Cont'd)				
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	\$13.19	.97	.85	.10
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	13.29	.97	.85	.10
Track-type Front End Loaders, over 15 cu. yds.	13.39	.97	.85	.10
Track-type Tractor w/o attachments	12.96	.97	.85	.10
Track-type Tractor, on Euclid Loader	13.14	.97	.85	.10
Trenching Machine	12.96	.97	.85	.10
Turnhead Conveyor, or Head Tower on Batch Plant	12.96	.97	.85	.10
Wagner Roller and similar type	12.96	.97	.85	.10
Whirley Crane Operator	13.49	.97	.85	.10
Whirley Crane Oiler	12.86	.97	.85	.10
Water Pull when used for compaction	12.96	.97	.85	.10
Washing and Screening Plant Operator	12.96	.97	.85	.10
Washing and Screening Plant Oiler	12.45	.97	.85	.10
YO-YO Cat, both ends	13.16	.97	.85	.10

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	M & H	Pensions	Vacation	
TRUCK DRIVERS: (Cont'd)				
FUEL TRUCK DRIVERS; TIREMEN	\$11.44	.82	.84	
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	11.20	.82	.84	
LUMBER CARRIERS, LIFT TRUCK and FORK LIFTS	11.20	.82	.84	
POWER BROOM	10.94	.82	.84	
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS: 2,500 gallons and under	10.85	.82	.84	
Over 2,500 gallons to and including 4,500 gallons	11.14	.82	.84	
Over 4,500 gallons to and including 6,000 gallons	11.34	.82	.84	
Over 6,000 gallons to and including 8,000 gallons	11.40	.82	.84	
Over 8,000 gallons to and including 10,000 gallons	11.48	.82	.84	
Over 10,000 gallons - additional \$.10 per hour each additional 2,000 gallons increment				
TRUCK MECHANIC	11.84	.82	.84	

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	M & H	Pensions	Vacation	
TRUCK DRIVERS: (Cont'd)				
DUMP TRUCKS AND SIMILAR EQUIPMENT, DW 20, DW 21, or EDCID TRACTORS, Pulling P.R. 21 or similar Dump Wagons:				
Water Level Capacity, including Sideboards: 7 cu. yds. or less	\$10.85	.82	.84	
Over 7 cu. yds. to and including 10 cu. yds.	10.98	.82	.84	
Over 10 cu. yds. to and including 15 cu. yds.	11.14	.82	.84	
Over 15 cu. yds. to and including 20 cu. yds.	11.28	.82	.84	
Over 20 cu. yds. to and including 25 cu. yds.	11.34	.82	.84	
Over 25 cu. yds. to and including 30 cu. yds.	11.40	.82	.84	
Over 30 cu. yds. to and including 35 cu. yds.	11.46	.82	.84	
Over 35 cu. yds. to and including 40 cu. yds.	11.52	.82	.84	
Over 40 cu. yds. to and including 45 cu. yds.	11.58	.82	.84	
Over 45 cu. yds.-additional \$.10 per hour each additional 5 cu. yds. increment				
DUMPSTERS	10.98	.82	.84	
POWER TRUCK DRIVER (bulk unloader type)	11.03	.82	.84	
FLAT TRUCKS:				
To and including 3 tons	11.00	.82	.84	
Over 3 tons factory rating	11.20	.82	.84	

DECISION NO. MT81-5138

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocation	
DREDGING: STATEWIDE	\$15.02	\$ 1.50		.14
	15.12	1.50		.14
	15.12	1.50		.14
	15.12	1.50		.14
Assistant Mate (Deckhand)	15.46	1.50		.14
Fireman	15.46	1.50		.14
Officer	15.51	1.50		.14
Assistant Engineer (electric, diesel, steam or booster pump)	15.51	1.50		.14
Mates and Boatman	15.51	1.50		.14
Engineer Welder	15.51	1.50		.14
Craneman	15.51	1.50		.14
Assistant Engineer (electric, generator, Operator for Primary Pump, Power barge or dredge)	15.56	1.50		.14
Leverman, Dipper:	16.27	1.50		.14
(a) 5 yards and under	16.82	1.50		.14
(b) Over 5 yards	15.88	1.50		.14
Leverman, Hydraulic				

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a) (1) (ii)).

DECISION NO. MT81-5138

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vocation	
LINE CONSTRUCTION: Flathead, Lake, and Lincoln Counties:				
All work for power utilities, all highway lighting, street lighting and motor traffic con-tolling.				
Lineman	\$13.92	34+.50		1/24
Cable Splicers	15.49	34+.50		1/24
Pole Sprayer	12.37	34+.50		1/24
Line Equipment Operators	11.87	34+.50		1/24
Powderman, Jackhammer, Compressorman	10.29	34+.50		1/24
Groundman "A"	9.65	34+.50		1/24
Tree Trimmer	12.83	34+.50		12/4
Head Groundman and Groundman "B" are not applicable				
Statewide, except Flathead, Lake, and Lincoln Counties:				
Lineman, Pole Sprayer	12.90	34+.50		1/44
Cable Splicers	13.80	34+.50		1/44
Line Equipment Operators*	11.40	34+.50		1/44
Powderman	9.23	34+.50		1/44
Groundman				

SUPERSEDES DECISION

DECISION NO. MT81-5139

STATE: Montana
 DECISION NUMBER: MT81-5139
 SUPERSEDES DECISION NO. MT81-5115 dated May 8, 1981, in 46 FR 25934
 DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories)

AREA DESCRIPTIONS

BRICKLAYERS; MARBLE MASONS:

Area 1: Beaverhead County; Jefferson County (except northern tip of County); Madison County, and Silver Bow Counties

Area 2: Gallatin and Park Counties

Area 3: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 4: Broadwater, Lewis & Clark, and Meagher Counties

Area 5: Deer Lodge, Powell, and Granite Counties

Area 6: Cascade, Chouteau, Glacier, Pondera, and Teton Counties

Area 7: Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole, and Valley Counties

Area 8: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 9: Fergus, Garfield, Golden Valley, Judith-Basin, Musselshell, Petroleum, and Wheatland Counties

CARPENTERS:

Area 1: Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Liberty, Meagher, Pondera, Teton, and Toole Counties

Area 2: Blaine and Hill Counties

Area 3: Broadwater, Lewis & Clark, and Jefferson Counties

Area 4: Deer Lodge County; Granite County (all area lying south of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County); Powell County (area lying south of the N.E. corner of Granite County)

Area 5: Granite County (area lying north of a line running due east from the N.W. corner of Granite County to the N.E. corner of Granite County); Lake County (southern area, south of and including the Town of Ravalli); Mineral County (area southeast of southeast city limits of the Town of Superior); Missoula County; Powell County (area lying north of the N.E. corner of Granite County); Ravalli County; Sanders County (southeastern portion)

Area 6: Carter, Custer, Daniels, Dawson, Fallon, McCone, Phillips, Powder River, Prairie, Richland, Roosevelt, Sheridan, Valley, and Wibaux Counties; and Fort Peck Project

Area 7: Flathead and Lincoln Counties; Lake County (northern area including Town of Ravalli from a point where Highway #10A and Highway #93 intersect); Mineral County (northern area including the Town of Superior); Sanders County (except S.E. corner portion)

	Basic Hourly Rates	Fringe Benefits Payments				Education and Appr. Tr.
		H & W	Pensions	Vacations		
ASBESTOS WORKERS	\$17.84	.78	\$1.45			.04
BOILERMAKERS	14.97	1.375	1.15			.05
BRICKLAYERS; MARBLE MASONS:*						
Area 1	14.20		.55			
Area 2	14.60	1.15	.55			
Area 3	15.00		.75			
Area 4	12.55	.70	.60			
Area 5	14.15		.55			.035
Area 6	13.80	.85	.90			
Area 7	13.60	.90	.75			
Area 8	14.45	.90	.55			
Area 9	12.00					
CARPENTERS:*						
Area 1:						
Carpenters	11.55	.90	1.25	.50		.06
Piledrivermen	11.80	.90	1.25	.50		.06
Millwrights	12.55	.90	1.25	.50		.06
Area 2:						
Carpenters	11.43	.90	1.25	.50		.06
Piledrivermen	11.68	.90	1.25	.50		.06
Millwrights	11.43	.90	1.25	.50		.06
Area 3:						
Carpenters	11.43	.90	1.25	.50		.06
Piledrivermen	11.68	.90	1.25	.50		.06
Millwrights	12.43	.90	1.25	.50		.06
Area 4:						
Carpenters	11.77	.90	1.25	.75		.06
Piledrivermen: Millwrights	12.02	.90	1.25	.75		.06
Area 5:						
Carpenters	11.43	.90	1.25	.50		.06
Piledrivermen	11.73	.90	1.25	.50		.06
Millwrights	12.62	.90	1.25	.50		.06
Area 6:						
Carpenters	11.43	.90	1.25	.50		.06
Piledrivermen	11.68	.90	1.25	.50		.06
Millwrights	12.43	.90	1.25	.50		.06
Area 7:						
Carpenters	11.43	.90	1.25	.50		.06
Piledrivermen	11.68	.90	1.25	.50		.06
Millwrights	12.43	.90	1.25	.50		.06

*See A2EA Descriptions -
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AREA DESCRIPTIONS

CARPENTERS: * (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vocative	
Area 8:	\$12.08	.90	\$1.25		.06
Carpenters	12.23	.90	1.25		.06
Millwrights	13.08	.90	1.25		.06
Area 9:	12.98	.90	1.25		.04
Carpenters	13.48	.90	1.25		.04
Millwrights	11.43	.90	1.25		.06
Area 10:	11.68	.90	1.25		.06
Carpenters	12.43	.90	1.25		.06
Millwrights	12.00	1.00	.50	1.00	
CEMENT MASONS: *	11.95	.85	.40		
Area 1:	11.35				
Area 2:	10.00				
Area 3:	14.35	.70	38+.50		1/28
Area 4:	16.30	.70	38+.75		1/28
Electricians	16.75	.70	38+.75		1/28
Cable Splicers	11.45		38		1/28
Area 5:	14.45	.70	38+.75		1/28
Electricians	15.17	.70	38+.75		1/28
Cable Splicers	15.90	.70	38+.75		1/28
Area 6:	16.70	.70	38+.75		1/28
Electricians	15.65	.70	38+.50		1/28
Cable Splicers	16.43	.70	38+.50		1/28
Area 7:	13.70	.70	38+.50		1/28
Electricians	15.79	.70	38+.50		1/28
Cable Splicers	13.40	.70	38+.50		1/28
Area 8:	14.07	.70	38+.50		1/28
Electricians					
Cable Splicers					

CARPENTERS: (Cont'd)

Area 8: Big Horn, Carbon, Garfield, Golden Valley, Musselshell, Petroleum, Rosebud, Stillwater, Treasure, Wheatland, and Yellowstone Counties

Area 9: Beaverhead and Silver Bow Counties

Area 10: Gallatin, Madison, Park, and Sweet Grass Counties

CEMENT MASONS:

Area 1: Beaverhead and Deer Lodge Counties; Granite County (southern half); Jefferson County (southern area including Town of Wickes); Madison County; Powell County (south portion including the Town of Deer Lodge); Silver Bow County

Area 2: Big Horn, Carbon, Golden Valley, Stillwater, Treasure, Wheatland, and Yellowstone Counties

Area 3: Blaine, Cascade, Chouteau, Hill, Liberty, Pondera, Teton, and Toole Counties

Area 4: Carter, Custer, Dawson, Fallon, Powder River, Prairie, Rosebud, Richland, and Wibaux Counties

ELECTRICIANS:

Area 1: Beaverhead, Deer Lodge, Granite, Jefferson, Madison, Silver Bow, and Powell Counties

Area 2: Big Horn, Carbon, Carter, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 3: Custer and Garfield Counties

Area 4: Blaine, Chouteau, Daniels, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Pondera, Phillips, Richland, Roosevelt, Sheridan, Teton, Toole, Valley, and Wheatland Counties

Area 5: Broadwater, Lewis & Clark, and Meagher Counties

Area 6: Cascade County

Area 7: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders Counties

Area 8: Gallatin County

Area 9: Park and Sweet Grass Counties

*See AREA Descriptions -
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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
	H & W	Pensions	Vacation	
PAINTERS:*	(Cont'd)			
Area 3:				
Painters				
Perfapaper				
Paint Mitts				
Application of cold tar products, epoxies, polyurethanes and acid resistant paints; Water sandblasting and steam cleaning; Stacks and steeples; Brushing of steel; Spraying and airless spraying; Work over 30 feet				
Area 4:				
Net sandblasting, brush or roller; Application of cold tar epoxies, and acid resistant materials; Brush or roller; Prep work; Pot Tender				
Spray application of cold tar epoxies, and acid resistant materials; Paper or Vinyl Hanger				
Structural steel; Brush or Roller				
Perfapaper				
Structural Steel; Spraying				
Airless Spraying				
Area 5				
Area 6				
*See AREA Descriptions - Page 7				

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
	H & W	Pensions	Vacation	
ELEVATOR CONSTRUCTORS:				
Elevator constructors				
Helpers				
Probationary Helpers				
IRONWORKERS:*				
Area 1				
Area 2				
Area 3				
PAINTERS:*				
Area 1:				
Brush, Roller; Floor layers				
Brush, Roller on steel and roofs, Pot Tender; Paperhanger				
Perfapaper (hand tools)				
Spray (not steel)				
Sandblaster, commercial and steel; Spray on structural steel and tanks				
Perfapaper (machine tools)				
Area 2:				
Brush; Preparatory work; Pot Tender; Parking Lot				
Striping and related work; Roller up to 9"				
Paperhanger, Brush on Steel				
Water and Sandblasting; Application of cold tar products, epoxies and polyurethanes and acid resistant paints; Spraying and airless spray				
Roller over 9" long				
Signwriter				
Spray and Roller (in shop)				
Spray and Roller (out shop)				
Hand Taper				
Machine Taper				
*See AREA Descriptions - Page 7				

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AREA DESCRIPTIONS

IRONWORKERS:

Area 1: Beaverhead, Broadwater, Dear Lodge, Gallatin, Granite, and Jefferson Counties; Lewis & Clark County (southern half including Wolf Creek); Madison, Park, Powell, Ravalli, and Silver Bow Counties

Area 2: Flathead, Glacier, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 3: Remaining Counties (including northern half of Lewis & Clark County)

PAINTERS:

Area 1: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Rosebud, Stillwater, Sweet Grass, Treasure, Wibaux, and Yellowstone Counties

Area 2: Cascade County; Chouteau County (south of a line running east and west through the southern limits of Big Sandy); Daniels, and Fergus Counties; Glacier County (excluding Glacier National Park); Garfield and Judith-Basin Counties; Lewis & Clark County (northern portion from a line running east and west through the northern limits of Craig); McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, and Valley Counties; Wheatland County (northern area from a line running east and west through the southern limits of Harlowtown)

Area 3: Deer Lodge County and the southern part of Granite County from a line east-west through the southern limits of Phillipsburg

Area 4: The entire Counties of Beaverhead, Gallatin, Park, and Silver Bow. The Northern portion of Jefferson County from a line running east and west (5) miles south of the southern City limits of Boulder, Montana; The south part of Jefferson County from a line running due west from the south limits of Tosten, Montana; the southern portion of Lewis & Clark County from a line running east and west through the southern limits of Craig, Montana; the southern portion of Powell County from a line running east and west through the southern limits of Helmsville, Montana; the west part of Madison County from a line running north and south through the west limits of Harrison, Montana

Area 5: Blaine, Hill, and Liberty Counties; Chouteau County (north of the southern limits of the City of Big Sandy)

Area 6: Flathead County; Granite County (northern area north limits of Phillipsburg); Lake County (southern area including the City of Ronan); Lincoln, Mineral, and Missoula Counties; Powell County (northern area through south limits of Helmsville); Ravalli and Sanders Counties

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PLASTERERS:*				
Area 1	\$10.50	.75	.35	
Area 2	12.00	1.00	.50	1.00
Area 3	10.95	.85	.40	
Area 4	10.00			
PLUMBERS:*				
Area 1	15.78	.75	.70	.15
Area 2	16.20	.90	1.10	.17
Area 3	15.35	.70	.85	.10
Area 4	15.90	1.00	1.10	.20
ROOFERS; Waterproofers:*				
Area 1	11.69	.25		
Area 2:				
Roofers	10.75	.85	.25	
Irritable bituminous				
Roofers, Waterproofers,				
Kettleman	12.25	.85	.25	
Area 3	11.32	.70	.60	
Area 4:				
Roofers	12.52	.85	.50	.10
Irritable bituminous				
Roofers, Waterproofers,				
Kettleman	14.52	.85	.50	.10
Area 5:				
Roofers	13.00	.85	.50	.10
Irritable bituminous				
Roofers, Waterproofers,				
Kettleman	15.00	.85	.50	.10
Area 6	12.00	.55		

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AREA DESCRIPTIONS

PLASTERERS:

Area 1: Granite County; Lake County (southern area, including the City of Pablo); Mineral and Missoula Counties; Powell County (northern area including the City of Helmsville); Ravalli County; Sanders County (south portion, including the City of Paradise)

Area 2: Beaverhead and Deer Lodge Counties; Jefferson County (southern area, including the Town of Wickes); Madison County; Powell County (south of a line running east-west north of the Town of Deer Lodge); Silver County

Area 3: Big Horn, Carbon, Golden Valley, Stillwater, Treasure, and Wheatland Counties

Area 4: Carter, Custer, Dawson, Fallon, Powder River, Prairie, Richland, Rosebud, and Wibaux Counties

PLUMBERS:

Area 1: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 2: Blaine, Cascade, Chouteau, Fergus, Glacier, Hill, Judith-Basin, Liberty, McCone, McPherson, Phillips, Pondera, Roosevelt, Teton, Toole, and Valley Counties

Area 3: Beaverhead, Broadwater, Deer Lodge, Gallatin, Granite, Jefferson, Lewis & Clark, Madison, Park, Powell, Silver Bow, and Sweet Grass Counties

Area 4: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Garfield, Golden Valley, McCone, Musselshell, Petroleum, Powder River, Prairie, Richland, Rosebud, Sheridan, Stillwater, Treasure, Wheatland, Wibaux, and Yellowstone Counties

ROOFERS; Waterprooferers:

Area 1: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, Golden Valley, Musselshell, Powder River, Prairie, Richland, Rosebud, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 2: Blaine, Cascade, Chouteau, Daniels, Fergus, Garfield, Glacier, Hill, Judith-Basin, Liberty, McCone, Petroleum, Phillips, Pondera, Roosevelt, Sheridan, Teton, Toole, and Valley Counties

Area 3: Deer Lodge, Powell, and Silver Bow Counties

Area 4: Flathead, Lake, Lincoln, Mineral, Missoula, and Sanders Counties

Area 5: Lewis and Clark Counties

Area 6: Beaverhead, Broadwater, Gallatin, Jefferson, Madison, Meagher, Park, Sweet Grass, and Wheatland Counties

Basic Monthly Rates	Fringe Benefits Payments			Education and/or Appn. Tr.
	M & W	Pension	Vacation	
\$14.32	.73	.66		.24
14.71	.73	.50		.24
14.25	1.205	.705		.24
14.04	.73	.75		.24
14.09	.73	.73		.24
12.50				
14.81	.95	1.40		.08
12.55		.60		
15.00	.70	.75		
14.45	.90	.55		
12.75	.75	.75		
11.70	.85	.90		

WELDERS:
Receive rate for craft

*See AREA Descriptions -
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FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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AREA DESCRIPTIONS (Cont'd)

SHEET METAL WORKERS:

Area 1: Broadwater County; Jefferson County (including north half of the City of Boulder); Lewis & Clark and Meagher Counties

Area 2: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders

Area 3: Big Horn, Carbon, Carter, Custer, Daniels, Dawson, Fallon, Fergus, Gallatin, Garfield, Golden Valley, McCone, Musselshell, Park, Petroleum, Phillips, Powder River, Prairie, Richland, Rosebud, Roosevelt, Sheridan, Stillwater, Sweet Grass, Treasure, Valley, Wibaux, Wheatland, and Yellowstone Counties

Area 4: Blaine, Cascade, Chouteau, Glacier, Hill, Judith-Basin, Liberty, Pondera, Teton, and Toole Counties

Area 5: Beaverhead, Deer Lodge, and Granite Counties; Jefferson County (southern half); Madison, Powell, and Silver Bow Counties

SOFT FLOOR LAYERS:

Area 1: Cascade County; Chouteau County (south of a line running east and west through the southern limits of Big Sandy); Daniels, and Fergus Counties; Glacier County (excluding Glacier National Park); Garfield and Judith-Basin Counties; Lewis & Clark County (northern portion from a line running east and west through the northern limits of Craig); McCone, Phillips, Pondera, Petroleum, Richland, Roosevelt, Sheridan, Teton, Toole, and Valley Counties; Wheatland County (northern area from a line running east and west through the southern limits of Harlowtown)

TERRAZZO WORKERS and TILE SETTERS:

Area 1: Broadwater, Lewis & Clark, and Meagher Counties; Jefferson County (northern area north of Boulder Hill)

Area 2: Big Horn, Carbon, Carter, Custer, Dawson, Fallon, McCone, Powder River, Prairie, Richland, Rosebud, Sweet Grass, Stillwater, Treasure, Wibaux, and Yellowstone Counties

Area 3: Flathead, Lake, Lincoln, Mineral, Missoula, Ravalli, and Sanders

Area 4: Blaine, Daniels, Hill, Liberty, Phillips, Roosevelt, Sheridan, Toole, and Valley Counties

Area 5: Cascade, Chouteau, Glacier, Pondera, and Teton Counties

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	Basic Hourly Rate.	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS:					
Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the territorial limits of District No. 2					
Group 1	\$10.16	.75	.65	.30	.05
Group 2	10.36	.75	.65	.30	.05
Group 3	10.41	.75	.65	.30	.05
Group 4	10.66	.75	.65	.30	.05
Group 5	10.76	.75	.65	.30	.05
Broadwater, Lewis and Clark					
Meagher, north half of Jefferson County including the City of Boulder; that portion of Powell County lying east of a north-south line at west edge of the Town of Elliston					
Group 1	10.29	.75	.65	.30	.05
Group 2	10.45	.75	.65	.30	.05
Group 3	10.54	.75	.65	.30	.05
Group 4	10.79	.75	.65	.30	.05
Group 5	10.89	.75	.65	.30	.05
Broadwater (that portion lying south of an east-west line north of the City of Tosten), Gallatin, Madison (that portion lying east of the Gravely Mountain Range), Park, Sweet Grass and Wheatland Counties:					
Group 1	10.03	.75	.65	.30	.05
Group 2	10.19	.75	.65	.30	.05
Group 3	10.29	.75	.65	.30	.05
Group 4	10.53	.75	.65	.30	.05
Group 5	10.63	.75	.65	.30	.05

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LABORERS

Beaverhead, Deer Lodge, Madison, Powell, Silver Bow and that portion of Jefferson County within the Territorial limits of District No. 2

Group 1: Axeman; Calisson Workers (free air); Carpenter Tender; Car and Truck Loaders; Scissorman; Chuck Tender and Nipper (above ground); Cosmoline, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster; Tail Hoseman; Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman; Tool Operator

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Grout, Concrete Pump and Nozzleman; Hand Pallet; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types); Laser Equipment Operator; Pipewriter; Posthole Digger (power auger); Power Saw (Bucking); Powderman Tender; Rigger; Ripraper; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Raker; Concrete Laborer (wet or dry); Bucketmen and Signalmen; Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; High Scale; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Mason Driller, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, Hand Steered and other power tools; Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

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LABORERS (Cont'd)

Broadwater, Lewis and Clark, Meagher, north half of Jefferson County including the City of Boulder; that portion of Powell County lying east of a north-south line at west edge of the Town of Elliston

Group 1: Axeman; Calisson Workers (free air); Carpenter Tender; Car and Truck Loaders; Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborer (wet or dry); Bucketman and Signalmen; Cosmoline, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer, building and structure; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision, such as radiant type or butane fire, without blowers or fans, General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster; Tail Hoseman; Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman

Group 2: Burning Bar; Cement Handlers; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Pallet; Nozzleman - Air, water, Gunite and Placo Machine; Pipelayer (all types); Laser Equipment Operator; Pipewriter; Posthole Digger (power auger); Powderman Tender; Ripraper; Spike Driver, single or dual or hand; Switchman

Group 3: Asphalt Raker; Choker Setter; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scale; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Mason Driller, Concrete Vibrator, Mechanical Tamper, Vibrating Roller, hand steered and other power tools; Power driven Wheelbarrow; Power Saw (bucking); Power Saw (falling); Rigger; Sandblaster; Tar Pot Operator

Group 4: Cement Mason Tender and Hod Carriers; Powdermen

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

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LABORERS (Cont'd)

Broadwater (that portion lying south of an east-west line north of the City of Tosten), Gallatin, Madison (that portion lying east of the Gravely Mountain Range), Park and Wheatland Counties

Group 1: Axeman; Caisson Workers (free air); Car and Truck Loaders; Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketsmen and Signalmen; Consolene, applying and removing; Dumpmen (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborers, building and structure, Crusher and Batch plant Laborers; Heater Tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Housemen

Group 2: Burning Bar; Cement Handlers; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman - air, water, Gunite and Placo Machine; Pipelayer (all types); Laser equipment Operator; Pipewrapper; Posthole Digger (power Auger); Powderman Tender; Ripraper; Spike Driver, single or dual or hand; Switchmen;

Group 3: Asphalt Paker; Choker Setter; Concrete Vibrator (3" and over); Drills, Air Tract (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scaler; High Pressure Machine Nozzleman; Jackhammer; Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper; Vibrating Roller, hand steered and other power tools; Power driven Wheelbarrow; Power Saw (bucking); Power Saw (falling); Rigger; Sandblaster; Tar Pot Operator

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

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LABORERS: (Cont'd)
Flathead, Glacier National Park, Lincoln and that area of Lake and Sanders Counties lying 5 miles north of the 5th Parallel:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation		
Group 1	\$ 9.90	.70	.60	.20	.05	
Group 2	10.05	.70	.60	.20	.05	
Group 3	10.20	.70	.60	.20	.05	

Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Cos.:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation		
Group 1	9.45	.70	.60	.20	.05	
Group 2	9.67	.70	.60	.20	.05	
Group 3	9.70	.70	.60	.20	.05	

Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation		
Group 1	9.60	.70	.60	.20	.05	
Group 2	9.82	.70	.60	.20	.05	
Group 3	9.85	.70	.60	.20	.05	

Granite, Lake (southern area), Mineral, Missoula, Ravalli and Sanders (southern area) Counties:

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
		H & W	Pensions	Vacation		
Group 1	9.32	.62	.53		.05	
Group 2	9.57	.62	.53		.05	
Group 3	9.72	.62	.53		.05	

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LABORERS (Cont'd)

Flathead, Glacier National Park, Lincoln, and that portion of Lake and Sanders Counties lying 5 miles north of the 5th Parallel

Group 1: General Laborers; Form Strippers; Car and Truck Loaders

Group 2: Concrete Handlers, conveying and handling concrete; Nozzlemen (air or water); Sand Blast Tail Hose Man; Power driven wheelbarrow; Rodder and Spreader; Form Setters (paving); Bucketman; Small air tool operators, including Blow Pipe and small power tool operators; Chuck Tenders; Asphalt Pavers; Dumpmen; Rip Rapping; Pipe Wrapper; Pot Tender; Concrete Pump Operator; Jackhammer; Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipe Layers (non-metallic); Metal Culvert Pipe Layer; Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Mixer Operator; Shoring and Lugging open ditches; Powderman; Drills, Air-trac, Wagon Drill, cat or truck mounted air operated drills, Sand Blaster (wet or dry); Gunite Nozzlemen; Barco Tamper

Carter, Custer, Dawson, Fallon, Powder River, Prairie and Wibaux Counties

Group 1: Axeman; Car and Truck Loaders (weighing loaded trucks); CosmoLine, applying and removing; Concrete Laborer; Chucktenders and Nippers; Crusher Laborer; Equipment Handlers (truck, bobcats); Watchman; Form Stripper; General Laborer; Hand Faller; Landscape Laborer; Riprap Tender; Rodman; Scissorman; Stake Jumper; Tool Checker; Toolhouse Man

Group 2: Applicator, hand or nozzle (applying hot protective material or oil or asphalt base); Asphalt Paver; Barco Tamper; Caulker, Collarman, Joiner, Mortarman, Cement Handler (sack or bulk); Choker Setter; Concrete and Asphalt Saws; Concrete Bucketman; Creosote Material Handler; Curb Machine; Dumpman, Gradenman; Dumpman, Spotter; Form Setters; Gunite, Pumpcrete and Placo Machine Operator; Machine Operator; Jackhammer Operator; Mechanical Tamper; Laser Beam Operator; Pipelayers (all types); Plastic Pipe Layer; Pavement Breaker Operator; Pneumatic and electric tool operator; Pipe Wrapper; Powderman Tender, Primerhouseman; Power driven wheelbarrow; Power Saw (backing and falling); Rip Wrapper (hand placed); Rodder and Spreader; Signal Man; Shoring and Lugging (open ditch); Tar Pot Operator

Group 3: Tenders, Trowl Trades (scaffolding, staging, forklifts for Masons and Plasterers)

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LABORERS (Cont'd)

Big Horn, Carbon, Golden Valley, Musselshell, Rosebud, Stillwater, Treasure and Yellowstone Counties

Group 1: Axeman; Car and Truck Loaders (weighing loaded trucks); CosmoLine, applying and removing; Concrete Laborer; Chucktenders and Nippers; Crusher Laborer; Equipment Handler (truck, bobcat); Watchman; Form Stripper; General Laborer; Hand Faller; Landscape Laborer; Riprap Tender; Rodman; Scissorman; Stake Jumper; Tool Checker; Toolhouseman

Group 2: Applicator, hand or nozzle (applying hot protective material or oil or asphalt base); Asphalt Paver; Barco Tamper; Caulker, Collarman, Joiner, Mortarman; Cement Handler (sack or bulk); Choker Setter; Concrete and Asphalt Saws; Concrete Bucketman; Creosote material handler; Curb Machine; Dumpman, Gradenman, Dumpman, Spotter; Form Setters; Gunite, Pumpcrete and Placo Machine Operator; Machine Operator; Jackhammer Operator; Mechanical Tamper; Laser Beam Operator; Pipelayers (all types); Plastic Pipe Layer; Pavement Breaker Operator; Pneumatic and electric tool operator; Pipe Wrapper; Powderman Tender, Primerhouseman; Power driven wheelbarrow; Power Saw (backing and falling); Rip Wrapper (hand placed); Rodder and Spreader; Signal Man; Shoring and Lugging (open ditch); Tar Pot Operator

Group 3: Tenders, Trowl Trades (scaffolding, staging, forklifts, for Masons and Plasterers)

Granite, Lake (southern area), Mineral, Missoula, Ravalli and Sanders (southern area) Counties

Group 1: General Building and Construction Labor, Watchman, Form Strippers, Car and Truck Loaders, Carpenters Tenders

Group 2: Nozzlemen (air or water); Sand Blast; Tailhouseman, Powderman Tender, Power driven wheelbarrow; Rodder and Spreader; Form Setters (paving); Bucketman; Signalman; Rigger; Small Air Tool Operators, including Blow Pipes, Small power tool operators, Chuck Tenders, Asphalt Pavers, Dumpman, Rip Rapping, Pipe Wrapper, Pot Tenders; Concrete Pump Operator; Dumpman, Gradenman; Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipelayers (non-metallic); Metal Culvert; Pipelayers, Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Mixer Operator; Shoring and Lugging Open Ditches; Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, Cat or Truck mounted air operated drills; Laser Equipment and Tool; Sand Blaster (wet or dry); Gunite; Barco Tamper

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LABORERS (Cont'd)

Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton and Toole Counties

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders; Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosmolene, applying and removing; Dumpman (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer, building and structure; Crusher and Batch Plant Laborer; Heater Tender (not covered by joint board decision, such as radiant type or butane fire, without blowers or fans, General Laborers Scale); Landscape Laborer; Nipper Tender; Stake Jumper for equipment; Sandblaster Tail Hoseman, Pot Tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzlemans (air, water), Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipewrapper; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Baker; Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzlemans; High Scaler; High Pressure Machine Nozzlemans; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Taper, Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Cartiers; Powderman

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

Basic Hourly Rates	Fringe Benefits Payments				Education and/or App. Tr.
	H & W	Pensions	Vacation		
\$10.50	.75	.65	.30		.05
10.66	.75	.65	.30		.05
10.75	.75	.65	.30		.05
11.00	.75	.65	.30		.05
11.10	.75	.65	.30		.05
10.50	.75	.65	.30		.05
10.75	.75	.65	.30		.05
10.85	.75	.65	.30		.05
10.90	.75	.65	.30		.05
11.00	.75	.65	.30		.05
11.22	.75	.65	.30		.05
10.50	.75	.65	.30		.05
10.75	.75	.65	.30		.05
10.85	.75	.65	.30		.05
10.90	.75	.65	.30		.05
11.00	.75	.65	.30		.05
11.25	.75	.65	.30		.05

LABORERS: (Cont'd)

Cascade, Chouteau, Fergus, Glacier, Judith-Basin, Pondera, Teton and Toole Counties:

Group 1
Group 2
Group 3
Group 4
Group 5

Blaine, Hill and Liberty Counties:

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6

Daniels, Garfield, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties:

Group 1
Group 2
Group 3
Group 4
Group 5
Group 6

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LABORERS (Cont'd)

Blaine, Daniels, Garfield, Hill, Liberty, McCone, Petroleum, Phillips, Richland, Roosevelt, Sheridan and Valley Counties

Group 1: General and Building Laborers and Form Stripper and Carpenter Tender; Car and Truck Loaders; Concrete Laborers (wet or dry breaking of concrete requiring sledge hammer); Dumpmen (Spotter); Small power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and installers includes installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or power driven Wheelbarrows; Pipe Layers (non-metallic); Sandblaster, Concrete Nozzleman, Placo Operator, Jackhammer, Pavement Breaker, Vibrator (2" and over) Barco Taper, Vibrator Turtle; Small Concrete Mixers, Concrete Saw; Nozzleman (air and water); Sandblaster, Tailrope, Pot Tender, Tar Pot Tender; Gunite Nozzleman; Caisson Workers (free air); Tunnels and Shafts (free air); Boil Gang, Pot Tender; Chuck Tender, Muckers and Nippers, Primerhouseman

Group 4: Brick Tenders handling bricks and blocks only

Group 5: Hod Carriers and Plaster Tenders (men carrying motor either by box, pail or barrow); High Scaler; Wagon Driller, cat or truck mounted air operated Drills; Asphalt Rakers and Tampers, Gunite, Form setter (Slab steel forms); Stake Setter, Stake Jumper, Rodder and Spreader, Graden; Concrete Nozzleman; Miners

Group 6: Powdermen; Laser Tools and Equipment; Small Concrete Mixers; Concrete Saw

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS:				
Broadwater, Flathead, Lake, Lewis & Clark, Lincoln, Mineral, Missoula, Northern half of Powell, Ravalli and Sanders Counties:				
A-Frame Truck Crane, Winch Truck and similar	.97	.85	.50	.10
Air Compressor, single	.97	.85	.50	.10
Air compressor, two or more	.97	.85	.50	.10
Air Doctor	.97	.85	.50	.10
Asphalt Paving Machine Operator	.97	.85	.50	.10
Asphalt Paving Machine Screed Operator	.97	.85	.50	.10
Automatic Finegrader, Gullies and other similar types	.97	.85	.50	.10
Belt Finish Machine Operator	.97	.85	.50	.10
Bit Grinder	.97	.85	.50	.10
Bituminous Mixer Paving, Travel Plant	.97	.85	.50	.10
Boring Machine (small), Jeep, Pickup or Farm Tractor mounted	.97	.85	.50	.10
Boring Machine (large)	.97	.85	.50	.10
Broom, self-propelled	.97	.85	.50	.10
Cableway Highline Operator	.97	.85	.50	.10
Cement Silo Operator	.97	.85	.50	.10
Central Mixing Plants, Concrete dam and stationary Chain Bucket Loader	.97	.85	.50	.10
Chip or Gravel Spreader, self-propelled	.97	.85	.50	.10
Concrete Batch Plant, one and two Mixers	.97	.85	.50	.10
Concrete Batch Plant, three and four Mixers	.97	.85	.50	.10
Concrete Batch Plant, five Mixers and over	.97	.85	.50	.10
Concrete Batch Plant Oiler, up to and including two Mixers	.97	.85	.50	.10

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS: (Cont'd)				
DW 10, 15, or 20 tractor pulling roller	.97	.85	.50	.10
Electric Overhead Cranes	.97	.85	.50	.10
Elevating Grader	.97	.85	.50	.10
Farm type tractor up to and including 50 HP engine	.97	.85	.50	.10
Farm type tractor, over 50 HP engine	.97	.85	.50	.10
Field Equipment Servicemen	.97	.85	.50	.10
Fireman	.97	.85	.50	.10
Forklift, on construction job site	.97	.85	.50	.10
Form Grader Operator	.97	.85	.50	.10
Gradall Operator	.97	.85	.50	.10
Grade Setter	.97	.85	.50	.10
Heavy Duty Drills, all types	.97	.85	.50	.10
Herman-Nelson Beaters and similar type	.97	.85	.50	.10
Hoist Operator, single drum	.97	.85	.50	.10
Hoist, two or more drums	.97	.85	.50	.10
Helicopter Hoist Operator	.97	.85	.50	.10
Hot Plant Operator	.97	.85	.50	.10
Hot Plant Fireman, when in operation	.97	.85	.50	.10
Hot Plant Oiler, 100 ton per hour or over	.97	.85	.50	.10
Hydra Lift and similar types	.97	.85	.50	.10
Industrial Locomotive all classes	.97	.85	.50	.10
Mechanic and/or Welder on job	.97	.85	.50	.10
Mechanic Shop (Dec. April 1)	.97	.85	.50	.10
Mixermobile	.97	.85	.50	.10
Motor Patrol Operator	.97	.85	.50	.10
Mountain Logger or similar type	.97	.85	.50	.10
Mucking Machine Operator	.97	.85	.50	.10

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS: (Cont'd)				
Concrete Batch Plant Oiler, three Mixers and over	.97	.85	.50	.10
Concrete Bucket Dispatcher	.97	.85	.50	.10
Concrete Curing Machine	.97	.85	.50	.10
Concrete Finish Machine	.97	.85	.50	.10
Paving	.97	.85	.50	.10
Concrete Float-Spreader	.97	.85	.50	.10
Concrete Mixer, three bags and under	.97	.85	.50	.10
Concrete Mixer, four bags and over	.97	.85	.50	.10
Concrete Power Saw, self-propelled	.97	.85	.50	.10
Concrete Travel Batcher	.97	.85	.50	.10
Concrete Conveyor under 40 feet	.97	.85	.50	.10
Concrete Conveyor over 40 feet	.97	.85	.50	.10
Concrete Pump	.97	.85	.50	.10
Conveyor Loader Operator, up to and including 42' belt	.97	.85	.50	.10
Conveyor Loader Operator over 42' belt	.97	.85	.50	.10
Crane, to and including 80' boom	.97	.85	.50	.10
Crane, 81' to 130' boom	.97	.85	.50	.10
Crane, 131' to 150' boom	.97	.85	.50	.10
Crane, 151' boom and over	.97	.85	.50	.10
Crane Oiler	.97	.85	.50	.10
Crane with jibs an additional \$.15 per hour	.97	.85	.50	.10
Crusher Operator	.97	.85	.50	.10
Crusher Oiler	.97	.85	.50	.10
Crusher Conveyor, when required	.97	.85	.50	.10
Distributor Operator	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Shovel Oiler, 3 cu. yds. and under	\$12.45	.97	.85	.50	.10
Shovel Oiler, over 3 cu. yds.	12.86	.97	.85	.50	.10
Slip Form Paver Operator	13.09	.97	.85	.50	.10
Stiff Leg Derrick and Guy Derrick	13.41	.97	.85	.50	.10
Track-type Front End Loaders, up to and in- cluding 5 cu. yds.	12.96	.97	.85	.50	.10
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	13.19	.97	.85	.50	.10
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	13.29	.97	.85	.50	.10
Track-type Front End Loaders, over 15 cu. yds. attachments	13.39	.97	.85	.50	.10
Track-type Tractor, on Euclid Loader	12.96	.97	.85	.50	.10
Trenching Machine	13.14	.97	.85	.50	.10
Turnhead Conveyor, or Head Tower on Batch Plant	12.96	.97	.85	.50	.10
Wagner Roller and similar type	12.96	.97	.85	.50	.10
Whirley Crane Operator	12.96	.97	.85	.50	.10
Whirley Crane Oiler	13.49	.97	.85	.50	.10
Water Pull when used for compaction	12.86	.97	.85	.50	.10
Washing and Screening Plant Operator	12.96	.97	.85	.50	.10
Washing and Screening Plant Oiler	12.96	.97	.85	.50	.10
Yo-Yo Cat, both ends	12.45	.97	.85	.50	.10
	13.16	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS: (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
A-Frame Truck Crane Operator	\$12.71	.97	.85	.50	.10
Air Compressor Operator,	12.45	.97	.85	.50	.10
Asphalt Paving Machine Operator	12.96	.97	.85	.50	.10
Air Doctor	12.96	.97	.85	.50	.10
Belt Finishing Operator	12.63	.97	.85	.50	.10
Bit Grinder	12.96	.97	.85	.50	.10
Bituminous Mixer Operator	12.96	.97	.85	.50	.10
Bulldozer Operator	12.96	.97	.85	.50	.10
Boring Machine Operator, small	12.52	.97	.85	.50	.10
Boring Machine Operator, large	12.96	.97	.85	.50	.10
Cableway Operator	13.48	.97	.85	.50	.10
Cement Silo Operator	12.73	.97	.85	.50	.10
Concrete Batch Plant Operator	12.85	.97	.85	.50	.10
Concrete Finish Machine, paving	12.96	.97	.85	.50	.10
Concrete Float Operator and Spreader	12.96	.97	.85	.50	.10
Conveyor Operator	12.66	.97	.85	.50	.10
Chip and Gravel Spreader	12.66	.97	.85	.50	.10
Crane Operator, to and including 80' boom	13.12	.97	.85	.50	.10
Crane Operator, 81' to 130' boom	13.27	.97	.85	.50	.10
Crane Operator, 131' to 150' boom	13.32	.97	.85	.50	.10

BIG Horn, Carbon, Carter,
Custer, Fallon, Garfield,
Golden Valley, Musselshell,
Petroleum, Powder River,
Prairie, Rosebud,
Stillwater, Sweet Grass,
Treasure, and Yellowstone
Counties:

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POWER EQUIPMENT OPERATORS:
(Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
Crane Operator, 151' to 170' boom (an additional \$0.05 per hour is added for each 20' of boom) All Cranes with jibs, an additional \$0.25 per hour is added to above Crane rates.	\$13.37	.97	.85	.50
Crane Oiler-Driver, rubber tired	12.51	.97	.85	.50
Electric Overhead Crane Operator	13.15	.97	.85	.50
Crusher and/or Screening Plant Operator, portable	12.96	.97	.85	.50
Crusher and/or Screening Plant Tender, if over 2 units	12.45	.97	.85	.50
Crusher and/or Screening Plant Operator, Stationary	12.85	.97	.85	.50
Distributor Operator	12.96	.97	.85	.50
Drilling Machine Operator, does not include Jack-hammer, Wagon Driller, Waterliner	12.86	.97	.85	.50
Excavator and similar type	13.15	.97	.85	.50
Tractor, rubber-tired, Industrial	12.40	.97	.85	.50
Elevating Grader	12.96	.97	.85	.50
Field Equipment Serviceman	12.86	.97	.85	.50
Fireman	12.52	.97	.85	.50
Fork Lift on construction site	12.75	.97	.85	.50
Front End Loader, rubber-tired, under 1 yard	12.65	.97	.85	.50
Front End Loader, 1 yard and including 3 yards	12.96	.97	.85	.50

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POWER EQUIPMENT OPERATORS:
(Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
Front End Loader, rubber-tired, over 3 yards and including 5 yards	\$13.09	.97	.85	.50
Front End Loader, rubber-tired, over 5 yards and including 10 yards	13.19	.97	.85	.50
Front End Loader, rubber-tired, over 10 yards and including 15 yards	13.29	.97	.85	.50
Front End Loader, rubber-tired, over 15 yards (factory struck rating, not to include sideboards)	13.39	.97	.85	.50
Grade Setter	12.42	.97	.85	.50
Heavy Duty Drills-Rotary-Quarry Master	12.96	.97	.85	.50
Heavy Duty Rotary Drill Tender	12.41	.97	.85	.50
Helicopter Hoist Operator	13.46	.97	.85	.50
Herman Nelson Heaters and similar type	12.42	.97	.85	.50
Hoist Operator, single drum	12.71	.97	.85	.50
Hoist Operator, two or more drums	12.96	.97	.85	.50
Hot Plant Operator	12.96	.97	.85	.50
Hot Plant Fireman	12.86	.97	.85	.50
Industrial Locomotive	12.96	.97	.85	.50
Lefournau Operator, single and similar type	13.09	.97	.85	.50
Lefournau Operator, Tandem and similar type	13.26	.97	.85	.50
Loaders, Barber Green and similar types	12.60	.97	.85	.50
Mechanic and/or Welder on job	13.06	.97	.85	.50
Mechanic and/or Welder Tender	12.41	.97	.85	.50
Mixer Operator, Concrete, 3 bags or under	12.52	.97	.85	.50
Mixer Operator, Concrete, 4 bags or over	12.77	.97	.85	.50

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POWER EQUIPMENT OPERATORS:
(Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Mixer/mobile	.97	.85	.50	.10
Motor Patrol Operator	.97	.85	.50	.10
Mucking Machine Operator	.97	.85	.50	.10
Oilier	.97	.85	.50	.10
Pavement Breaker, Enesco and similar type	.97	.85	.50	.10
Paver Mixer Operator	.97	.85	.50	.10
Power Saw Operator, self-propelled, multiple cut	.97	.85	.50	.10
Pumpcrete or Grout Machine Operator	.97	.85	.50	.10
Pumpjack	.97	.85	.50	.10
Quad Cat	.97	.85	.50	.10
Retort Operator	.97	.85	.50	.10
Roller Operator, grade or finish	.97	.85	.50	.10
Roller Operator, finish high type pavement	.97	.85	.50	.10
Ross and similar type	.97	.85	.50	.10
Carriers, on construction site	.97	.85	.50	.10
Roller, 25 ton or over	.97	.85	.50	.10
Screened Operator	.97	.85	.50	.10
Shovels, including all attachments under 1 yard	.97	.85	.50	.10
Shovels, including all attachments 1 yard to and including 4 yards	.97	.85	.50	.10
Shovels, over 4 yards	.97	.85	.50	.10
Shovel Oiler for shovel over 4 yards (\$5.05 per hour under Shovel Operator)	.97	.85	.50	.10
Stiff Leg and Guy Derrick Operator	.97	.85	.50	.10
Todrapull, DW 20, 21, and similar type	.97	.85	.50	.10
Scraper, twin engine	.97	.85	.50	.10
Scraper, Tandem, 3 engine	.97	.85	.50	.10

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POWER EQUIPMENT OPERATORS:
(Cont'd)

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
Track type Tractor, with or without attachments including Track-type Loader, Front end up to and including 5 yards	.97	.85	.50	.10
Track type Front End Loaders, over 5 yards to and including 10 yards	.97	.85	.50	.10
Track type Front End Loaders, over 10 yards to and including 15 yards	.97	.85	.50	.10
Track type Front End Loaders, over 15 yards	.97	.85	.50	.10
Tractor, and Abbey type	.97	.85	.50	.10
Trench Machine Operator	.97	.85	.50	.10
Wagner Roller and similar type	.97	.85	.50	.10
Winch Truck Operator with Hydraulic Boom	.97	.85	.50	.10
Tower Crane	.97	.85	.50	.10
Automatic Pilegrader, Gullies and similar type	.97	.85	.50	.10
Concrete Conveyor, under 40'	.97	.85	.50	.10
Concrete Conveyor, over 40'	.97	.85	.50	.10
Concrete Pump	.97	.85	.50	.10
Raygo Giant	.97	.85	.50	.10
Quad Loader and similar type	.97	.85	.50	.10
Leadman: \$0.25 per hour above highest paid Operator	.97	.85	.50	.10

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS: Statewide, except Gallatin, Park, Sweet Grass, Broadwater (south of U.S. Highway #12) Counties:				
COMBINATION TRUCK; Concrete Mixer and Transit Mixer: To & including 4 cu. yds. Over 4 cu. yds. to and including 6 cu. yds. Over 6 cu. yds. to and including 8 cu. yds. Over 8 cu. yds. to and including 10 cu. yds.	\$11.10 11.18 11.26 11.34	.84 .84 .84 .84		
Over 10 cu. yds.-additional \$.08 per hour each additional 2 cu. yds. increment				
DISTRIBUTOR DRIVER	11.08	.84		
DRY BATCH TRUCKS: 3 Batch or under Over 3 Batch to and including 5 Batch Over 5 Batch to and including 10 Batch Over 10 Batch to and including 15 Batch	10.85 11.98 11.14 11.30	.84 .84 .84 .84		
Over 15 Batch-additional \$.15 per hour each additional 5 Batch increment				
PICKUP DRIVER, HAULING MATERIALS	10.95	.84		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.85	.84		

DECISION NO. MT81-5139

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS: (Cont'd)				
DUMP TRUCKS AND SIMILAR EQUIPMENT, DW 20, DW 21, or EUCALID TRACTORS, Pulling P.R. 21 or similar Dump Wagons: Water Level Capacity, including Sideboards: 7 cu. yds. or less Over 7 cu. yds. to and including 10 cu. yds. Over 10 cu. yds. to and including 15 cu. yds. Over 15 cu. yds. to and including 20 cu. yds. Over 20 cu. yds. to and including 25 cu. yds. Over 25 cu. yds. to and including 30 cu. yds. Over 30 cu. yds. to and including 35 cu. yds. Over 35 cu. yds. to and including 40 cu. yds. Over 40 cu. yds. to and including 45 cu. yds.	\$10.85 10.98 11.14 11.28 11.34 11.40 11.46 11.52 11.58	.82 .82 .82 .82 .82 .82 .82 .82 .82		
Over 45 cu. yds.-additional \$.10 per hour each additional 5 cu. yds. increment				
DUMPSTERS	10.98	.84		
POWER TRUCK DRIVER (bulk unloader type)	11.03	.84		
FLAT TRUCKS: To and including 3 tons Over 3 tons factory rating	11.00 11.20	.82 .84		

DECISION NO. MT81-5139

	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
TRUCK DRIVERS: (Cont'd)					
FUEL TRUCK DRIVERS; FIREMEN	.82	.84			\$11.44
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	.82	.84			11.44
TRUCK and FORK LIFTS	.82	.84			11.20
POWER BROOM	.82	.84			10.94
WATER TANK DRIVERS, PETRO-LEUM PRODUCTS DRIVERS:					
Over 2,500 gallons and under	.82	.84			10.85
including 4,500 gallons	.82	.84			11.14
Over 4,500 gallons to and including 6,000 gallons	.82	.84			11.34
Over 6,000 gallons to and including 8,000 gallons	.82	.84			11.40
Over 8,000 gallons to and including 10,000 gallons	.82	.84			11.48
Over 10,000 gallons - additional \$.10 per hour each additional 2,000 gallons increment					
TRUCK MECHANIC	.82	.84			11.84

DECISION NO. MT81-5139

	Fringe Benefits Payments				Basic Hourly Rates
	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
TRUCK DRIVERS:* (cont'd)					
DUMP TRUCKS:					
Over 7 yards to and including 10 yards	\$1.23	.61			10.43
Over 10 yards to and including 15 yards	1.23	.61			10.68
Over 15 yards to and including 20 yards	1.23	.61			10.84
PICKUP DRIVER, hauling materials	1.23	.61			10.98
FLAT TRUCKS:					
Less than 2 ton factory rating	1.23	.61			10.43
2 - 5 tons	1.23	.61			10.58
5 - 8 tons	1.23	.61			10.68
SDM1 and 4-WHEEL TRAILERS	1.23	.61			10.68
SERVICE TRUCKS and A-FRAME TRAILERS	1.23	.61			10.43
HOUSE MOVERS	1.23	.61			10.52

*See Jurisdictional Areas - following Page

DECISION NO. MT81-5139

JURISDICTIONAL AREAS

All of Gallatin, Park, and Sweet Grass Counties; that portion of Madison County east of Montana Highway #287; that portion of Broadwater County south of U. S. Highway #12; in full detail starting with Montana #287 at the Idaho Line, then north following highway to where it meets U.S. Highway #10; then north to connect with the Broadwater County Line and continues until it meets a straight line drawn between Boulder, Montana and Townsend, Montana. Follow this line to Townsend and then follow U. S. Highway #12 east until you meet the Wheatland County Line, follow the Wheatland County Line and then follow the State County Line south to the State Line, follow the State Line west to where it meets Montana Highway #287.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LINE CONSTRUCTION: Flathead, Lake, and Lincoln Counties:				
Lineman	\$13.92	.45	34+.50	1/28
Cable Splicer	15.49	.45	34+.50	1/28
Pole Sprayer	12.37	.45	34+.50	1/28
Line Equipment Operators	11.87	.45	34+.50	1/28
Powderman, Jackhammerman, Compressorman	10.29	.45	34+.50	1/28
Groundman "A"	9.65	.45	34+.50	1/28
Tree Trimmer	12.83	.45	34+.50	1/28
Statewide, except Flathead, Lake, Lincoln Counties:				
Lineman, Pole Sprayer	12.90	.45	34+.50	1/28
Cable Splicer	13.80	.45	34+.50	1/28
Line Equipment Operator; Powderman	11.40	.45	34+.50	1/28
Groundman	9.23	.45	34+.50	1/28
Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5(a)(1)(ii)).				

DECISION NO. MT81-5140

SUPERSIDES DECISION

Page 2

STATE: Montana
 COUNTIES: Cascade, Deer Lodge, Gallatin, Glacier, Hill, Missoula, Silver Bow and Valley
 DECISION NUMBER: MT81-5140
 Supersides Decision No. MT81-5116 dated May 8, 1981, in 46 FR 25953

DESCRIPTION OF WORK: Residential Projects (consisting of single family homes and apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appt. Tr.
		H & W	Pensions	Vacation		
ASBESTOS WORKERS	\$17.84	.78	\$1.45			.02
BOILERMAKERS	14.97	1.375	1.15			.05
BRICKLAYERS; MABLE MASONRY:						
Area 1	13.80	.85	.90			
Area 2	14.15	.55	.55			
Area 3	14.45	.90	.55			
Area 4	14.60	1.15	.55			
Area 5	13.60	.90	.75			
Area 6	14.20		.55			
CARPENTERS:						
Area 1:						
Carpenters	11.55	.90	1.25	.50		.06
Piledriversmen; Saw Filers:						
Sawmen	11.80	.90	1.25	.50		.06
Millwrights	12.55	.90	1.25	.50		.06
Area 2:						
Carpenters	11.77	.90	1.25	.75		.06
Piledriversmen;						
Millwrights	12.02	.90	1.25	.75		.06
Area 3:						
Carpenters	11.43	.90	1.25	.50		.06
Piledriversmen	11.73	.90	1.25	.50		.06
Millwrights	12.62	.90	1.25	.50		.06
Area 4:						
Carpenters	11.43	.90	1.25	.50		.06
Piledriversmen	11.68	.90	1.25	.50		.06
Millwrights	12.43	.90	1.25	.50		.06
Area 5:						
Carpenters	11.43	.90	1.25	.50		.06
Millwrights	11.43	.90	1.25	.50		.06
Piledriversmen	11.68	.90	1.25	.50		.06
Area 6:						
Carpenters	12.98	.90	1.25			.04
Millwrights	13.48	.90	1.25			.04
Piledriversmen	13.48	.90	1.25			.04
Area 7:						
Carpenters	11.43	.90	1.25	.50		.06
Piledriversmen	11.68	.90	1.25	.50		.06
Millwrights	12.43	.90	1.25	.50		.06

*See AREA Descriptions -
 Page 3

CEMENT MASONS:

Area 1

Area 2

Area 3

ELECTRICIANS:

Area 1:

Electricians

Cable Splicers

Area 2:

Area 3:

Contracts under \$75,000:

Electricians

Cable Splicers

Contracts over \$75,000:

Electricians

Cable Splicers

Area 4:

Electricians

Cable Splicers

Area 5:

Electricians

Cable Splicers

ELEVATOR CONSTRUCTORS:

Elevator Constructors

Helpers

Probationary Helpers

IRONWORKERS:

Structural; Ornamental

and Reinforcing:

Area 1

Area 2

Area 3:

PAINTERS:

Area 1:

Brush

Paperhanger

Brush on Steel

Spraying; Sandblasting

*See AREA Descriptions -
 Page 3

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appt. Tr.
	H & W	Pensions	Vacation		
\$10.60	1.00	.50	1.00		
12.00	.75	.35			
10.50					
15.90	.70	38+.75			1/28
16.70	.70	38+.75			1/28
14.35	.70	38+.50			1/28
14.45	.70	38+.75			1/28
15.17	.70	38+.75			1/28
15.90	.70	38+.75			1/28
16.70	.70	38+.75			1/28
15.65	.70	38+.50			1/28
16.43	.70	38+.50			1/28
13.70	.70	38+.50			18
15.79	.70	38+.50			1/28
12.38	1.045	.82	a		.035
9.54	1.045	.82	a		.035
6.82					
17.11	.93	1.90			.10
14.15	1.05	1.60			.15
14.41	1.05	1.60			.15
12.42	.69	.40			18
12.92	.69	.40			18
12.92	.69	.40			18
14.67	.69	.40			18

AREA DESCRIPTIONS

BRICKLAYERS: MARBLE MASONS:

- Area 1: Cascade and Glacier Counties
- Area 2: Deer Lodge County
- Area 3: Missoula County
- Area 4: Gallatin County
- Area 5: Hill and Valley Counties
- Area 6: Silver Bow County

CARPENTERS:

- Area 1: Cascade and Glacier Counties
- Area 2: Deer Lodge County
- Area 3: Missoula County
- Area 4: Gallatin County
- Area 5: Hill County
- Area 6: Silver Bow County
- Area 7: Valley County

CEMENT MASONS:

- Area 1: Cascade, Hill, and Valley Counties
- Area 2: Deer Lodge and Silver Bow Counties
- Area 3: Missoula County

ELECTRICIANS:

- Area 1: Cascade County
- Area 2: Deer Lodge and Silver Bow Counties
- Area 3: Glacier, Hill, and Valley Counties
- Area 4: Missoula County
- Area 5: Gallatin County

IRONWORKERS:

- Area 1: Glacier and Missoula counties
- Area 2: Deer Lodge, Gallatin, and Silver Bow Counties
- Area 3: Cascade, Hill, and Valley Counties

PAINTERS:

- Area 1: Cascade, Glacier, and Valley Counties

	Basic Monthly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
PAINTERS: * (cont'd)					
Area 2:	\$12.08	.59	.50		.03
Brush or Roller, Prep Work; Pot Tender; Paper or Vinyl Hanger					
Wet Sandblasting, Brush or Roller application of cold tar epoxies, and acid resistant materials	14.08	.59	.50		.03
Spray application of cold tar epoxies, and acid resistant materials	17.08	.59	.50		.03
Perforating	12.58	.59	.50		.03
Airtight Spraying	13.08	.59	.50		.03
Structural Steel:					
Brush or Roller	14.08	.59	.50		.03
Structural Steel:					
Spraying	15.08	.59	.50		.03
Area 3	9.73	.69	.50		.04
Area 4	10.90				
Area 5	8.65				
PLASTERERS: *					
Area 1	12.00	1.00	.50	1.00	
Area 2	10.50	.75	.35		
PLUMBERS: *					
Area 1	16.20	.90	1.10		.17
Area 2	15.78	.75	.70		.15
Area 3	15.35	.70	.85		.10
ROOFERS: *					
Area 1	11.52	.85	.50		.10
Area 2	10.75	.85	.25		
Area 3	12.25	.75	.60		
Area 4	12.00	.55			
SHEET METAL WORKERS: *					
Area 1	14.04	.73	.75		.24
Area 2	14.09	.73	.73		.24
Area 3	14.71	.73	.50		.24
Area 4	14.25	1.205	.805		.24
SOFT FLOOR LAYERS: *					
Area 1	12.30				
SPRINKLER FITTERS	14.81	.95	1.40		.08

*See AREA Descriptions -
Page 5

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
TERRAZZO AND TILE SETTERS:					
Area 1	\$14.45	.90	.55		
Area 2	11.70	.85	.90		
Area 3	12.75	.75	.75		

TERRAZZO AND TILE SETTERS:

Area 1

Area 2

Area 3

*See AREA Descriptions - below

WELDERS: Receive rate for Craft

FOOTNOTE:

a. Employer contributes 8% of basic hourly rate for 5 years' service and 6% of basic hourly rate for 6 months' to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day;

D-Labor Day; E-Thanksgiving Day; F-Christmas Day

AREA DESCRIPTIONS

PAINTERS: (Cont'd)

Area 2: Gallatin and Silver Bow Counties

Area 3: Missoula County

Area 4: Hill County

Area 5: Deer Lodge County

PLASTERERS:

Area 1: Deer Lodge and Silver Bow Counties

Area 2: Missoula County

PLUMBERS:

Area 1: Cascade, Glacier, Hill, and Valley Counties

Area 2: Missoula County

Area 3: Remaining Counties

ROOFERS:

Area 1: Missoula County

Area 2: Cascade, Glacier, Hill, and Valley Counties

Area 3: Deer Lodge and Silver Bow Counties

Area 4: Gallatin County

SOFT FLOOR LAYERS:

Area 1: Cascade, Glacier, and Valley Counties

SHEET METAL WORKERS:

Area 1: Cascade, Glacier, and Hill Counties

Area 2: Deer Lodge and Silver Bow Counties

Area 3: Missoula County

Area 4: Gallatin and Valley Counties

TERRAZZO AND TILE SETTERS:

Area 1: Missoula County

Area 2: Cascade and Glacier Counties

Area 3: Hill and Valley Counties

LABORERS:

Hill and Valley Counties:

Group 1

Group 2

Group 3

Group 4

Group 5

Group 6

Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
\$10.50	.75	.65	.30	.05
10.75	.75	.65	.30	.05
10.85	.75	.65	.30	.05
10.90	.75	.65	.30	.05
11.00	.75	.65	.30	.05
11.22	.75	.65	.30	.05

Group 1: General and Building Laborers; Form Stripper and Carpenter Tender; Cat and Truck Loaders; Concrete Laborers (wet or dry breaking or concrete requiring sledge hammer); Dumpmen (Spotter); Small power tools, Chippers, Clay Spaders, Pogo Stick, etc.; Fence Erectors and Installers, installation and erection of fences, guard rails, median rails, reference posts, guide post and right-of-way markers

Group 2: Dumpmen (Grade)

Group 3: Power Driven Concrete Buggies or Power Driven Wheel-Bartows; Pipe Layers (non-metallic); Sandblaster; Concrete Nozzleman; Placo Operator; Jackhammerman, Pavement Breaker; Vibrator (24 inches and over); Nozzleman (air and water); Sandblaster; Tailhoesman; Pot Tender; Tar Pot Tender; Gunite Nozzleman; Cellison Workers (free air); Tunnels and Shafts (free air); Bull Gang; Pot Tender; Nuckers and Nippers; Primerhouseman

Group 4: Brick Tenders (handling brick and block only)

Group 5: Hod Carriers and Plaster Tenders (men carrying mortar either by hod pail or barrow); High Scaler; Wagon Driller, cat or truck mounted air operated Drills; Asphalt Bakers and Tampers, Gunite, Form Setter (Slab Steel Forms); Stake Setter; Stake Junger, Rodder and Spreader; Gradenan; Concrete Nozzleman; Miners

Group 6: Powdermen; Lazer Tools and Equipment; Small Concrete Mixers and Concrete Saws

LABORERS: (Cont'd)
Missoula County:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1	\$ 9.32	.62	.53		.05
Group 2	9.57	.62	.53		.05
Group 3	9.72	.62	.53		.05

Group 1: General Building and Construction Labor; Watchman; Form Strippers; Car and Truck Loaders; Carpenters Tenders; Concrete Handler, conveying and handling concrete, other than concrete classifications listed below

Group 2: Nozzleman (air or water); Sand Blast Tail, Hose Man; Powderman Tender; Power driven Wheelbarrow; Rodder and Spreader; Form Setters (paving); Bucketman; Signalman; Rigger; Small Air Tool Operators, including Blow Pipes, small power tool Operators; Chuck Tenders; Asphalt Rakers; Dumpman; Rip Rapping, Pipe Wrapper; Pot Tenders; Concrete Pumper Hoseman; Cutting Torch; Jack Hammer; Pavement Breaker; Vibrator; Mechanical Tamper and other air tools; Cement Handlers (sack or bulk); Burning Bar

Group 3: Pipelayers (non-metallic); Metal Culvert Pipelayers; Mason and Plaster Tenders; Cement Finisher Tender; Small Concrete Saw; Powderman; Drills, Air-trac, Wagon Drill, Cat or Truck mounted Air operated Drills; Laser Equipment and Tools; Sandblaster (wet or dry); Gunnitezen; Barco Tamper

LABORERS: (Cont'd)
Cascade and Glacier Counties:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
Group 1	\$10.50	.75	.65	.30	.05
Group 2	10.66	.75	.65	.30	.05
Group 3	10.75	.75	.65	.30	.05
Group 4	11.00	.75	.65	.30	.05
Group 5	11.10	.75	.65	.30	.05

Group 1: Axeman; Caisson Workers (free air); Carpenter Tender; Car and Truck Loaders; Scissorman; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketmen and Signalmen; Cosolene, applying and removing; Dumpman (Spotter); Pence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborer, building and structure; Crusher and Batch Plant Laborers; Heater Tender (not covered by joint board decision, General Laborers scale); Landscape Laborer; Riprap Tender; Stake Jumper for equipment; Sandblast Tail Hoseman, Pot Tender; Sock Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman

Group 2: Burning Bar; Cement Handlers; Choker Setter; Concrete or Asphalt Saws; Curb Machine; Dumpman (Grade Man); Hand Faller; Nozzleman (air, water); Gunite and Placo Machine; Pipelayer (all types) Laser Equipment Operator; Pipewrapper; Spike Driver, single or dual or hand; Switchman; Tar Pot Operator

Group 3: Asphalt Baker; Concrete Vibrator (3" and over); Drills, Air Track (all types); Equipment Handler; Grade Setter; Grout, Concrete Pump and Nozzleman; High Scales; High Pressure Machine Nozzleman; Jackhammer, Pavement Breaker, Wagon Driller, Concrete Vibrator, Mechanical Tamper, Power Saw (falling); Sandblaster

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator; Cutting Torch and Air Arc Operator

LABORERS: (Cont'd)
Gallatin County:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
LABORERS: (Cont'd)					
Gallatin County:					
Group 1	\$10.03	.75	.65	.30	.05
Group 2	10.19	.75	.65	.30	.05
Group 3	10.29	.75	.65	.30	.05
Group 4	10.53	.75	.65	.30	.05
Group 5	10.63	.75	.65	.30	.05

Group 1: Axemen; Calisson Workers (free air); Car and Truck Loaders; Scissorsmen; Chuck Tender and Nipper (above ground); Concrete Laborers (wet or dry); Bucketsmen and Signalmen; Cosmolene, applying and removing; Dumpmen (Spotter); Fence Erector and Installer (includes the installation and erection of fences, guard rails, median rails, reference posts, right-of-way markers and guide posts); Form Setter; Form Stripper; General Laborers, building and structure, Crusher and Batch Plant Laborers; Heater tender (not covered by joint board decision - such as radiant type or butane fire, without blowers or fans - General Laborers Scale); Landscape Laborer; Slinging tender; Stake Jumper for equipment; Sandblaster; Tail Hoseman, Pot tender; Sod Cutter, hand operated (General Laborers); Tool Checker; Tool Houseman

Group 2: Buntings, Bluebirds, Crows, Grackles, House Wrens, Jays, Mockers, Robins, Starlings, Towhees, Vireos, Woodpeckers, Worm-eating Warblers, Yellow-r. Ws.

[illegible]

Group 4: Cement Mason Tender and Rod Carriers; Powderman

Group 5: Core Drill Operator;
Air Arc Operator
Cutting Torch and

LABORERS (Cont'd)
Deer Lodge and Silver Bow
Counties:

Basic Hourly Rates	Fringe Benefits Payments		
	H. & W.	Vacations	Education and/or Appt. Tr.
\$10.16	.75	.65	.30
10.36	.75	.65	.30
10.41	.75	.65	.30
10.66	.75	.65	.30
10.76	.75	.65	.30
			.05
			.05
			.05
			.05

Group 1: **Team:** Calson Workers (free all); **Carpenter:** Tender; **Car and Truck Loaders:** Sidesman; **Chuck:** Tender and Nibber (above ground); **Coaming:** applying and removing; **Discharge (Spot):** Erector and Installer (includes the installation and erection of fences, guard rails, railing rails, temporary posts, cut-off ways, barriers and guide posts); **Form Setter:** same as Eriker; **General laborer:** building and structure; **Crawler and March Plant laborers:** Gearer tender (not covered by joint board division - such as radiant type or blast fire, without plow or chain - **Crawler laborers:** Sore); **Landscaper:** laborer; **Plow Tender:** Side Jumper or Engineer; **Sandblasting:** Tail Hose man; **Scrubber:** Sod Cutter; **Hand Operated (General laborers):** Tool Roomman; **Tool Checker.**

[illegible]

Group 3: Asphalt pavers, Concrete pavers, wet or dry, Buckram and Sintered Concrete Vibrator (3 and over), Drills, Air Hacks (all types), Expanding Handrail Gate Sifter, High Sifter, Hot pressure Machine, Rotometer, Jackhammer, pressure breaker, Mason Drifter, Concrete Vibrator, Mechanical Tapper, Vibrating Roller, and all other tools and equipment for concrete, asphalt, and steel and other floor construction.

Group 4: Cement Mason Tender and Hod Carriers; Powderman

Group 5: Core Drill Operator;
Operator

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.55	.97	.85	.50	.10
12.72	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.54	.97	.85	.50	.10
13.29	.97	.85	.50	.10
13.29	.97	.85	.50	.10
12.54	.97	.85	.50	.10
12.66	.97	.85	.50	.10
13.12	.97	.85	.50	.10
13.27	.97	.85	.50	.10
13.32	.97	.85	.50	.10
13.37	.97	.85	.50	.10
12.53	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.45	.97	.85	.50	.10
12.42	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.68	.97	.85	.50	.10
13.14	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.42	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS:
(Cont'd)

Concrete Finish Machine
Paving
Concrete Float-Spreader
Concrete Mixer, three bags
and under
Concrete Mixer, four bags
and over
Concrete Power Saw, self-
propelled
Concrete Travel Batcher
Concrete Conveyor under
40 feet
Concrete Conveyor over
40 feet
Concrete Pump
Conveyor Loader Operator,
up to and including 42'
belt
Conveyor Loader Operator
over 42' belt
Crane, to and including
80' boom
Crane, 81' to 130' boom
Crane, 131' to 150' boom
Crane, 151' boom and over
Crane Oiler
Crane with jibs an
additional \$.15 per hour
Crusher Operator
Crusher Oiler
Crusher Conveyor, when
required
Distributor Operator
DW 10, 15, or 20 tractor
pulling Roller
Electric Overhead Cranes
Elevating Grader
Farm type tractor up to
and including 50 HP engine

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.80	.97	.85	.50	.10
12.49	.97	.85	.50	.10
12.56	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.55	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.63	.97	.85	.50	.10
13.47	.97	.85	.50	.10
12.75	.97	.85	.50	.10
13.21	.97	.85	.50	.10
12.68	.97	.85	.50	.10
12.68	.97	.85	.50	.10
12.96	.97	.85	.50	.10
13.16	.97	.85	.50	.10
13.36	.97	.85	.50	.10
12.48	.97	.85	.50	.10
12.79	.97	.85	.50	.10
12.96	.97	.85	.50	.10
12.96	.97	.85	.50	.10

POWER EQUIPMENT OPERATORS:
MISSOULA COUNTY:

A-Frame Truck Crane, Winch
Truck and similar
Air Compressor, single
Air compressor, two or more
Air Doctor
Asphalt Paving Machine
Operator
Asphalt Paving Machine
Screed Operator
Automatic Finergrader,
Gullies and other similar
types
Belt Finish Machine Operator
Bit Grinder
Bituminous Mixer Paving,
Travel Plant
Boring Machine (small),
Jeep, Pickup or Farm
Tractor mounted
Boring Machine (large)
Broom, self-propelled
Cableway Highline Operator
Cement Silo Operator
Central Mixing Plants, Con-
crete dam and stationary
Chain Bucket Loader
Chip or Gravel Spreader,
self-propelled
Concrete Batch Plant, one
and two Mixers
Concrete Batch Plant, three
and four Mixers
Concrete Batch Plant, five
Mixers and over
Concrete Batch Plant Oiler,
up to and including two
Mixers
Concrete Batch Plant Oiler,
three Mixers and over
Concrete Bucket Dispatcher
Concrete Curing Machine

DECISION NO. WT61-5140

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS: (Cont'd)					
Pate Type tractor, over 50 HP engine	\$12.50	.97	.85	.50	.10
Field Equipment Servicemen	12.88	.97	.85	.50	.10
Fireman	12.55	.97	.85	.50	.10
Forklift, on construction job site	12.77	.97	.85	.50	.10
Form Grader Operator	12.73	.97	.85	.50	.10
Gradall Operator	12.96	.97	.85	.50	.10
Grade Setter	12.42	.97	.85	.50	.10
Heavy Duty Drills, all types	12.96	.97	.85	.50	.10
Berman-Nelson Heaters and similar type	12.50	.97	.85	.50	.10
Hoist Operator, single drum	12.73	.97	.85	.50	.10
Hoist, two or more drums	12.96	.97	.85	.50	.10
Helicopter Hoist Operator	13.46	.97	.85	.50	.10
Hot Plant Operator	12.96	.97	.85	.50	.10
Hot Plant Fireman, when in operation	12.96	.97	.85	.50	.10
Hot Plant Oilier, 100 ton per hour or over	12.45	.97	.85	.50	.10
Hydra lift and similar types	12.86	.97	.85	.50	.10
Industrial Locomotive all classes	12.96	.97	.85	.50	.10
Mechanic and/or Welder on job	13.06	.97	.85	.50	.10
Mechanic Shop (Dec. April 1)	12.66	.97	.85	.50	.10
Mixer/mobile	13.04	.97	.85	.50	.10
Motor Patrol Operator	13.09	.97	.85	.50	.10
Mountain Logger or similar type	12.96	.97	.85	.50	.10
Mucking Machine Operator	12.96	.97	.85	.50	.10
Oilier-Driver, Rubber tired Cranes	12.53	.97	.85	.50	.10
Oilers, other than Shovels and Cranes	12.45	.97	.85	.50	.10
Oilier, Hoist House, dams	12.86	.97	.85	.50	.10
Pavement Breakers, Emaco and similar	12.96	.97	.85	.50	.10
Paving and Mixing Machine	13.09	.97	.85	.50	.10

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Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
POWER EQUIPMENT OPERATORS: (Cont'd)					
Power Auger, large truck or tractor mounted and Punch	.97	.85	.50		.10
Power Mixer, single or double drum	.97	.85	.50		.10
Power Saw, multiple cut, self-propelled	.97	.85	.50		.10
Pumpcrete or Grout Machine	.97	.85	.50		.10
Pumpman	.97	.85	.50		.10
Push tractor	.97	.85	.50		.10
Quad Cat	.97	.85	.50		.10
Quad Loader and similar type	.97	.85	.50		.10
Radiator Repairman	.97	.85	.50		.10
Raygo Gaint	.97	.85	.50		.10
Refrigeration Plant Operator	.97	.85	.50		.10
Retort Operator	.97	.85	.50		.10
Roller, on blade or hot mix oil paving	.97	.85	.50		.10
Roller, on other blade or hot mix paving	.97	.85	.50		.10
Roller, 25 ton or over	.97	.85	.50		.10
Ross and similar type	.97	.85	.50		.10
Carriers, on construction site	.97	.85	.50		.10
Rubber-tired Dorer	.97	.85	.50		.10
Rubber-tired Front End Loader, 1 cu. yd. and under	.97	.85	.50		.10
Rubber-tired Front End Loader, 1 cu. yd. to and including 3 cu. yds.	.97	.85	.50		.10
Rubber-tired Front End Loader, over 3 cu. yds. to and including 5 cu. yds.	.97	.85	.50		.10
Rubber-tired Front End Loader, over 5 cu. yds. to and including 10 cu. yds.	.97	.85	.50		.10

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS: (Cont'd)				
Rubber-tired Front End Loader, over 10 yards to and including 15 yards	.97	.85	.50	.10
Rubber-tired Front End Loader, over 15 yards	.97	.85	.50	.10
Scraper, DW 15, 20, 21 and similar type if power unit is not used	.97	.85	.50	.10
Scraper, single or twin engine, pulling Belly Dump Trailer	.97	.85	.50	.10
Scraper, single engine	.97	.85	.50	.10
Scraper, twin engine	.97	.85	.50	.10
Scraper, tandem engine or 3 engine	.97	.85	.50	.10
Self-propelled Sheepfoot and similar type	.97	.85	.50	.10
Shovels, including all attachments, under 1 cu. yd.	.97	.85	.50	.10
Shovels, including all attachments, 1 cu. yd. to and including 3 cu. yds.	.97	.85	.50	.10
Shovels, including all attachments, over 3 cu. yds. to and including 5 cu. yds.	.97	.85	.50	.10
Shovels, including all attachments over 5 cu. yds.	.97	.85	.50	.10
Shovel Oiler, 3 cu. yds. and under	.97	.85	.50	.10
Shovel Oiler, over 3 cu. yds.	.97	.85	.50	.10
Slip Form Paver Operator	.97	.85	.50	.10
Stiff Leg Derrick and Guy Derrick	.97	.85	.50	.10
Track-type Front End Loaders, up to and including 5 cu. yds.	.97	.85	.50	.10

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
POWER EQUIPMENT OPERATORS: (Cont'd)				
Track-type Front End Loaders, over 5 cu. yds. to and including 10 cu. yds.	.97	.85	.50	.10
Track-type Front End Loaders, over 10 cu. yds. to and including 15 cu. yds.	.97	.85	.50	.10
Track-type Front End Loaders, over 15 cu. yds.	.97	.85	.50	.10
Track-type Tractor w/o attachments	.97	.85	.50	.10
Track-type Tractor, on Euclid Loader	.97	.85	.50	.10
Trenching Machine	.97	.85	.50	.10
Turnhead Conveyor, or Head Tower on Hatch Plant	.97	.85	.50	.10
Wagner Roller and similar type	.97	.85	.50	.10
Whitely Crane Operator	.97	.85	.50	.10
Whitely Crane Oiler	.97	.85	.50	.10
Water Pull when used for compaction	.97	.85	.50	.10
Washing and Screening Plant Operator	.97	.85	.50	.10
Washing and Screening Plant Oiler	.97	.85	.50	.10
Yo-Yo Cat, both ends	.97	.85	.50	.10

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Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: Cascade, Deer Lodge, Glacier, Hill, Missoula, Silver Bow and Valley Counties:				
COMBINATION TRUCK: Concrete Mixer and Transit Mixer: To & including 4 cu. yds. Over 4 cu. yds. to and including 6 cu. yds. Over 6 cu. yds. to and including 8 cu. yds. Over 8 cu. yds. to and including 10 cu. yds.	\$11.10 .82 11.18 .82 11.26 .82 11.34 .82	.84 .84 .84 .84		
Over 10 cu. yds.-additional \$.08 per hour each additional 2 cu. yds. increment				
DISTRIBUTOR DRIVER	11.08 .82	.84		
DRY BATCH TRUCKS: 3 Batch or under Over 3 Batch to and including 5 Batch Over 5 Batch to and including 10 Batch Over 10 Batch to and including 15 Batch	10.85 .82 11.98 .82 11.14 .82 11.30 .82	.84 .84 .84 .84 .84 .84		
Over 15 Batch-additional \$.15 per hour each additional 5 Batch increment				
PICKUP DRIVERS, HAULING MATERIALS	10.95 .82	.84		
DUMPMAN, GRAVEL SPREADER BOX OPERATOR; Pilot Car Driver, Teamsters	10.85 .82	.84		

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Basic Hourly Rates	Fringe Benefits Payments			
	H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS: (Cont'd)				
DUMP TRUCKS AND SIMILAR EQUIPMENT, DW 20, DW 21, or EUCLID TRACTORS, Pulling P.R. 21 or similar Dump Wagons: Water Level Capacity, including Sideboards: 7 cu. yds. or less Over 7 cu. yds. to and including 10 cu. yds. Over 10 cu. yds. to and including 15 cu. yds. Over 15 cu. yds. to and including 20 cu. yds. Over 20 cu. yds. to and including 25 cu. yds. Over 25 cu. yds. to and including 30 cu. yds. Over 30 cu. yds. to and including 35 cu. yds. Over 35 cu. yds. to and including 40 cu. yds. Over 40 cu. yds. to and including 45 cu. yds.	\$10.85 .82 10.98 .82 11.14 .82 11.28 .82 11.34 .82 11.40 .82 11.46 .82 11.52 .82 11.58 .82	.84 .84 .84 .84 .84 .84 .84 .84 .84 .84 .84 .84 .84 .84 .84 .84		
Over 45 cu. yds.-additional \$.10 per hour each additional 5 cu. yds. increment				
DUMPSTERS	10.98 .82	.84		
POWER TRUCK DRIVER (bulk unloader type)	11.03 .82	.84		
FLAT TRUCKS: To and including 3 tons Over 3 tons factory rating	11.00 11.20 .82	.84 .84		

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appn. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS: (Cont'd)				
FUEL TRUCK DRIVERS: TIREMEN	.82	.84		
LOWBOYS, FOUR-WHEEL TRAILER, FLOAT SEMI-TRAILER	.82	.84		
LUMBER CARRIERS, LIFT TRUCK and FORK LIFTS	.82	.84		
POWER BROOM	.82	.84		
WATER TANK DRIVERS, PETROLEUM PRODUCTS DRIVERS:				
Over 2,500 gallons and under	.82	.84		
Over 2,500 gallons to and including 4,500 gallons	.82	.84		
Over 4,500 gallons to and including 6,000 gallons	.82	.84		
Over 6,000 gallons to and including 8,000 gallons	.82	.84		
Over 8,000 gallons to and including 10,000 gallons	.82	.84		
Over 10,000 gallons - additional \$.10 per hour each additional 2,000 gallons increment	.82	.84		
TRUCK MECHANIC				
TRUCKS with power equipment if under Teamster jurisdiction, such as: Winch, A-frame Trucks, Swedish Crane, Hydraulic, Groot-crete Truck and Combination Mulching, Seeding and Fertilizing truck	.82	.84		

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appn. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS: (Cont'd)				
Gallatin County:				
DUMP TRUCKS:				
7 yards or less	\$10.43	.61		
Over 7 yards to and including 10 yards	10.68	.61		
Over 10 yards to and including 15 yards	10.84	.61		
Over 15 yards to and including 20 yards	10.98	.61		
PICKUP DRIVER, hauling materials	10.43	.61		
FLAT TRUCKS:				
Less than 2 ton factory rating	10.43	.61		
2 - 5 tons	10.58	.61		
5 - 8 tons	10.68	.61		
SEMI and FOUR-WHEEL TRAILERS	10.68	.61		
SERVICE TRUCKS and A-FRAME TRAILERS	10.43	.61		
HOUSE MOVERS	10.52	.61		

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

COUNTRIES: Bedford, Cambria,
Cameron, Clarion, Clearfield,
Jefferson, Crawford and
Venango

DECISION NO.: PA81-3044
Supersedes Decision No. PA80-3010 dated, April 4, 1980, in 45 PR 23270.

DESCRIPTION OF WORK: Building Erection and Foundation Excavation, (does not include single family homes or apartments up to and including 4 stories).

AREA COVERED BY ASBESTOS WORKERS' TOILES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson
ZONE 2 - Crawford and Venango

AREA COVERED BY BOILERMAKERS' TONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson, Venango

AREA COVERED BY BRICKLAYERS & STONEMASONS TONES

ONE 1 - Cabria
ONE 2 - Claiborne
ONE 3 - Claiborne
ONE 4 - Claiborne
ONE 5 - Claiborne
ONE 6 - Claiborne
ONE 7 - Claiborne
ONE 8 - Claiborne
ONE 9 - Claiborne
ONE 10 - Claiborne
ONE 11 - Claiborne
ONE 12 - Claiborne
ONE 13 - Claiborne
ONE 14 - Claiborne
ONE 15 - Claiborne
ONE 16 - Claiborne
ONE 17 - Claiborne
ONE 18 - Claiborne
ONE 19 - Claiborne
ONE 20 - Claiborne
ONE 21 - Claiborne
ONE 22 - Claiborne
ONE 23 - Claiborne
ONE 24 - Claiborne
ONE 25 - Claiborne
ONE 26 - Claiborne
ONE 27 - Claiborne
ONE 28 - Claiborne
ONE 29 - Claiborne
ONE 30 - Claiborne
ONE 31 - Claiborne
ONE 32 - Claiborne
ONE 33 - Claiborne
ONE 34 - Claiborne
ONE 35 - Claiborne
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ONE 38 - Claiborne
ONE 39 - Claiborne
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ONE 41 - Claiborne
ONE 42 - Claiborne
ONE 43 - Claiborne
ONE 44 - Claiborne
ONE 45 - Claiborne
ONE 46 - Claiborne
ONE 47 - Claiborne
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ONE 49 - Claiborne
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ONE 54 - Claiborne
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ONE 56 - Claiborne
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ONE 86 - Claiborne
ONE 87 - Claiborne
ONE 88 - Claiborne
ONE 89 - Claiborne
ONE 90 - Claiborne
ONE 91 - Claiborne
ONE 92 - Claiborne
ONE 93 - Claiborne
ONE 94 - Claiborne
ONE 95 - Claiborne
ONE 96 - Claiborne
ONE 97 - Claiborne
ONE 98 - Claiborne
ONE 99 - Claiborne
ONE 100 - Claiborne

CARPENTERS & SOFT FLOOR

AREA COVERED BY CARPENTER & SOFT FLOOR LAYERS ZONES

STONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Crawford,
Counties

AREA COVERED BY CEMENT MASON

ZONE 1 - Clearfield, Jefferson
 ZONE 2 - Bedford, Cameron, Cambria
 ZONE 3 - Crawford
 ZONE 4 - Clarion & Venango

AREA COVERED ELECTRICIANS' ZONES

ZONE 1 - Bedford, Cambria, Clearfield, Clarion & Jefferson
ZONE 2 - Cameron
ZONE 3 - Crawford
ZONE 4 - Venango

DECISION NO. PA81-3044

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
GLAZIERS					
ZONE 1	12.44	1.02	1.35	1.23	.02
ZONE 2	12.34	.60	.80		.01

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson Counties

ZONE 2 - Crawford & Venango Counties

IRONWORKERS

ZONE 1	14.24	1.20	1.60		.07
ZONE 2	13.61	.75	1.55		
ZONE 3	14.50	1.86	1.56		.15
ZONE 4	15.26	1.00	1.30		.09
ZONE 5	13.59	1.22	1.67		.04

AREA COVERED BY IRONWORKERS ZONES

ZONE 1 - Cambria & Clarion

ZONE 2 - Bedford County

ZONE 3 - Crawford County

ZONE 4 - Venango County

ZONE 5 - Cameron, Clearfield & Jefferson

DECISION NO. PA81-3044

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
LABORERS					
ZONE 1					
CLASS I	11.91	98	98		
CLASS II	12.05	98	98		
CLASS III	12.18	98	98		
CLASS IV	12.45	98	98		
CLASS V	12.63	98	98		
ZONE 2					
CLASS I	11.30	98	98		
CLASS II	11.375	98	98		
CLASS III	11.40	98	98		
CLASS IV	11.45	98	98		
CLASS V	11.55	98	98		
CLASS VI	11.80	98	98		
CLASS VII	11.85	98	98		
ZONE 3					
CLASS I	12.00	98	88		
CLASS II	12.25	98	88		
CLASS III	12.80	98	88		
ZONE 4					
CLASS I	11.78	98	98		
CLASS II	11.86	98	98		
CLASS III	12.17	98	98		
CLASS IV	12.25	98	98		
CLASS V	12.04	98	98		
CLASS VI	12.37	98	98		
CLASS VII	12.04	98	98		
CLASS VIII	12.25	98	98		
ZONE 5					
CLASS I	10.06	108	98		
CLASS II	10.56	108	98		
CLASS III	10.66	108	98		
CLASS IV	10.56	108	98		
CLASS V	10.11	108	98		
ZONE 6					
CLASS I	10.34	108	98		
CLASS II	10.84	108	98		
CLASS III	10.94	108	98		
CLASS IV	10.84	108	98		
CLASS V	10.39	108	98		

DECISION NO. PA81-3044

LABORERS CLASSIFICATION DEFINITIONS AND AREA COVERED CONT'D

ZONE 3 - Cameron County

CLASS I - Common laborer, carpenter tender, scaffold builder for mason, window cleaner, form stripper and mover, scaffold and runways, building material handlers (loading and unloading) concrete pitman, puddler, mason tender

CLASS II - Mechanical tamper (power), powered wheelbarrows and buggies & worklifts, sweepers and similar, mortar mixer, bell bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill tender, concrete saw operator, blaster's tender, drill runner's tender (includes drill mounted trucks, tracks of similar) sheeters and shores, vibrator operators, power tapper operators, y-gun, burner cutting torch, carryable pumps, chain saw operator, pipe layers, all material conveyors and elevators signal man, walk behind fork lift or similar, scaffold builder for plasterers; regardless of height, hod carrier, plasterers tender, form cleaning machine operator, plasterer application and/or pump machine operator, paving breaker asphalt taker, lancer, befix cutting tool, gunnite potman, blacksmith, tool, dresser (cable tools)

CLASS III - Blasters, wagon drill operator, drill runner, gunnite nozzle man, groute machine operator, walk behind power roller and tapper, welder, drill (cable tools)

ZONE 4 - Crawford County

CLASS I - Common laborers

CLASS II - Mason tender, hod carriers, mortar mixers, scaffold builder

CLASS III - Pipelayers (concrete & clay)

CLASS IV - Blaster, mechanical tappers, powered wheelbarrow, wagon drill operators

CLASS V - Material, buggy handler, blaster tender, all power tool operators, wagon drill tenders & drill runner

CLASS VI - Burners

WHEN WORKING IN PIERS, TRENCHES, OPEN COFFER DAMS & CAISSONS AT DEPTHS MORE THAN TEN (10) FEET BELOW THE LOWEST ADJACENT GRADE:

CLASS VII - Bottom man

CLASS VIII - All power operators, drill man

DECISION NO. PA81-3044

LABORERS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Carbon & Jefferson Counties

CLASS I - Laborers, carryable pumps, west brick buggy or similar (non-self-propelled) vibrator operators, walk behind forklift or similar, stripper & mover of forms, cement finisher, footers, window cleaner, all material conveyor (regardless of power used, incl. starting & stopping)

CLASS II - West brick buggy or similar (self-propelled), power wheelbarrows & buggies, walk behind forklift or similar (self-propelled), wagon drill tender, drill mounted on truck, track or similar blaster's tenders, all operators of compacting equipment, pipe layer, burner, jackhammerman, concrete buster

CLASS III - Hod carrier, scaffold builder, bell & bottom man on furnaces & stacks, mortar mixer, mortar mixing machine (regardless of power used, incl. starting & stopping) grout machine feeder & pump operator, wagon drill operator, concrete saw operator wagon

CLASS IV - Gunnite nozzleman

CLASS V - Blaster

ZONE 2 - Venango County

CLASS I - Building laborer, west brick buggy or similar, walk behind forklift or similar (non-self-propelled), stripper and mover of forms, window cleaner, cement finisher, footers

CLASS II - Powered wheelbarrows, buggies

CLASS III - Mason tender, pipe layer, bottom man (10' below grade)

CLASS IV - Mortar mixer, mason plasterer, hod carrier, scaffold builder, concrete buster-jackhammer (air tool, electric, other) other mechanical or power tools concrete saw, carryable pumps and operating all operators of compacting equipment, grout machine feeder and pump operator, all material conveyors (regardless of power used, including starting & stopping), bell and bottom man on furnaces & stacks

CLASS V - Burner (demolition) groundman, jackhammerman; drill man

blaster tender, wagon drill tender

CLASS VI - High (climber)

CLASS VII - Blaster, wagon drill operator

DECISION NO. PAB1-3044

LABORERS CLASSIFICATION DEFINITIONS AND AREA COVERED CONT'D

ZONE 5 - Bedford County
 CLASS I - Unskilled laborers
 CLASS II - Ditch, trench or sumpwork exceeding 10' in depth including caissons
 CLASS III - Blasters
 CLASS IV - Air track men, demolition of chimneys & erection of towers, antennas, cooling towers, (on power plants) or other similar work 10' in height, suspension or workmen in swinging-cages, suspended scaffolds, swings, bosun's chair
 CLASS V - Plasterer tenders
 ZONE 6 - Cambria and Clearfield Counties
 CLASS I - Unskilled laborers
 CLASS II - Ditch, trench or sumpwork exceeding 10' depth including caissons
 CLASS III - Blasters
 CLASS IV - Air track men, demolition of chimneys & erection of towers, antennas, cooling towers, (on power plants) or other similar work 10' in height, suspension or workmen in swinging-cages, suspended scaffolds, swings, bosun's chair
 CLASS V - Plasterer tenders

DECISION NO. PAB1-3044

LANDSCAPING:

ZONE 1
 CLASS I
 CLASS II
 ZONE 2
 CLASS I
 CLASS II
 ZONE 3
 CLASS I

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appl. Tr.
	H & W	Pensions	Vocacion	
7.79	12%	10%		
8.21	12%	10%		
7.70	12%	10%		
8.12	12%	10%		
11.00	9%	8%		

LANDSCAPE LABORERS DEFINITION AND AREA COVERED

ZONE 1 - Clarion, Crawford, Jefferson & Venango Counties
 CLASS I - Landscape laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job
 CLASS II - Landscape Tractor Operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work
 ZONE 2 - Cambria, Clearfield and Bedford Counties
 CLASS I - Landscape laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job
 CLASS II - Landscape Laborer Operator to operate small industrial rubber tire tractor equipped with front end loader and back hoe attachment used for the sole purpose of landscape work including soil spreading, but not for heavy and highway construction work
 ZONE 3 - Cameron County
 CLASS I - Landscape laborer to include general landscaping work and the driving of trucks for the distributing of materials on the job site but not to include dump trucks used to transport supplies to the job

DECISION NO. PAB1-3044

MARBLE SETTERS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ZONE 1	12.05	.75	1.00			.01
ZONE 2	14.15	.75	.60	1.00		.02
ZONE 3	14.30	1.00	1.15			.05
ZONE 4	13.41	1.00	2.00			.01
ZONE 5	12.05	.75	1.00			.01

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Cambria County
 ZONE 2 - Crawford County
 ZONE 3 - Venango County
 ZONE 4 - Jefferson County
 ZONE 5 - Bedford County

MARBLE FINISHERS:

Counties covered Bedford
 Cambria, Clarion and
 Jefferson
 MILLWRIGHTS

7.95						
13.16	68	-10	258			48

DECISION NO. PAB1-3044

LATHERS

	Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
ZONE 1	11.54		.30			.01
ZONE 2	12.50		.35			.01
ZONE 3	12.22	.90	1.30			.01

AREA COVERED BY LATHERS ZONE

ZONE 1 - Clearfield & Jefferson Counties
 ZONE 2 - Bedford, Cameron & Cambria Counties
 ZONE 3 - Clarion County

LEAD BURNERS

10.75	.40	.25	a			.01
15.65	.60	38				3/88
9.33	.60	38				3/88
10.91	.60	38				3/88
13.37	.55	38				3/88
9.38	.55	38				3/88
8.97	.55	38				3/88

LINE CONSTRUCTION

ZONE 1

CLASS I

CLASS II

CLASS III

ZONE 2

CLASS I

CLASS II

CLASS III

LINE CONSTRUCTIONS CLASSIFICATIONS DEFINITIONS AND AREA COVERED

ZONE 1 - Bedford, Cambria, Clarion, Clearfield & Jefferson Counties

CLASS I - Lineman

CLASS II - Groundman

CLASS III - Winch truck operator

ZONE 2 - Cameron, Crawford & Venango Counties

CLASS I - Linemen, dynamite man, heavy equipment operator

CLASS II - Winch truck operator

CLASS III - Groundman

DECISION NO. PA81-3044

PAINTERS:

ZONE - 1
 COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, apartment buildings, commercial garage, office buildings
 Brush & Roller
 INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, offices & hospital, both interior and exterior
 Brush
 Spray
 ZONE 2
 COMMERCIAL - shall include stores, schools, warehouses not in plant showrooms, apartment buildings, commercial garage, office buildings
 Brush & Roller
 Spray

Basic Hourly Rates	Fringe Benefits, Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
11.74	1.10	1.10			.02
12.59	1.10	1.10			.02
13.09	1.10	1.10			.02
14.25	.75	1.50			
15.25	.75	1.50			

DECISION NO. PA81-3044

INDUSTRIAL - shall include sewage treatment plants, water works or authorities, and power plants, all skeleton steel, railroad and highway bridges, towers, tanks, storage tanks, furnances, machinery, corrugated ceiling and sidewalks, sheeting steel sash and all steel surfaces, offices & hospital, both interior and exterior
 Brush & Roller
 Spray

Basic Hourly Rates	Fringe Benefits, Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
14.75	.75	1.50			
15.75	.75	1.50			

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Bedford, Cambria Counties, Beaver, Ringgold, Porter, Perry, Young, Bell, Gaskill Twp., in Jefferson County; Remainder of Clearfield County
 ZONE 2 - Cameron, Clarion, Crawford, Venango Counties, remainder of Jefferson County; Townships in Clearfield County - Bell, Burnside, Greenwood, Chester, Jordan, Beccaris, Knox, and Ferguson

DECISION NO. PA81-3044

DECISION NO. PA81-3044

POWER EQUIPMENT OPERATORS:
BUILDING CONSTRUCTION

	Basic Monthly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CLASS 1	14.625	1.05	1.15		.09
CLASS 1-A	14.875	1.05	1.15		.09
CLASS 1-B	15.125	1.05	1.15		.09
CLASS 1-C	15.375	1.05	1.15		.09
CLASS 2	14.475	1.05	1.15		.09
CLASS 3	12.60	1.05	1.15		.09
CLASS 3-A	13.10	1.05	1.15		.09
CLASS 4	11.95	1.05	1.15		.09
CLASS 5	10.90	1.05	1.15		.09
CLASS 6	11.20	1.05	1.15		.09
CLASS 6-A	11.30	1.05	1.15		.09
CLASS 6-B	11.45	1.05	1.15		.09
CLASS 6-C	12.20	1.05	1.15		.09

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS

CLASS 1 - Austin-Western or similar type under 25 ton, Austin-Western similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant when conveyors are used for direct feeding or discharge, batch plant no conveyors for direct feeding or discharge cableway, caisson drill, central mix plant, crane (excluding overhead) (truck or crawler type), cranes tower (mobile) cranes tower (stationary) (climbing type), cranes tower (climbing type) cranes hydraulic self contained over 18 ton cranes hydraulic self contained - 18 ton or less, 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 (when used for erection purposes), hi-lift 4 yds or over, hoist-bod (2 cages up to 10 floors) Chicago Boom attached hoist (50 ft. or over) stacks, stoves or furnaces) hoist (slipform jobs hop to or similar type with 180 swing hop to or similar type with 360 swing local hoisting scoop, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobilizing or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) post driver-guard rail (truck mounted), post driver-guard rail (skid type), slip form paver (CMI or similar), tractors - boom mounted (all types), tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS CONT'D

CLASS 1-A - Austin-Western or similar type under 25 ton with jib, Austin-Western or similar type 25 ton or over with jib, cranes boom or mast 100 ft. or over up & including 150 ft. +\$.25 (truck or crawler type), cranes mobile (any type 15 ton or over placed on any bldg. structure + \$.25), hoist-bod (2 cages over 10 floors Class 1 rate + \$.25, hoist single cage with

CLASS 1-B - Cranes (boom or mast over 150 ft. up to & including 200 ft. + \$.50) (truck or crawler type), engineer lead

CLASS 1-C - Cranes (boom or mast over 200 ft. + .75)

CLASS 2 - Asphalt plant operator, atkey loader, auger - truck or tractor, mounted, back filling machine, boat material or personnel carrying (powered) boat - job work (inboard or outboard), bull-dozers, cable layer, compactor with blade, compressor (1) and air tugger (1) (combination), compressor (1) and gunite machine (1) (combination), concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type drill - core (truck or skid mounted), drill - well & core (truck mounted), elevator (new buildings), euclid loader, excavating equipment (all other), forklift lull or similar, (grader), grader elevating, graser-equipment (head), hi-lift-less than 4 yds., hoist - one drum (4 floors or over), hoist - bod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic) mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for construction jobs that is, cooling concrete & holding tanks), ross carrier (or similar type), scoop (single bowl) (self-powered & tractor drawn), spreader - concrete, asphalt and stone, tower mobile (hoisting or lowering material), trencher, well point systems, (the following machines shall be consider minor), compressors (3 within a reasonable distance); generators electric (3) (over 5 KW up to 20 KW), pumps (1½" discharge or less) (4 to 5 within reasonable distance), welding machines (4 to 6 within reasonable distance) (other than electrically driven), grout pump (10 H. P. or over), elevator (when used for alterations & remodeling all buildings), paver operator - asphalt (spreader), pumpcrete or similar type (not self-propelled), pumpcrete machine operator (stationary), tire repairman (when assigned job), welder (repairmen)

DECISION NO. PASI-3044

CLASSIFICATION DEFINITIONS
POWER EQUIPMENT OPERATORS CONT'D

CLASS 3 - Boiler, compressor (ridden or self-propelled), compressor (over 125 CFM and air pump), compressor (1) and sand blasting machine (1) (combination), crane (carry), curb builder (self-propelled), drills-well & horizontal truck mounted, forklifts (ridden or self-propelled), hoist one drum (regardless of power used), pavement breaker (self-propelled or ridden), pipe drem, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finisher (CMI or similar type), tugger, truck, (winch) truck or hydraulic boom (when hoisting & placing), compactors (2) generators (2) mortar machine over 10 cu. ft. and single unit conveyor, pumps (1 1/2" discharge or less (2 to 3), pumps (over 1 1/2" discharge (2) in back) within reasonable distance), welding machine (2 to 3), (other than electrically driven)

CLASS 3-A - Conveyors 4 units or more

CLASS 4 - Ballast regulator, boring machine, broom power (except push type), compressor - single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used) form line machine, generator (over 5 kw), hoist (monorail) (regardless of power used), hoist roof (regardless of power used), hack machine or similar type, mixer concrete (regardless of power used) mixer mortar - over 10 cu. ft. (regardless of power used) pump (over 1 1/2" 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) (other than electrically driven) plant, private or industrial air of steam valve

CLASS 5 - Compressor - 65 cubic ft. or under (regardless of power used) conveyor one (1) unit (regardless of power used) heaters - up to and including 6 jack motor hydraulic (single type) power driven ladavator, mixer mortar, (10 cubic ft. or under), mulching machine pin puller (powered) pulverizer, pump - 1 1/2" discharge or less, seeding machine, spreader side delivery, shoulder (attachment) tie tamper (multiple heads) tractor farm (when used for landscaping) water blaster, oiler-truck crane 50 ton up to not incl. 100 ton

CLASS 6 - Brake man, deck hand, helicopter signalman, oiler, mechanic helper

CLASS 6-A - Crane truck oiler & fireman

CLASS 6-B - Oiler - Truck crane 50 ton up to & incl. 100 ton

CLASS 6-C - Oiler - Truck crane 100 ton and over

DECISION NO. PASI-3044

PILEDRIEVERMEN

PLASTERERS

ZONE 1

ZONE 2

ZONE 3

ZONE 4

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - Crawford County

ZONE 2 - Clarion, Venango Counties

ZONE 3 - Clearfield, Jefferson Counties

ZONE 4 - Bedford, Cambria Counties

PLUMBERS & STEAMFITTERS

ZONE 1

ZONE 2

ZONE 3

Contracts Under \$10,000

Contracts Over \$10,000

ZONE 4

AREA COVERED PLUMBERS AND STEAMFITTERS ZONES

ZONE 1 - Clarion County

ZONE 2 - Typs. in Crawford County: Beaver, Spring, Cussawago, Cambridge Rockdale, Bloomfield and Sparta

ZONE 3 - Venango County & Remainder of Crawford County

ZONE 4 - Bedford, Cambria, Cameron, Clearfield, Jefferson

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	M & W	Pensions	Vacation		
15.18	5.31	1.04			.01
11.16	.70	.40			
9.65	.45	.45			
13.04	.85	1.55			
13.10					
15.33	.80	1.70			.08
15.97	.60	1.05			.06
9.15	.95	1.30			.15
14.00	.95	1.30			.15
13.36	1.07	1.22	.75		.27

DECISION NO. PASL-1044

ROOFERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ZONE 1	.60	.30		.02
ZONE 2	.77	1.50		.16

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Crawford, Venango Counties
 ZONE 2 - Bedford, Cambria, Cameron, Clarion, Clearfield, Jefferson

SHEET METAL WORKERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ZONE 1	1.19	1.88		.25
ZONE 2	1.44	1.18		.14

AREA COVERED BY SHEET METAL ZONES

ZONE 1 - Cambria, Cameron, Clearfield, Clarion, Crawford, Jefferson, Venango
 ZONE 2 - Bedford

SPRINKLER FITTERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ZONE 1	.95	1.40		.08

DECISION NO. PASL-3044

TRUCK DRIVERS

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ZONE 1				
CLASS I	c	d		
CLASS II	c	d		
CLASS III	c	d		
CLASS IV	c	d		
ZONE 2				
CLASS I	9.78	7.18	e	
CLASS II	9.78	7.18	e	
CLASS III	9.78	7.18	e	
CLASS IV	9.78	7.18	e	
CLASS V	9.78	7.18	e	
CLASS VI	9.78	7.18	e	
CLASS VII	9.78	7.18	e	
ZONE 3				
CLASS I	.20	.20		
CLASS II	.20	.20		
CLASS III	.20	.20		
CLASS IV	.20	.20		
CLASS V	.20	.20		
CLASS VI	.20	.20		
CLASS VII	.20	.20		
CLASS VIII	.20	.20		
CLASS IX	.20	.20		
CLASS X	.20	.20		
CLASS XI	.20	.20		
ZONE 4				
CLASS I	f	g	h	

DECISION NO. PA81-3044

TRUCK DRIVERS CLASSIFICATION DEFINITION AND AREA COVERED

- ZONE 1 - Bedford, Cambria, Clearfield & Jefferson Counties
CLASS I - Service, dump, flat top, jeep, fuel & water
CLASS II - Transit mix, dump trailer, winch truck
CLASS III - Euclid's & tractor trailer
CLASS IV - Helper
- ZONE 2 - Clarion & Venango Counties
CLASS I - Service Truck (pickup, Jeep, Buses, Station Wagon, Panel truck escort vehicle, including fuel and water trucks)
CLASS II - Dump and Flat Top (including Fuel and Water Trucks, Fork Lift in Warehouse or job site storage area and single axle trucks with power tailgate); distributor truck over 3,000 lbs. gross weight (oil, tar asphalt products two man operation, both euclid's - Transit mix, single axle
CLASS III - Transit mix, single axle
CLASS IV - Transit mix, single tandem axle
CLASS V - Heavy duty tractor and trailer with low bed, 6 to 16
CLASS VI - Distributor truck up to 33,000 lbs. gross weight (oil, tar asphalt products) one man operation; truck with dolly and scissor truck; truck with dump trailer or tandem, including fuel and water tandem axle truck with power tailgate and scissor truck; euclid's or equivalent, tri-axle including mixer, drivers towing equipment
- ZONE 3 - Cameron County
CLASS I - Trucks up to 30,000 lbs. includes pickups, fuel and water trucks)
CLASS II - Trucks over 30,000 lbs. (includes fuel and water trucks)
CLASS III - Tri-Axle Trucks over 30,000 (includes fuel and water trucks)
CLASS IV - Low boy
CLASS V - Concrete Mixer Trucks
CLASS VI - Concrete Mixer Truck (Tri-Axle)
CLASS VII - Semi-Trailer
CLASS VIII - Earth Moving Equipment up to 35 Ton (Belly Dump, Side Dump, End Dump, etc.)
CLASS IX - Earth Moving Equipment over 35 Ton (Belly Dump, Side Dump, End Dump, etc.)
CLASS X - A-Frame and Winch Trucks (when used for hauling material on bed of truck)
CLASS XI - Distributor Truck (Oil, Tar, Asphalt, etc.)
- ZONE 4
CLASS I - Truck Drives

WELDERS - Receive rate prescribed for craft performing operation

PAID HOLIDAYS:

A-New Year's Day; S-Memorial Day; C-Independence Day; D-Labor Day;
 2-Thanksgiving Day; F-Christmas Day.

FOOTNOTES

- a. Holidays A through F, plus Washington's Birthday and Good Friday, providing the employee has worked 45 full days for the employer during the 120 days prior to the holiday, and is available for work the day preceding and following the holiday.
- c. \$59.90 per month
- d. \$14.00 per week
- e. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day and Good Friday, provided the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.
- f. 1 week vacation after 1 year's work; two weeks vacation after five years of service.
- g. \$67.94 per month
- h. Contributes \$20.00 per week

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

SUPERSEDES DECISION

STATE: Texas
 COUNTY: El Paso
 -DECISION NO.: TX81-4064
 Supersedes Decision No. TX80-4024, dated April 4, 1980, in 45 FR 23280.
 DESCRIPTION OF WORK: Building Projects (does not include single family homes and apartments up to and including 4 stories). (Use current highway general wage determination for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$10.76	.77	.20		.05
BRICKLAYERS	9.25				
CARPENTERS	7.33				
CEMENT MASONS	6.13				
ELECTRICIANS:					
Electricians	11.90	.60	.34		1/10th
Cable splicers	12.15	.60	.34		1/10th
GLAZIERS	6.24				
IRONWORKERS	10.75	.80	1.65		.15
LABORERS:					
Unskilled	4.49				
Mason tenders	6.61		.40		
Lather & plaster tenders	5.25	.63			
LATHERS	9.50				
PAINTERS, Brush	7.70	.68			.02
PLASTERERS	8.48	.77	.25		.01
PLUMBERS & PIPEFITTERS	11.99	.60	.75		.05
ROOFERS	6.51				
SHEET METAL WORKERS	7.84				
SOFT FLOOR LAYERS	7.73				
SPRINKLER FITTERS	14.68				
TAPERS	6.26	.95	1.40		.08
TERRAZZO, MARBLE & TILE WORKERS	7.75				
TERRAZZO, MARBLE & TILE FINISHERS	4.90				
POWER EQUIPMENT OPERATORS:					
Backhoes	8.74	.70	.60		.15
Forklifts	8.17	.63	.40		
Foundation drills	9.71				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR, 5.5 (a)(1)(ii)).

[PR Doc. 81-22640 Filed 8-6-81; 8:45 am]

BILLING CODE 4510-27-C

SUPERSEDES DECISION

STATE: VIRGINIA

COUNTIES: BLAND, BUCHANAN, DICKINSON, GRAYSON, LEE, RUSSELL, SCOTT, SMYTH, TAZEWELL, WASHINGTON, WISE & WYTHE

DECISION NO.: VA81-3055
 Supersedes Decision No. VA78-3062, dated September 22, 1978, in 43 FR 23280.
 DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
		H & W	Pensions	Vacation	
Asphalt Baker	4.25				
Carpenter, Structure	5.61				
Carpenter Helper, Structure	4.48				
Concrete Finisher	4.93				
Concrete Finisher Helper	4.25				
Guardrail/Fence Erector	4.23				
Ironworker, Reinforcing	7.00				
Laborer, Unskilled	3.68				
Mechanic	6.00				
Mechanic Helper	3.75				
Painter, Bridge	6.00				
Pipe Layer	3.75				
Asphalt Distributor Operator	4.85				
Asphalt Paver Operator	4.50				
Backhoe Operator	6.50				
Bulldozer Operator	6.00				
Crane, Derrick, Dragline Operator (1 yd. & under)	6.25				
Crane, Derrick, Dragline Operator (Over 1 yd.)	6.26				
Drill Operator	5.51				
Loader Operator (2 yds. & under)	5.59				
Loader Operator (Over 2 yd.)	5.59				
Motor Grader Operator (Fine Grade)	5.97				
Motor Grader Operator (Rough Grade)	5.97				
Roller Operator (Rough)	4.11				
Roller Operator (Finish)	4.58				
Scraper Pan Operator	5.50				
Shovel Operator (Over 1 yd.)	5.60				
Stone Spreader Operator	4.23				
Tractor Operator (Utility)	4.00				
Truck Driver, Heavy Duty (7 cy. & under)	4.50				
Truck Driver, Heavy Duty (Over 7 c.y.)	5.21				
Truck Driver (Multi-Bear Axle)	4.06				
Truck Driver (Single-Bear Axle)	4.06				

Registered Federal

Friday
August 7, 1981

Part IV

Department of Labor

Occupational Safety and Health
Administration

Access to Employee Exposure and
Medical Records

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

Access to Employee Exposure and Medical Records; Partial Stay; Interpretations

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Partial stay; interpretation of standard.

SUMMARY: OSHA is hereby extending the partial administrative stay of the access to employee exposure and medical records, 29 CFR 1910.20, for the flavor and fragrance industries for six months, to February 15, 1982. In addition, OSHA is publishing interpretations of the records access standard concerning four issues which have been raised by interested persons as matters of continuing concern. These involve: (1) the 15-day rule for responses to access requests; (2) access to exposure records of "similarly situated" employees; (3) privileged records created solely in anticipation of litigation; and (4) employee breaches of trade secret confidentiality agreements. **DATE:** The flavor and fragrance stay is extended to February 15, 1982.

FOR FURTHER INFORMATION CONTACT: John Martonik, Occupational Safety and Health Administration, Room N3608, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210. Telephone (202) 523-8031.

SUPPLEMENTARY INFORMATION: The Occupational Safety and Health Administration (OSHA) is today publishing also in this Part IV of the Federal Register (FR Doc. 81-23164) a notice of proposed interim modification of the trade secrets provision of the records access standard, 29 CFR 1910.20(f). The background and explanation for the proposed action is fully explained in that document.

As explained in that document, OSHA is also seeking a six-month deferral of the briefing schedule in the litigation which is pending on union and industry challenges to the standard, *Industrial Union Department, AFL-CIO v. Marshall*, No. 80-1550 and consolidated cases, in order to decide whether, and to what extent, to propose modification of the standard and to initiate new rulemaking. During this six-month period, OSHA wishes, with the possible exception of modifying the trade secrets provision, to maintain the *status quo* with respect to the standard. For this

reason, OSHA is hereby extending the existing partial administrative stay for the flavor and fragrance industries until February 15, 1982 (see Appendix). This will enable OSHA to treat the issues presented by the flavor and fragrance industries as part of its overall review of the records access standard.

Concurrently, OSHA is hereby publishing the following interpretations with respect to four issues which have been raised by interested persons as matters of concern regarding the records access standard.

1. *The 15-day rule.* The standard requires that " * * * the employer shall assure that access is provided in a reasonable time, place, and manner, but in no event later than fifteen (15) days after the request for access is made." 29 CFR 1910.20(e)(1)(i). The use of the phrase "reasonable time, place, and manner" is intended to give employers some flexibility in responding to requests. For example, when a request is unusually broad or vague, the employer can ask for more detailed information in order to clarify the request. The preamble to the standard recognizes that what is a "reasonable" time will vary from situation to situation (45 FR 35272). Factors such as the location of requested records, the number of pending competing requests for records, the scope of a request and the availability of technical personnel necessary to process the request, are all relevant in determining what is a reasonable time. It is our expectation, however, that the vast majority of requests for records can be satisfied within 15 days, and the standard establishes this as a mandatory requirement.

Regardless of the literal wording of the standard, an employer cannot be compelled to perform an impossible task, and OSHA does not expect the impossible to be performed. Our field personnel have been instructed to enforce the "15 day" requirement of the standard as follows:

There may be a few isolated circumstances where there may be justification for not meeting the 15 working days limit (e.g., a large number of records must be photocopied and mailed across the country). Do not cite where the employer has compelling justification (he is doing all that he can to assure access) and has kept the employee and/or employee representative abreast of the situation. (Draft instruction dated August 25, 1980, Appendix A, pg. 5.)

Thus, as long as an employer is making a diligent, good faith effort to provide requested records as soon as possible, and is keeping the employee or employee representative informed of

any reasons for delay, OSHA will not cite for violations of the standard.

2. *Exposure records of "similarly situated" employees.* The standard requires that employees and designated representatives be provided access to "exposure records of other employees with past or present job duties or working conditions related to or similar to those of the employee," 29 CFR 1910.20(e)(2)(i)(B). The basic purpose of this requirement is to assure that an employee may obtain access to relevant exposure information of other employees in similar working conditions. Access to this information is necessary when monitoring has been conducted on a representative or sample basis where not all employees are personally monitored. See 45 FR 35272. The obligation on the employer is to conduct a good faith, diligent search for such records, but there is no intent that the search be "heroic" or unusually disruptive to the employer's operation. For example, if access to exposure records of other employees at the requesting employee's workplace adequately indicates the nature of the employee's exposure, access to records of other workplaces need not be provided. However, if adequate exposure records do not exist at the requesting employee's workplace, but are known to exist at some other workplace of the employer where similar work is performed, access to this information must be provided.

3. *Privileged records.* The question has been raised whether an employer must provide access to records which are created solely in anticipation of litigation and which are otherwise privileged from discovery under the prevailing rules of procedure or evidence. An example could be a medical opinion prepared for the employer for purposes of aiding the employer's case by a company physician after a workmen's compensation claim has been filed. It has been OSHA's interpretation that the standard does not contemplate coverage of such a record if the record would not otherwise be available to the employee or his attorney in the litigation. On the other hand, the mere fact that a medical record (see definition at 29 CFR 1910.20(c)(6)) not originally created in anticipation of specific litigation will ultimately be used as evidence in a private legal proceeding does not put it outside the scope of the standard.

4. *Employee breaches of confidentiality agreements.* The standard permits an employer to require, as a condition of access to trade secret information, that "The employee

* * * agree in writing not to use the trade secret information for the purpose of commercial gain and not to permit misuse of the trade secret information by a competitor or potential competitor of the employer." 29 CFR 1910(f)(3). This provision is intended to assure that an employer's statutory or common law remedies are effectively brought to the requesting employer's attention and to preserve an employer's rights in the event that an employee attempts to misuse protected trade secret information. 45 FR 35275. The question has been raised whether an employer is entitled to discipline an employee, including dismissal, for breach of an agreement, or rather is limited simply to a legal action for the contractual violation. It is OSHA's interpretation that the standard does not so limit the permissible sanctions available to the employer, and that disciplinary actions for breach of a confidentiality agreement are solely a matter of labor-management relations about which OSHA is strictly neutral.

(Secs. 6(b), 8(g), 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); sec. 4 of the Administrative Procedure Act (5 U.S.C. 553))

Signed at Washington, D.C., this 4th day of August 1981.

Thorne G. Auchter,

Assistant Secretary of Labor.

Appendix—Administrative Stay for Flavor and Fragrance Industries

The Occupational Safety and Health Administration hereby extends, to the extent provided below, the administrative stay for employers in the fragrance or flavor and extract manufacturing industries. The stay also applies to employers who are customers of the fragrance or flavor and extract manufacturing industries to the extent that they receive from these industries substances which are subject to this stay. Accordingly, the effective dates of paragraphs (e)(2) and (g) of 29 CFR

1910.20 are hereby extended for these employers until February 15, 1982, with respect to their compliance obligations to provide access to records which would disclose the identity of trade secret substances meeting the definition of "toxic substance or harmful physical agent," as defined in 29 CFR 1910.20(c)(11), unless such substance to which employees are "exposed," as defined in 29 CFR 1910.20(c)(8), comes within one of the following categories:

- (1) highly toxic material;
- (2) carcinogen; and
- (3) reproductive toxin.

For the purposes of this administrative stay, the following definitions shall apply:

(1) "Carcinogen" means substance or mixture which is known to be a Potential Occupational Carcinogen as specified in 29 CFR 1990.103 and qualified in 29 CFR 1990.143-.144; (45 FR 5282, *et seq.*, January 22, 1980) or as identified in a previous Occupational Safety and Health Administration regulation as a carcinogen (29 CFR Part 1910, Subpart Z).

(2) "Highly toxic material" means a substance or mixture that is known to kill within 14 days:

(i) At least half of a group of 10 or more albino rats weighing between 200 and 300 grams each, when administered orally at a single dose of 50 milligrams or less per kilogram of body weight (LD50); or

(ii) At least half of a group of 10 or more albino rabbits weighing between 2 and 3 kilograms each, tested at a dosage of 200 milligrams or less per kilogram of body weight, when administered by continuous contact with the bare skin for 24 hours (LD50); or

(iii) At least half of a group of 10 or more albino rats weighing between 200 and 300 grams each, tested at a concentration in air of 200 parts per million or less by volume of gas or vapor, or 2 milligrams or less per liter of

mist, fume, or dust when administered by continuous inhalation at a steady concentration for one hour or for four hours when there is difficulty maintaining a steady concentration (LD50).

(3) "Reproductive toxin" means a substance or mixture which is known to cause fetal wastage or undergrowth, malformation, growth retardation, or functional disorders in the products of mammalian conception, or prematurity or diminished fertility in mammals. For the purposes of this stay, it is immaterial whether a specific locus of action has been identified, assignment to this category being based upon the enumerated end-results.

A substance which comes within one of the enumerated hazard categories shall be subject to the access to records requirements of 29 CFR 1910.20 if the employee (or his/her designated representative) requesting the record is or has been exposed to:

(1) any amount or concentration of a substance, whether in pure form or as a constituent in a mixture, if it is a carcinogen or reproductive toxin; and

(2) any amount of a substance, whether in pure form or as a constituent in a mixture, if it is a highly toxic material in concentrations greater than 1.0% (by weight).

Except as set forth above, 29 CFR 1910.20 shall be in effect in all other respects. This administrative stay is issued with the understanding that substances which are considered "toxic substances" under the standard but exempt from disclosure under the stay are intended as food ingredients or cosmetics, subject to extensive Food and Drug Administration regulation and under work practices designed to minimize employee exposure.

[FR Doc. 81-23163 Filed 8-5-81; 12:08 pm]

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. H-112D]

Access to Employee Exposure and Medical Records; Proposed Interim Modification

AGENCY: Occupational Safety and Health Administration, Labor.

ACTION: Notice and request for comments on proposed interim modification of standard.

SUMMARY: OSHA is hereby proposing to modify the trade secrets provision of the access to employee exposure and medical records standard, 29 CFR 1910.20(f), to permit employers to include liquidated damages clauses or the like in confidentiality agreements which they may require of employee designated representatives prior to disclosing toxic substance information which is a trade secret. This notice solicits comments on the proposed modification. The notice also announces that OSHA has requested a six-month deferral of the briefing schedule from the U.S. Court of Appeals for the District of Columbia in the consolidated challenges to the records access standard, *Industrial Union Department, AFL-CIO v. Marshall*, No. 80-1550 et al., to permit the Agency an opportunity to decide whether, and to what extent, to repropose a modified records access standard.

DATES: All data and comments must be received by September 21, 1981.

ADDRESS: All comments should be submitted to the Docket Officer, Docket No. H-112D, Occupational Safety and Health Administration, Room 56212, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210. Telephone (202) 523-7894.

FOR FURTHER INFORMATION CONTACT: John Martonik, Occupational Safety and Health Administration, Room N3608, U.S. Department of Labor, Washington, D.C. 20210. Telephone (202) 523-8031.

SUPPLEMENTARY INFORMATION: On May 21, 1980, the Occupational Safety and Health Administration (OSHA) issued its standard on Access to Employee Exposure and Medical Records, 29 CFR 1910.20; 45 FR 35212 *et seq.* The standard imposes three major obligations on employers. First, employers are required to preserve and maintain exposure and medical records pertinent to an employee's occupational exposure to toxic substances or harmful physical agents, 20 CFR 1910.20(d). Generally, employee exposure records and

analyses based on exposure or medical records must be retained for thirty years. 29 CFR 1910.20(d)(1)(ii) and (iii). Employee medical records must be retained for the duration of employment plus thirty years. 29 CFR 1910.20(d)(1)(i).

Second, throughout these time period the employer must assure access to pertinent exposure records by the exposed employee, fellow employees exposed or potentially exposed to similar job hazards, designated employee representatives, and OSHA. 29 CFR 1910.20(e). Access to medical records must also be assured to the employee who is the subject of the records and to OSHA. Likewise, access to medical records must be assured to an employee's designated representative, such as the employee's collective bargaining agent, but, because of the privacy interests involved, only if the employee has provided specific written consent for such access. 29 CFR 1910.20(e)(2)(ii)(B); *cf.* § 1910.20(c)(10). Employee and designated representative access must be provided at a reasonable time, place, and manner, but in no event later than fifteen (15) days after the request is made. 29 CFR 1910.20(e)(1). OSHA access must be provided immediately upon request, 29 CFR 1910.20(e)(3), but because of the personal privacy interests affected by access to medical records, OSHA's access to such records is further conditioned upon compliance with the procedures and protections which were simultaneously promulgated as 29 CFR Part 1913.

Third, upon entering into employment and annually thereafter, employees are entitled to be informed by their employers of their rights under the standard and of the requisite procedures for exercising those rights. 29 CFR 1910.20(g).

In issuing the standard, the Secretary considered its potential impact on trade secrets. 29 CFR 1910.20(f). Although identities of toxic substances, levels of exposure, and health status data may not be withheld, the employer may delete any other trade secret data which discloses manufacturing processes, of discloses the percentage of a chemical substance in a mixture. In addition, the provisions of the final standard permit employers to condition access to trade secrets upon basic written agreements not to misuse this information.

On May 21, 1980, the Industrial Union Department, AFL-CIO, petitioned the United States Court of Appeals for the District of Columbia Circuit to review the standard pursuant to Section 6(f) of the OSH Act, 29 U.S.C. 655(f), the statute's provision for exclusive court of appeals' pre-enforcement review of occupational safety and health

standards. *Industrial Union Dep't, AFL-CIO v. Marshall*, No. 80-1550. The Chemical Manufacturers Association and the National Chamber of Commerce later intervened in that lawsuit.

On July 18 and 21, 1980, a number of individuals and two trade associations, the Association of Diving Contractors and the Louisiana Chemical Association, petitioned the Fifth Circuit Court of Appeals under the same section 6(f) review provision. These cases were transferred to the D.C. Circuit under 28 U.S.C. 2112(a) and consolidated with the pending *IUD* case. In addition, there is an appeal pending in the Fifth Circuit Court of Appeals of a challenge to the standard which was brought in the Western District Court of Louisiana, and which the District Court dismissed for lack of subject matter jurisdiction. *Louisiana Chemical Association v. Bingham*, No. 80-3724.

The records access standard expressed OSHA's policy, which became formalized after a full rulemaking proceeding, that employees, their representatives, and OSHA need access to employer-maintained exposure and medical information in order to protect employee health and safety, and that this need is a proper subject for OSHA regulation. However, since the particular standard raises complex policy and legal questions concerning issues which in some cases were resolved based on a limited rulemaking record and which have not yet been fully reviewed in light of the current administration's policies, OSHA has asked the D.C. Circuit to defer the briefing schedule for an additional six months. The purpose of this request is to permit the Agency adequate time to scrutinize all aspects of the standard, including current enforcement experience; the issues raised by the litigation; petitions for modification of the standard from trade associations representing the flavor, fragrance and food manufacturing industries; and other comments on the standard that have been received from numerous interested persons. After this review, the Agency will decide whether, and to what extent, to propose modification of the standard. Any reproposal of a modified records access standard will be subject to complete rulemaking procedures.

In seeking this six-month deferral, OSHA is cognizant of the fact that the records access standard has been in effect for nearly a year for most affected industries, and, with the one possible exception discussed below, wishes to maintain the *status quo* during this period of administrative review of the standard. This means (a) continuation of the standard in effect, except as noted

below, and (b) an extension of the existing partial administrative stay for the flavor and fragrance industries until February 15, 1982 (See FR Doc. 81-23163 published also in this Part IV of the Federal Register).

The one area where OSHA believes some basis may exist for an interim modification of the standard during this review period involves designated representative access to trade secret information. As stated, the standard requires disclosure to employees and their designated representatives of the chemical identity of toxic substances, even if trade secret, but permits the employer to condition access to the trade secret upon a written agreement "not to use the trade secret information for the purpose of commercial gain and not to permit misuse of the trade secret information by a competitor or potential competitor of the employer." 29 CFR 1910.20(f)(3). In explaining this provision the preamble stated, "this provision is intended to enable employers to establish a basic contractual obligation not to misuse trade secret information, but may not be used as a pretext for more onerous requirements such as the posting of penalty bonds, liquidated or punitive damages clauses, or other preconditions." 45 FR 35275.

In its preliminary consideration of this matter, OSHA is satisfied that, with respect to employee access to trade secret information, no immediate change is necessary regarding the authorization of confidentiality agreements, as qualified by the preamble, to protect the employer's trade secret interests. This is so not only because breach of the agreement can lead to a judicial action resulting in monetary damages, but because such a breach can be treated as an internal disciplinary matter (see interpretation No. 4 in FR Doc. 81-23163 published also in this Part of the Federal Register). Disciplinary sanctions available to the employer should in almost all cases deter employees from misuse or negligent use of the information provided to them on a privileged basis. Furthermore, since many employees have access to trade secrets as part of their job, employers have considerable experience with the use of confidentiality agreements to protect trade secrets from unauthorized employee disclosure.

With respect to designated representative access to trade secret information, employers, unlike their relationship with employees, lack comparable disciplinary authority which can make basic confidentiality agreements, as contemplated by OSHA when it issued the standard, effective

deterrents to wrongful behavior. In the absence of disciplinary power, any prohibition on the use of meaningful preconditions to access, such as liquidated damages clauses, does not simply leave employers to their common law or private remedies, but may in fact seriously restrict the available remedies. Moreover, reasonable preconditions such as liquidated damages clauses, which are consistent with current business practice, would not appear to pose the same barrier to use of the access right for a union that it would for an individual employee, whose financial resources are presumably much less. Thus, the symmetry which OSHA tried to maintain between individual employee and designated representative access to trade secret information may in fact have left the employer considerably more vulnerable to possible misuse of disclosed trade secret information when required to provide access to such information to a designated representative.

OSHA believes that this vulnerability to potential misuse of trade secret information may constitute irreparable harm to the employer, who may be faced with the choice of disclosing a valuable trade secret to a designated representative without adequate protection or subjecting itself to an OSHA enforcement action for noncompliance with the standard. Accordingly, OSHA hereby proposes an interim modification of the standard to permit an employer to condition designated representative access to trade secret information upon the entering of confidentiality agreements which may incorporate protective devices such as reasonable liquidated damage clauses and the like.

If adopted, the proposed interim modification will not go into effect until after the close of a public comment period, which shall be open until September 21, 1981. OSHA hereby invites all interested persons to submit written comments, views, and data relating to this issue to help it determine whether the proposed action is warranted and, if so, what its precise form should be. In particular, OSHA solicits comments with respects to the following questions:

(1) What has been the experience under the records access standard with designated representative requests for access to records containing trade secrets? Have employers complied with such requests, and if so, what kinds of agreements have been entered into? Has there been misuse of disclosed information, e.g., unauthorized redisclosure? How does this experience

compare with employee access to such information? How effective is the sanction available under the National Labor Relations Act of depriving a union of access to future information for misuse of confidential business information, *NLRB v. Abell Co.*, 104 LRRM 2761, 2763 (4th Cir., July 2, 1980)?

(2) If additional conditions are permitted, how and by whom should disputes over the validity of a trade secret claim be resolved? Who or what body should resolve impasses over the terms of a confidentiality agreement and how formal or informal should such a mechanism be?

(3) What limitations, if any, should OSHA place upon the conditions available to an employer in order to keep them reasonable? Should distinctions be made between penalty bonds, which require an advance posting of money, and damage clauses, which do not; or between liquidated damages, which bear a relationship to anticipated losses, and punitive damages, which may go beyond such foreseeable losses? How readily could a union or other designated representative obtain a surety bond from a bondsman to assure against possible breach of a confidentiality agreement?

(4) Should OSHA specify what would constitute breach of a confidentiality agreement? For instance, should OSHA state that redisclosure by a local union to the international or to affected employees, under the same terms of the agreement, would be permitted, but that disclosure to a newspaper is not? Is it necessary to state that unauthorized negligent or intentional redisclosures would constitute a breach, but that a designated representative cannot be held to a standard of strict liability? How do other Federal agencies or state law address these matters in comparable situations?

All comments should be submitted in quadruplicate by September 21, 1981, to the OSHA Docket Officer, Docket No. H-112D, Room S6212, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, D.C. 20210; telephone (202) 523-7894. All comments received in response to this notice will be available for inspection and copying at the Docket Office.

(Secs. 6(b), 8(g), 84 Stat. 1593, 1600 (29 U.S.C. 655, 657); Sec. 4 of the Administrative Procedure Act (5 U.S.C. 553)).

Signed at Washington, D.C., this 4th day of August 1981.

Thorne G. Auchter,
Assistant Secretary of Labor.

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